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JFScholtz/May'07 (Rev 1) to ensure traceability

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## Foreword

This document sets out the minimum legislative and organisational requirements that are applicable to Principal Contractors working at Eskom Distribution sites and premises.

## Revision history

DATE	REV.	REMARK
1997	0	Original issue – Stemmed from the Safety Department.
April 1999	1	Document revised – at this point the Safety and Field Services documents were combined.
May 2001	2	Document revised and improved from a Legal Liability point of view.
April 2004	3	Document Title amended; Eskom Logo updated; Document Reference Number amended to bring it in Line with Corporate Identity; Following Sections of the Text were revised: Section 3 Section 4.1 Section 5 Section 7 Annexes Included or Revised: Annex B – new Annex C – new Annex D – new Annex E – Amended Annex F – new Annex G – new Annex H – Amended Annex I – new Annex J – new.
Feb'06	3A	Document Re-formatted According to a Standard Template; Annex B Part 1 included.
Sept'06	0	Document Re-formatted According to a Standard Template; New Reference Number issued, changed from DISPVABF3 to 34-333; Document approved.
April '07	0A	Document Name Changed; Aligned Content of Document to Corporate Document:32-136 Updated Section 2- Normative References; Updated Section 3- Definitions and Abbreviations: Updated 3.1. Definitions, specifically: Amended 3.1.2. Client Amended 3.12. Health and Safety File Amended 3.1.13. Amended Health and Safety Plan Amended 3.1.14. Amended Health and Safety Specification Included 3.1.17. Operating, Construction and Maintenance Contracts, Included 3.1.20. Project Based Contracts; The following Sections of the Text were revised: Section 4.1.1. Line Management Requesting the Service (The Client), specifically: Included 4.1.1.1. Project Based Contracts, Included 4.1.1.2. Operating, Construction and Maintenance Contracts Deleted Previous Heading- Authorisation of persons for the Operation and Maintenance of the power system; Included New Heading- 4.1.1.3. Eskom High Voltage Authorisations of Contractor Staff – also amended contents; Amended 4.1.3. Risk Management Department; Amended Heading- 4.1.5. Training and Development Department – Previously Technology and Development Department;

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		Included 4.1.6. Technical Support Group; Amended 4.1.2.3. Procurement Department; Amended Section 4.2. Principal Contractor; Amended Section 4.3 Sub-contractor; Included Section 4.5. Non-compliance; Amended Annex B (Part1), specifically: Amended B3. Methodology Applied, Amended B4.4. Supervision, Included B4.5. Working in Prohibited areas, Included B4.6. Working under a permit, Included B4.7. Working in the vicinity of power lines, Included B4.8. Working with Construction Vehicles near power lines, Included B4.9. Employing Equipotential portable Earthing, Amended B5. Additional relevant information, Amended B9. Eskom Distribution Security Measures and General Principal Contractor Obligations, Amended B28. Fall protection, Amended B30. Vehicles and Mobile Equipment; Amended Annex E – Acknowledgement of Receipt form; Amended Annex I – Health and Safety File; Deleted Annex L – Bibliography (included in Section 2 Normative References)
Aug'07	0B	Voting.
Oct'07	1	Document approved.

### Authorisation

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## **1 Scope**

### **1.1 Purpose**

The purpose of this procedure is to set out the minimum legislative and organisational requirements that are applicable to Principal Contractors working at Eskom Distribution sites and premises.

### **1.2 Applicability**

This procedure is applicable to all Distribution Division sections, departments and units who have entered into contractual agreements with Principal Contractors to perform work for them, including construction related work.

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## **2 Normative references**

Parties using this document shall apply the most recent edition of the documents listed below:

Occupational Health and Safety Act, Act 85 of 1993  
Labour Relations Act, Act 66 of 1995 (as amended)  
Mines Health and Safety Act, Act 29 of 1996  
Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993 (COID)  
National Environmental Management Act, Act 107 of 1998  
Public Finance Management Act, Act 1 of 1999 (PFMA)  
Energy Control Unit (ECU) Report  
Eskom Contract Works Maintenance and Overhaul and Public Liability Insurance (Policy Number – MS ENG 426 5174)  
32-94: Safety Health and Environment (SHE) Policy  
32-136: Construction Safety, Health and Environmental Management  
32-188: Eskom's Procurement & Supply Chain Management Procedure  
34-132: Distribution Fire Risk Management  
34-145: Assessment Procedure for Authorisation  
34-146: Authorisation Procedure for Operating on High Voltage Systems  
34-163: Portfolio of Evidence for Authorisation  
34-227: Pre-task Planning and Feedback Process  
34-315: Emergency Preparedness  
34-316: Occupational Health and Safety Committee Systems  
34-332: First Aid Standard  
34-367: Management of Substance Abuse Procedure

34-368: Safety Requirements and the Procurement of Labour from Temporary Employment Services  
34-380: Identifying, Analysing, Documenting and Observing Tasks According to Criticality  
34-403: Risk Management Training  
34-440: Selection, Purchase and Storage of Hazardous Material  
34-444: Procedure for the Use and Maintenance of Portable Earthing Gear  
34-445: Standard for the use of Equipotential Earth Footplates  
34-487: Specification for Portable Earthing Gear  
34-350: The Reporting, Recording, Investigation, Costing and follow-up of Incidents/Accidents  
ESKAMAE8: Procurement from Black Suppliers by Eskom  
ESKPVAZ1: Environmental Management Plan Procedure (under review- new ref : 32-248)  
ESKPVAE6: Operating Regulations for High Voltage Systems (ORHVS)  
DISPVABP6: Procedure for Refusal to Work on the Grounds of Health, Safety and Environmental Concerns  
DISASAAN0: Standard for the Labelling of High Voltage Equipment  
DISASABN7: Legal Appointments and Authorisations (under review- new ref: 34- 961)  
DISASABW3: Standard for a Fall Arrest System  
DISASACA2: Medical Surveillance  
DISASACH6: Symbolic Signs and Colour Coding  
DISPVABK5: Inspection of Fibreglass Extension Ladders  
ESKADAAT6: Procurement from Black Suppliers  
ESKASAAW6: The Care and Maintenance of High Voltage Operating Sticks  
SCSPVABF4: Procedure for Barricading  
SA ENG 426 5174: Eskom Combined Contract Works/ Public Liability and Deductible Policy  
NRS 060: Code of Practice for Clearances for Electrical Systems with Rated Voltages up to and including 145Kv, for the Safety of Persons  
SCSASAAW8: Standard for Contractors Working in Close Proximity to Live Apparatus (under review – new ref: 34-112)  
34-254: Manufacturing Specification for Distribution Equipment Labels  
SCSPVABX4: Procedure for the Handling of Non-conformances  
SCSPVACL6: Procedure for Using Fall Arrest System

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## Definitions and Abbreviations

### 3.1 Definitions

All definitions in ESKPVAE6, Operating Regulations for High Voltage Systems are applicable to the procedure as well as the following:

**3.1.1 Agent:** Means any person who acts as a representative of a client.

**3.1.2 Client:** Means any person for whom construction work is performed on the basis of contractual agreement formally entered into. (Within the Engineering and Customer Services environment the term “client” implies the Eskom Distribution employer and within the Eskom Distribution Commercial context the term “client” implies the requestor of the service.)

**3.1.3 Competent person:** In relation to construction work, means any person having the knowledge, training and experience specific to the work or task being performed: Provided that where appropriate

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qualifications and training are registered in terms of the provisions of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), these qualifications and training shall be deemed to be the required qualifications and training.

#### **3.1.4 Construction work: means any work in connection with:**

- a) the erection, maintenance, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure;
- b) the installation, erection, dismantling or maintenance of a fixed plant where such work includes the risk of a person falling;
- c) the construction, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation system or any similar civil engineering structure; or
- d) the moving of earth, clearing of land, the making of an excavation, piling, or any similar type of work.

**3.1.5 Contractor's employees:** All those persons employed by the contractor to perform the work stipulated in the contract and who are remunerated by the contractor, including sub-contractor employees.

**3.1.6 Design:** In relation to any structure includes drawings, calculations, design details and specifications.

**3.1.7 Designer:** Means any person who:

- prepares a design;
- checks and approves a design;
- arranges for any person at work under his control (including an employee of his, where he is the employer) to prepare a design, as well as;
- architects and engineers contributing to, or having overall responsibility for the design;
- building services engineers designing details for fixed plant;
- surveyors specifying articles or drawing up specifications;
- contractors carrying out design work as part of a design and building project;
- temporary works engineer designing form work and false work; and
- interior designers, shop-fitters and landscape architects.

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**3.1.8 Emerging contractor:** A contractor who in terms of Government's economic policy needs to be given equal opportunities. For example a contractor typically listed as a Black Economic Empowerment Company (BEE).

**3.1.9 Employer:** Any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him.

**3.1.10 Fall protection plan:** Means a documented plan, of all risks relating to working from an elevated position, considering the nature of work undertaken, and setting out the procedures and methods to be applied in order to eliminate the risk.

**3.1.11 Hazard identification:** Means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed.

**3.1.12 Health and safety file:** Means a file, or other record in permanent form, containing the information about the Health and Safety Management System during construction and all information relating to the post-construction phase after hand over to the client, so that the client can maintain the works in a healthy and safe way.

**3.1.13 Health and safety plan:** Means a documented plan, which addresses hazards, identified and includes safe work procedures to mitigate, reduce or control the hazards identified. It is specific to each construction project undertaken and site where work is done, is compiled by the Principal Contractor or subcontractor, and must be approved by the client or agent prior to the commencement of any construction activities on a project. The Principal Contractor and the client (or agent, where applicable) must both be signatories to the Health and Safety Plan once negotiated, agreed and accepted. This plan has to be regularly updated to take account of any changes in project scope and unanticipated conditions.

**3.1.14 Health and safety specification:** Means a documented specification of all health and safety requirements pertaining to the associated works on a construction site, so as to ensure the health and safety of persons, both workers and the public. The client compiles the health and safety specification, which must be specific to each construction project, site and scope of work.

**3.1.15 Method statement or safe work procedure:** Means a written document detailing the key activities to be performed in order to reduce as reasonably as practicable the hazards identified in any risk assessment.

**3.1.16 Mandatory:** Includes an agent, a contractor or a sub-contractor for work, but without derogating from his status in his own right as an employer or user.

**3.1.17 Operating, Construction and Maintenance Contracts:** The scope of works in this type of contract is broadly defined and complicates the health and safety specification, safety plan and compliance management in terms of the Construction Regulation.

**3.1.18 Principal Contractor:** Eskom Distribution enters into a commercial contract with an independent person/registered business to provide a very specific service to the business. The Principal Contractor in this instance operates independently, and can at any point in time also render services to other companies. The relationship between Eskom Distribution and the Principal Contractor is managed in terms of the conditions stipulated in a contract via the applicable commercial and procurement process. (The term does not include sub-contractor(s). The Principal Contractor is responsible for ensuring that all sub-contractors working for him adhere to contractual requirements and obligations.)

**3.1.19 Principal Contractor and sub-contractor management:** The management of the company that the contract is awarded to and their management of their sub-contractors. The relationship between the Principal Contractor and the sub-contractor will be governed by the contractual arrangements into which they have entered.

**3.1.20 Project Based Contracts:** The scope of work is narrowly defined in this type of contract.

**3.1.21 Project Manager:** The Project Manager is the duly authorised Eskom Distribution Representative who acts on Eskom Distribution's behalf as the Adminstrating officer for the purposes of the contract. (The term "Project Manager" in the context of this procedure should be used in its' broader context and should not be restricted to the designation of Project Manager in any specific work environment.)

**3.1.22 Risk Auditing System (RAS):** RAS is an Eskom, computer-based auditing system. With the exception of Risk Finance, RAS covers all risk control disciplines such as safety, health, security, operating, maintenance, environment and fire.

**3.1.23 Risk Management:** All activities related to accident and disease prevention, fire prevention and protection, occupational health and hygiene, damage and loss control, public safety, emergency preparedness, security and environmental management.

**3.1.24 Sub-contractor:** A contractor who is contracted in by the Principal Contractor to the business.

**3.1.25 Structure:** Means:

- a) any building, steel or reinforced concrete structure (not being a building), railway line or siding, bridge, waterworks, reservoir, pipe or pipeline, cable, sewer, sewage works, fixed vessels, road, drainage works, earthworks, dam, wall, mast, tower, tower crane, batching plants, pylon, surface and underground tanks, earth retaining structure or any structure designed to preserve or alter any natural feature, and any other similar structure;
- b) any formwork, false work, scaffold or other structure designed or used to provide support or means of access during construction work; or
- c) any fixed plant in respect of work which includes the installation, commissioning, decommissioning or dismantling and where any such work involves a risk of a person falling two meters or more;

**3.1.26 Temporary Employment Service:**

**(As defined in the (LRA) Labour Relations Act 66 of 1995, Section 198):**

- 1) Any person who, for reward, procures for or provides other persons to a client.

renders service to, or performs work for, the client, and

is remunerated by the Temporary Employment Service.

2) For the purposes of this Act, a person whose services have been procured for or provided to a client by a Temporary Employment Service is the employee of that Temporary Employment Service, and the Temporary Employment Service is that person's employer.

3) Despite subsections (1) and (2), a person who is an independent contractor is not an employee of a Temporary Employment Service, nor is the Temporary Employment Service the employer of the person.

**NOTE:** Our contract should clearly identify Temporary Employment Services as contractors as per the Labour Relations Act and they too shall comply with this procedure. Refer to 34-368 for further information regarding procuring labour from a Temporary Employment Service; this document stipulates the specifications for these contracts.

**3.1.27 The company:** Means Eskom Distribution

## **3.2 Abbreviations**

**3.2.1 GMR:** General Machinery Regulations.

**3.2.2 OHS Act:** Occupational Health and Safety Act, Act 85 of 1993

**3.2.3 ORHVS:** Operating Regulations for High Voltage Systems

**3.2.4 PPE:** Personal protective equipment.

**3.2.5 T & Q:** Technology and Quality department.

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## **4. Roles and Responsibilities**

Roles and responsibilities relating to the implementation of the document.

### **4.1 Eskom Distribution Departments**

The following departments represent the key role players within Eskom Distribution in terms of contractor management.

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Line Management (Representing a Distribution department, as the internal client requesting the service)

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Commercial – Supplier Management and Procurement

Risk Management

Technology and Quality

Training and Development

Technical Support

Programme Management (Project Managers, Clerk of Works)

These seven departments must work closely together through the following five phases to ensure the successful completion of the contractual requirements:

Phase 1: Supplier management (Supplier evaluation)

Phase 2: Tendering phase (Contractor selection)

Phase 3: Precaution phase (After the selection of the contractor but before the commencement of work)

Phase 4: Execution phase (During the execution of the work)

Phase 5: Post execution phase (After the completion of the project)

#### **4.1.1 Line Management Requesting the Service (The client)**

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Line Management as the internal Eskom Distribution department wanting to procure a service shall be held responsible for providing the Procurement Department with the scope of work and the project

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specific technical and safety requirements that need to be met in order to successfully complete the project. These project job specific requirements need to be included, by the buyer, in the tender documentation in order to ensure that the contract is awarded to a competent contractor.

#### **4.1.1.1 Project Based Contracts**

These projects contractually have a fixed start and end date and the roles and responsibilities of the parties in so far as the Health and Safety Requirements will be binding for that period only. The primary health and safety relationship is established between the Principal Contractor and the Project Manager.

At the tender stage, the Client shall prepare and provide a health and safety specification and any other information, which might affect the health and safety of any persons carrying out any work for the duration of the contract.

Once the contract has been awarded Line Management (the client) shall nominate a competent person (a Project Manager) to co-ordinate all activities relating to health and safety for the duration of the contract.

Thereafter the Eskom Distribution Project Manager shall:

- a) Ensure that the pre-project risk assessment results are included in the design hand over document to ensure that all identified risks are known, addressed and managed by the Principal Contractor during the contract.
- b) Ensure that the Principal Contractors submitting tenders have made provision for the cost of health and safety measures for the construction work.
- c) Ensure, if a Principal Contractor intends to use a subcontractor or subcontractors to perform work on the construction project, that this arrangement is indicated by the Principal Contractor during the tendering stage or at the commencement of work. The Principal Contractor must indicate who his/her subcontractors are and provide evidence that the subcontractor(s) have the necessary competence and resources to carry out the work safely and to ensure that the duty of care to the environment will be discharged.
- d) Ensure that the Principal Contractor remains in good standing and is registered with the Compensation Commissioner for the duration of the entire contract period as opposed to only being registered at the time of the contract being awarded.
- e) Ensure that the Principal Contractor's site-related appointments are in place and that they are specific and indicate for which areas within OHS Act individuals are responsible.
- f) Approve the Principal Contractor's documented health and safety plan and ensure that it is implemented, maintained and available on request, so as to ensure that the Principal Contractor is able to manage his/her risks. This will include audits/inspections conducted by the Client/Employer at monthly intervals as agreed upon between the Client/Employer and the Principal Contractor. (A requirement specifically relating to construction related projects)
- g) After the selection and appointment of the Principal Contractor/Internal Service Provider have been concluded, the Client and the Principal Contractor/Internal Service Provider must complete and sign the "Notification of Construction Work". The Principal Contractor/Internal Service Provider must submit this notification to the Provincial Director prior to the commencement of work and retain evidence of such notification. Where multiple contractors perform construction work on the same site, the client or, if applicable, the appointed agent must forward this notification to the Provincial Director prior to the commencement of work.
- h) Not appoint a Principal Contractor to perform construction work unless the Client is reasonably satisfied that the Principal Contractor has the necessary competence and resources to carry out the work in a safe and healthy manner and to ensure that the duty of care to the environment is discharged.
- i) Provide the Principal Contractor with timeous health and safety information when circumstances change in the working environment.
- j) Have a signed copy of the contract that was entered into with the contractor working in his/her area of responsibility. Share the content of the contract document with the relevant Supervisors in

whose areas of responsibility the contractual work will be completed and the Supervisor shall ensure that Annex E is completed and filed for audit purposes.

- k) All Project Managers involved in construction work must be registered with the South African Council for the Project and Construction Management Professions (SACPCMP) in terms of the Project and Construction Management Professions Act, No 48 of 2000.
- l) Ensure that the Project Management Clerk of Works attends all site meetings. (A requirement specifically relating to construction related projects)
- m) Ensure that the Principal Contractors are informed of their responsibility to audit their subcontractors on their compliance with the approved Health and Safety plan as per the requirements of the Health and Safety file. Audits must be done at intervals mutually agreed upon, but not less than once a month.
- n) Issue the Principal Contractor with a "work stop" or a "non-conformance report" if the Project Manager becomes aware of any sub-standard acts or conditions or any non-compliance with legislation, regulations or procedural requirements relating to health and safety aspects that are not being fulfilled by the Principal Contractor or any of his employees, Sub-contractors or Agents. (The work stop order or the non-conformance report shall be restricted to the site where the non-conformance had occurred)
- o) Refuse any Principal Contractor employee, Sub-contractor or Agent access to its premises if that person had committed any unlawful act, any sub-standard working practice or is found to be unauthorised or unqualified in terms of the Occupational Health and Safety Act and Eskom Authorisations until the non-conformance has been investigated and resolved by the Distribution Project Manager.
- p) Implement in each area a contractor ORHVS authorisation tracking system to ensure that the necessary re-training takes place prior to the expiry of authorisations.
- q) Participate in contractor related incident investigations where Eskom Distribution is invited to participate. However the Eskom Distribution representative attending shall be mandated or appointed to attend the relevant contractor related incident investigation. Attendance is required primarily where Eskom plant and/or equipment are involved in an incident, in these instances the matter will be investigated in accordance with Distribution Procedure 34-350.
- r) Ensure that the Project Management Clerk of Works conducts periodic quality assessments at the Principal Contractor's premises, his work places and on his employees to ensure that the contractor complies with agreed standards and system performance during the contract period.
- s) Ensure that no visitor enters a construction site without having first received a risk-based induction and, if applicable, thereafter having received the relevant risk-based PPE, where reasonably practicable.
- t) Ensure, prior to the commencement of construction work, that all persons involved in any construction work have received the Client's project-specific induction training. Ensure that all contractors are informed of the need for their subcontractors and casual labour to receive the Client's health and safety induction training.
- u) Ensure that the Principal Contractor is made aware of the requirement that he/she hands over the health and safety file to the Client on completion of the construction work. The health and safety file must contain but not limited to all the requirements as per Annex I.
- v) Keep documented records of all training provided by Eskom.
- w) Ensure that the final contractual post-project inspections are undertaken to determine that mandatory warrantee inspection requirements are met.
- x) Ensure that where reasonably practical Field Service Officers are involved in the take over process to tighten control and assist with quality verifications.
- y) Ensure that the requirements of the contractual agreement are met and if they are not satisfactorily met, based on evidence, provide feedback to this effect to the responsible Line Manager and the Supplier Management Department to ensure that unscrupulous and poor performing Principal Contractors are removed from the approved suppliers list both regionally and nationally.

**4.1.1.2 Operating, Construction and Maintenance Contracts**

At the tender stage, the Client shall prepare and provide a health and safety specification and any other information, which might affect the health and safety of any persons carrying out any work for the duration of the contract.

The primary relationship is established between the Principal Contractor and Line Management (16(2) Appointee).

Once the contract has been awarded, Line Management (the client) shall nominate a competent person (GMR 2(1) Appointee) to co-ordinate all activities relating to health and safety for the duration of the contract who shall manage the following functions:

- a) Ensure that the Principal Contractor remains in good standing and is registered with the Compensation Commissioner for the duration of the entire contract period as opposed to only being registered at the time of the contract being awarded.
  - b) Ensure that the Principal Contractors submitting tenders have made provision for the cost of health and safety measures for the construction work.
  - c) Ensure, if a Principal Contractor intends to use a subcontractor or subcontractors to perform work on the construction project, that this arrangement is indicated by the Principal Contractor during the tendering stage or at the commencement of work. The Principal Contractor must indicate who his/her subcontractors are and provide evidence that the subcontractor(s) have the necessary competence and resources to carry out the work safely and to ensure that the duty of care to the environment will be discharged.
  - d) After the selection and appointment of the Principal Contractor/Internal Service Provider have been concluded, the Client and the Principal Contractor/Internal Service Provider must complete and sign the "Notification of Construction Work". The Principal Contractor/Internal Service Provider must submit this notification to the Provincial Director prior to the commencement of work and retain evidence of such notification. Where multiple contractors perform construction work on the same site, the Client or, if applicable, the appointed person must forward this notification to the Provincial Director prior to the commencement of work.
  - e) Not appoint a Principal Contractor to perform construction work unless the client is reasonably satisfied that the Principal Contractor the Client intends to appoint has the necessary competence and resources to carry out the work in a safe and healthy manner and to ensure that the duty of care to the environment is discharged.
  - f) Ensure that the Principal Contractor's site-related appointments are in place and that they are specific and indicate for which areas within OHS Act individuals are responsible.
  - g) Approve the Principal Contractor's documented health and safety plan and ensure that it is implemented, maintained and available on request, so as to ensure that the Principal Contractor is able to manage his/her risks. This will include audits/inspections conducted by the Client/Employer at monthly intervals as agreed upon between the Client/Employer and the Principal Contractor. (A requirement specifically relating to construction related projects)
  - h) Ensure that the Principal Contractors are informed of their responsibility to audit their subcontractors on their compliance with the approved Health and Safety Plan as per the requirements of the Health and Safety file. Audits must be done at intervals mutually agreed upon, but not less than once a month.
  - i) Provide the Principal Contractor with timeous health and safety information when circumstances change in the working environment.
- ☞♦ Have a signed copy of the contract that was entered into with the contractor working in his/her area of responsibility.
- ☞♦ Share the content of the contract document with the relevant Supervisors in whose areas of responsibility the contractual work will be completed and the Supervisor shall ensure that Annex E is completed and filed for audit purposes.
- l) All Project Managers involved in construction work must be registered with the South African Council for the Project and Construction Management Professions (SACPCMP) in terms of the Project and Construction Management Professions Act, No 48 of 2000.

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- ✎ Ensure that the GMR 2(7) (a) Appointee or his/her delegate attends site meetings where required.
- ✎ Issue the Principal Contractor with a “work stop” or a “non-conformance report” if the Manager becomes aware of any sub-standard acts or conditions or any non-compliance with legislation, regulations or procedural requirements relating to health and safety aspects that are not being fulfilled by the Principal Contractor or any of his employees, Sub-contractors or Agents. (The work stop order or the non-conformance report shall be restricted to the site where the non-conformance had occurred).
- ✎ Refuse any Principal Contractor employee, Sub-contractor or Agent access to its premises if that person had committed any serious misconduct, sub-standard working practice or is found to be unauthorised or unqualified in terms of the Occupational Health and Safety Act and Eskom Authorisations, until the non-conformance has been investigated and resolved by the Distribution Project Manager.
- ✎ Implement in each area a contractor ORHVS authorisation tracking system to ensure that the necessary re-training takes place prior to the expiry of authorisations.
- ✎ Participate in contractor related incident investigations where Eskom Distribution is invited to participate. However the Eskom Distribution representative attending shall be mandated or appointed to attend the relevant contractor related incident investigation. Attendance is required primarily where Eskom plant and/or equipment are involved in an incident. In these instances the matter will be investigated in accordance with Distribution Procedure 34-350.
- ✎ Ensure that the Project Management Clerk of Works conducts periodic quality assessments at the Principal Contractor’s premises, his work places and on his employees to ensure that the contractor complies with agreed standards and system performance during the contract period.
- ✎ Ensure that no visitor enters a construction site without having first received a risk-based induction and, if applicable, thereafter having received the relevant risk-based PPE, where reasonably practicable.
- ✎ Ensure, prior to the commencement of construction work, that all persons involved in any construction work have received the Client’s project-specific induction training. Ensure that all contractors are informed of the need for their subcontractors and casual labour to receive the Client’s Health and Safety induction training.
- ✎ Keep documented records of all training provided by Eskom.
- ✎ Ensure that the final contractual post-project inspections are undertaken to determine that mandatory warrantee inspection requirements are met.
- ✎ Ensure that Field Service Officers are involved in the quality and safety verifications.
- ✎ Ensure that the requirements of the contractual agreement are met and if they are not satisfactorily met, based on evidence, provide feedback to this effect to the responsible Project Manager and the Commercial Department to ensure that unscrupulous and repeated poor performing Principal Contractors are removed from the approved suppliers list, both Regionally and Nationally.
- ✎ Define, in consultation with the Principal Contractor, the number of contractor staff and the type of High Voltage Authorisations required by the Principal Contractor to conduct work safely.

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**4.1.1.3 Eskom High Voltage Authorisations of Contractor Staff**

- a) In order to maximise efficiency of both the Principal Contractor and Eskom Distribution operations, the staff of the Principal Contractor shall be appropriately authorised in terms of the High Voltage Operating Regulations ESKPVAEY6 in accordance with Distribution Procedure 34-146 to enhance their independence to work in restricted areas, and near/or on power lines. The extent of the authorisations will be established by the Field Services Centre Manager in whose area of responsibility the contractor will be employed. This will be done in the Contract Tender Stage.
- b) Unless specifically stated in a contract it shall not be the responsibility of Eskom Distribution to train Principal Contractor employees.
- c) The Distribution Field Service Centre Managers shall authorise the Principal Contractor staff in terms of Distribution Procedure 34-146.

#### **4.1.1.4 Training**

- a) The Client must ensure that all Principal Contractors that are awarded construction projects, as well as their employees, have participated in a generic Health and Safety Induction Training Programme, which are to be completed prior to commencement of any construction work.
- b) The client must ensure that site-specific induction training is completed prior to the commencement of any construction work.

### **4.1.2 Commercial Department**

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#### **4.1.2.1 Distribution Corporate Commercial**

The Distribution Corporate Commercial Department shall devise national mechanisms to effectively deal with problematic contractors and share contractor information, good and bad, with other Regions to promote reliable contractors and neutralise problematic contractors.

#### **4.1.2.2 Supplier Management**

The Supplier Management Department shall:

- a) Ensure that the supplier management function qualifies suppliers in accordance with Eskom's Procedure 32-188.
- b) Evaluate prospective contractors in terms of their compliance with applicable commercial, financial, quality, technical, environmental, legal, safety capability/capacity and human resources requirements, as well as performance ratings (where applicable), as determined by the specific functional areas within Eskom Distribution. If prospective contractors do not meet these requirements they should not be listed.
- c) Consult with the necessary role players e.g. Risk Management, Environment, Training and Development and Technology and Quality etc. before approving suppliers. (Refer to 32-188 Eskom's Procurement & Supply Chain Management Procedure.)
- d) Ensure that the contractor database contains sufficient detail in order to accurately portray each contractor's field of expertise and limitations.
- e) Determine the applicability of the Construction Regulations in relation to the nature of the services that may be requested in future.
- f) Develop an approved suppliers list for Eskom Distribution.
- g) Ensure the removal of qualified suppliers from the approved suppliers list, after receiving substantiated motivation from Line Management (the requestor), based on the fact that the Principal Contractor's business track record no longer meets Eskom Distribution's standards.

#### **4.1.2.3 Procurement Department**

The Procurement Department shall:

- a) Evaluate prospective contractors in consultation with the relevant Line Manager in terms of their compliance with applicable commercial, financial, quality, technical, environmental, legal, safety capability/capacity and human resources requirements, as well as performance ratings (where applicable), as determined by the specific functional areas within Eskom Distribution, in relation to the specific contract.
- b) Determine the applicability of the Construction Regulations in relation to the scope of work.
- c) Obtain the required Health and Safety Specifications and clearly defined Scope of Construction Work to be performed from Line Management/the requestor.
- d) Ensure that the Scope of Construction Work to be performed and Health and Safety Specifications prescribed by Line Management/the requestor forms part of the tendering information.
- e) Invite all tendering Principal Contractors to attend the pre-project site meeting to ensure that they are able to tender having full knowledge of the project criteria.

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- f) Consult with the necessary role players e.g. Risk Management, Environment and Technology and Quality etc. in order to establish the competency of the contractor before a contract is awarded and to ensure that the specifications of the contract and the project will be met during the execution of the contract. The Health and Safety Plan must be evaluated against the Health and Safety Specification and verify that the cost of health and safety has been incorporated in the tender application. (Refer to 32-188- Eskom's Procurement & Supply Chain Management Procedure.)
- g) Not appoint a Principal Contractor to perform construction work, unless the client (Eskom Distribution Line Management / the requestor) is reasonably satisfied that the Principal Contractor, which he or she intends to appoint, has the necessary competencies and resources to carry out the work safely.
- h) Ensure that there is written confirmation of insurance cover on all services and construction work contract files.
- i) Appoint the Principal Contractor.
- j) Ensure that the content of the Health and Safety Plan is negotiated, where applicable, agreed and signed off by the Client/ Agent and Principal Contractor.
- k) Ensure that all contract documentation is properly signed and approved prior to the commencement of the contract. This includes ensuring that after the selection and appointment of the Principal Contractor have been concluded, the Client and Principal Contractor must complete and sign the "Notification of Construction Work". The Principal Contractor must submit this notification to the Provincial Director prior to the commencement of work and retain evidence of such notification.
- l) Ensure the provision of the relevant Eskom standards, procedures and processes were the Principal Contractor is not in possession of a sophisticated communication system e.g. access to the internet.
- m) Incorporate a formal contractor performance appraisal system whereby Project Managers, Clerks of Work and Field Service Officers and any other persons who perform a controlling function over the contractors may register their appraisals with the Procurement Department.
- n) Participate in contractor related incident investigations where Eskom Distribution is invited to participate, specifically where the interpretation of contractual clauses have become an issue.
- o) Establish and conduct regular contractor forums, and invite all stakeholders to participate e.g. Risk Management, Technology and Quality, Training and Development and Capital Programme, to provide an opportunity to share information with them, thereby ensuring that contractors are in possession of, and are familiar with, the latest Regional requirements, standards, procedures and processes, as well as information on recent accidents that may be used to enhance their own safety programmes. This will also give the Region the opportunity to receive feedback from the contractors on generic issues.

#### 4.1.3 Risk Management Department

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The Risk Management Department shall:

- a) Participate in the contractor selection process.
- b) Assist the Project Manager with pre-project risk assessments.
- c) Conduct periodic risk audits at the Principal Contractor's premises, his work places and on his employees to ensure the contractor's compliance with agreed standards and system performance during the contract period.
- d) Consolidate statistics on Principal Contractor related accidents and/or incidents.
- e) Participate in contractor related incident investigations where Eskom Distribution is invited to participate, and where mandated or appointed to attend. Attendance is primarily required where Eskom plant and/or equipment are involved.
- f) Recommend to both Line Management and the Supplier Management Department the removal of a qualified Principal Contractor from the approved suppliers list where there is evidence of non-

adherence to OHS Act requirements and where the Principal Contractor has an unacceptably high incident rate, during the contract period.

- g) Develop a RAS template to monitor compliance to this procedure.

#### **4.1.4 Technology and Quality Department**

The Technology and Quality department shall:

- a) Participate in the contractor selection process.
- b) Conduct periodic quality assessments at the Principal Contractor's premises, his work places, material and on his employees to ensure the contractor's compliance with agreed standards and system performance during the contract period.
- c) Monitor contracts during the execution of the project for conformance.
- d) Participate in contractor related incident investigations where Eskom Distribution is invited to participate, and where mandated or appointed to attend. Attendance is primarily required where Eskom plant and/or equipment are involved.
- e) Recommend to both Line Management and the Supplier Management Department the removal of a particular contractor from the approved suppliers list where there is evidence of non-adherence to Eskom Distribution's quality standards both during the contract period and after the project was handed over.

#### **4.1.5 Training and Development Department**

- a) Provide the necessary training to bring contractors up to Eskom's level of Authorised Person in terms of the Operating Regulations for High Voltage Systems.
- b) Where requested provide contractors with the Eskom list of approved service providers for safety training.

#### **4.1.6 Technical Support Group**

- a) Provide the necessary guidance on evaluation and authorisation of contractors for working on HV, MV and LV systems.
- b) Carry out RAS audits.
- c) Carry out on site inspections on equipment and materials for compliance in terms of Construction Regulations and applicable Standards.
- d) Recommend to both Line Management and the Supplier Management Department the removal of a particular contractor from the approved suppliers list where there is evidence of non-adherence to Eskom Distribution's quality standards both during the contract period and after the project was handed over.
- e) Participate in contractor related incident investigations where Eskom Distribution is invited to participate, and where mandated or appointed to attend. Attendance is primarily required where Eskom plant and/or equipment are involved.

### **4.2 Principal Contractor**

The Principal Contractor shall:

- a) Ensure that the minimum legislative, regulatory and Eskom Distribution risk management requirements are complied with on all Eskom Distribution work sites.
- b) Notify the Provincial Director of the Department of Labour in writing of all construction work if it falls within the scope of Regulation 3 of the Construction Regulations. Where multiple contractors perform construction work on the same site, the Client or, if applicable, the appointed agent must forward this notification to the Provincial Director prior to the commencement of work.

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DOCUMENT CLASSIFICATION: **CONTROLLED DISCLOSURE**

**HEALTH AND SAFETY REQUIREMENTS TO BE  
MET BY PRINCIPAL CONTRACTORS EMPLOYED  
BY ESKOM DISTRIBUTION**

Reference: **34-333**  
Revision: **1**  
Page: **16 of 56**

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- c) Be responsible for any risk management matters, standards and legal requirements that may stem from his/her contract.
- d) Provide the Eskom Distribution Project Manager and the responsible Line Manager (16(2) Appointee) with a copy of his/her Health and Safety Plan. The Health and Safety Plan shall contain all (but is not limited to) documentation listed in Annex J.
- e) Demonstrate adequacy and suitability of his/her Health and Safety Plan as per the Clients health and safety specification and must ensure that a copy of his/her health and safety plan is available on site at all times.
- f) Provide the Eskom Distribution Project Manager with a Health and Safety File which should include a record of all drawings, designs, materials used, list of contractor employees, the agreement and the type of work to be done. (Refer to Annex I)
- g) Submit to the Eskom Distribution Project Manager and the responsible Line Manager (16(2) Appointee) the contractor's Compensation Commissioner's registration number and all current goodwill certificates before the commencement of work and renewal periods, for record keeping purposes.
- h) Appoint a full time competent employee in writing to supervise the construction work and who informs, instructs and trains all employees under their control on any hazard and related work procedures before any work commences and thereafter, at such times as may be determined by a risk assessment. He shall also appoint a full time or part time Construction Safety Officer in writing depending on the size of the project or the degree of dangers.
- i) The appointed Construction Supervisor must not supervise construction work on any site other than the site for which such Supervisor has been appointed. If a sufficient number of competent employee(s) have been appointed to assist the Construction Supervisor, then the Construction Supervisor may supervise more than one site.
- j) A training needs analysis must be drafted as per a documented training plan. Ensure that the training is recorded and available during any inspection, audit, or investigation.
- k) Ensure that all appropriate precautions are taken to protect persons present at work or in the vicinity of a construction site from all risks, which may arise from such site.
- l) Before the commencement of any construction work the Principal Contractor shall conduct a risk assessment, this should be done by a competent person appointed in writing. The risk assessment shall form part of the Health and Safety Plan and shall include Public Safety.
- m) Appoint competent staff to perform the work and ensure that all his/her staff are trained on the health and safety aspects relating to the work and that they understand the hazards associated with all other work being carried out on the premises.
- n) The Principal Contractors must ensure that an Occupational Health Practitioner screens their employees to ensure that their employees are fit to perform the work. The Principal Contractor must prove to the client that his/her employees and subcontractors are on a medical surveillance programme, including entry and exit medical examinations, for the duration of the contract.
- o) The Principal Contractor must indicate who its Subcontractors are (including casual workers and Labour-broker employees) and ensure that they have the necessary competence and resources to carry out the work safely and to ensure a duty of care towards the environment.
- p) The Principal Contractor must supply his/her client's Health and Safety Specifications to the Subcontractor(s).
- q) The Principal Contractor must take reasonable steps to ensure cooperation between all Subcontractors.
- r) The Principal Contractor must stop the Subcontractors if construction work is not in accordance with the Health and Safety Plan or if such work poses a threat to the health and safety of persons or a risk of degradation to the environment. Any person can report unsafe or unhealthy practices or practices that pose a threat to the environment to the Principal Contractor or the Client. A record must be kept of the stoppage, the actions taken, and any corrective measures that were implemented.

- s) The Principal Contractor must ensure, prior to the commencement of work on site, that every Subcontractor is registered and in good standing with the compensation fund or with a licensed compensation insurer. This should remain valid for the duration of the contract.
- t) The Principal Contractor must ensure that potential subcontractors submitting tenders have made detailed provision for the cost of health and safety measures during the construction process.
- u) Submit the names of the person(s) charged with OHS Act responsibilities to the Eskom Distribution Project Manager.
- v) Submit to the Eskom Distribution Project Manager a record of the names of contractor employees working on equipment or the network in his area of responsibility.
- w) Unless specifically stated in the contract it shall not be the responsibility of Eskom Distribution to train contractor employees. In terms of OHS Act, Section, 37(2) Eskom contracts out its responsibility as the employer. The contractor's OHS Act 16(2) appointee shall have the responsibility.
- x) Ensure that where the Distribution Division is requested to train the contractors' employees, in terms of the Operating Regulations for High Voltage Systems (ORHVS), this request shall be managed contractually and the relevant Principal Contractor's employees shall be trained and authorised in terms of the scope of the contractor's responsibilities for that particular contract. The requirements stipulated in Distribution Procedure 34-146 shall apply to the training and authorisation of Principal Contractor's employees.
- y) Ensure that contractor employees are conversant with work procedures and that they adhere to such procedures.
- z) The Principal Contractor must ensure, prior to the commencement of construction work, that all persons involved in the construction work as well as the subcontractors have received the Client's health and safety induction.
- aa) The Principal Contractor must ensure, prior to the commencement of construction work, that all persons involved in the construction work as well as the subcontractors have received task-specific training.
- bb) Ensure that all equipment and tools used comply with OHS Act requirements with respect to condition, use, care, storage, maintenance and the management thereof.
- cc) The Principal Contractor(s) must issue risk-based personal protective equipment (PPE) as a measure of last resort to their employees after mitigating the risk as far as is reasonably practicable. Recipients of PPE must be trained in the proper use and care and, where necessary, the maintenance of PPE.
- dd) Should the Principal Contractor or his/her subcontractors invite visitors to the site, they must be held accountable for the provision of PPE to their visitors.
- ee) The Principal Contractor must ensure that Consultants undertaking work in the "listed fields of practice" of the Natural Scientific Professions Act, No 27 of 2003 are registered "Professional Natural Scientists".
- ff) Erect its' own site huts, temporary buildings, storage areas, toilets, fencing and any other structure as may be required by it. Any such structures shall be positioned and erected in compliance with any instructions from Eskom Distribution and the relevant safety and fire prevention requirements.
- gg) Ensure that no alcohol or other intoxicating substance is brought onto the premises. Eskom Distribution will not permit the presence of anyone who is or who appears to be under the influence of alcohol, or any other intoxicating substance. Contractor employees' shall avail themselves for breathalyzer and drug testing.
- hh) Immediately report all incidents referred to in the OHS Act Section 24, to the Department of Labour, to the Eskom Distribution Project Manager and Line Manager (16(2) Appointee). In this respect Eskom Distribution obtains an interest in the matter of any formal inquiry conducted in terms of Section 32 of the OHS Act.
- ii) The Principal Contractor must keep on site a record of all accidents and incidents reported in terms of Section 24 of the OHS Act.

- jj) Give the Eskom Distribution Project Manager and Line Manager (16(2) Appointee) its full participation and co-operation whenever the Company inquires into any matter related to health and safety at the premises.
- kk) The Principal Contractor must hand over a consolidated Health and Safety File to the Client on completion of the construction work. The Principal Contractor must also hand over all drawings, designs, lists of materials used, and other applicable information about the completed structure, as well as the list of subcontractors, the agreement, and the type of work completed.
- ll) On completion of the work or whenever instructed by Eskom Distribution, remove all structures erected by it, as directed by the Company and rehabilitate the environment where required by law.

#### **4.2.1 ♦ Principal Contractor Employees**

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The Principal Contractor's employees shall:

- a) Co-operate as closely as possible with their employer in the application of the prescribed health and safety measures.
- b) Avoid any act that may endanger their own health and safety or that of fellow employees or members of the public who may be affected by their acts or omissions at work.
- c) Adhere to all Legislative requirements, Eskom and/or Distribution standard and procedures, the Contractor and the Local Authorities requirements.
- d) Have the right to obtain proper information from their employer regarding health and safety risks and health and safety measures related to the work processes. This information should be presented in forms and languages, which the workers easily understand.
- e) Use facilities placed at their disposal and not misuse anything provided for their own protection or that of others.
- f) Have the right to remove himself/herself from danger when he/she has good reason to believe that there is an imminent and serious danger to his/her safety or health, and the duty to inform his/her Supervisor immediately.
- g) Have the right and the duty at any workplace to participate in ensuring safe working conditions to the extent of their control over the equipment and methods of work adopted as they may affect health and safety.
- h) Report to the Eskom Distribution Project Manager any sub-standard acts and/or conditions which may come to their attention.
- i) Maintain the surrounding area of the work site in a neat and tidy condition.
- j) Participate in regular Health and Safety meetings.

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#### **4.3 ♦ Sub-contractors**

- a) In terms of the Construction Regulations, all the duties that the Client has towards the Principal Contractor, the Principal Contractor in turn has towards all his/her sub-contractors. It must be noted that the Principal Contractor remains accountable and responsible for his/her sub-contractors.
- b) All the responsibilities reflected in the section on the responsibilities of Principal Contractors, which apply to the Principal Contractor, must apply to the Subcontractor.
- c) The relationship between the Principal Contractor and the Sub-contractor will be governed by the contractual arrangements into which they have entered.
- d) Whilst the Principal Contractor has overall responsibility for the site, this does not remove from the Sub-contractor any of their responsibilities. Any areas of concern should be discussed urgently with the Principal Contractor.

#### 4.4 ♦ **Emerging Contractors**

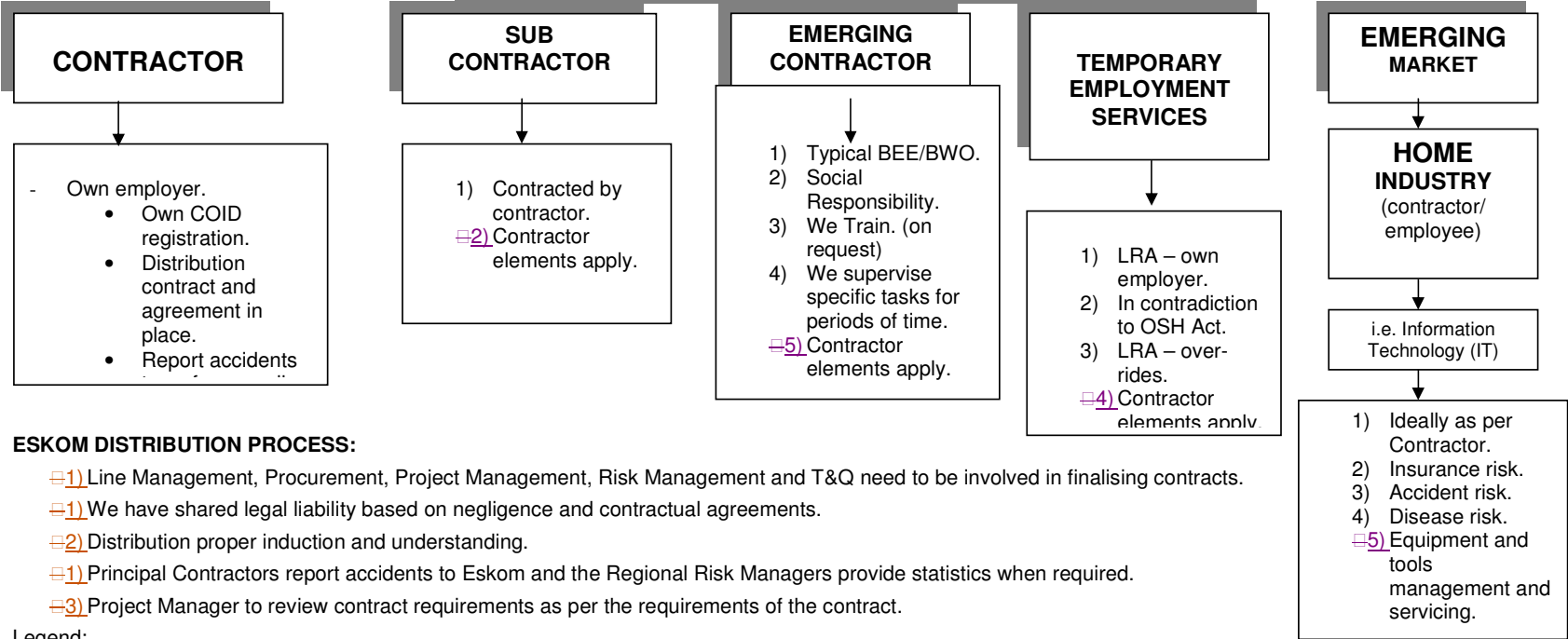
- a) The development of Black or Black Empowering Suppliers/Contractors shall be done in accordance with the policy on Procurement from Black Suppliers- ESKADAAT6.
- b) Development areas or areas for improvement shall be identified during the supplier management / qualification process. Record shall be kept of the action required and an agreed time period shall be given to the supplier/contractor to develop to the required standards in accordance with ESKADAAT6.

#### 4.5 ♦ **Non-compliance**

- a) Eskom views the following at-risk behaviour in a very serious light:
  - ☐ Anyone disregarding any requirements contained in the OHSA, NEMA, Eskom Health, Safety, and Environmental Policies, this document, site specifications, and approved Health and Safety Plans;
  - ☐ Anyone performing an unsafe act or creating an unsafe condition that could pose a danger to such person(s) or to others;
  - ☐ A Principal Contractor allowing any of his/her own employees or employees of their subcontractors (including casual labourers or Labour-broker employees) to work on any site without ensuring that each employee has received proper training.
- b) Any such person described above will be subjected to a disciplinary process, and if found guilty, this may lead to dismissal in the case of an Eskom employee, and in the case of a Principal Contractor, it may result in the cancellation of the contract and blacklisting.

Annex A

**CONTRACTOR MANAGEMENT**



**ESKOM DISTRIBUTION PROCESS:**

- 1) Line Management, Procurement, Project Management, Risk Management and T&Q need to be involved in finalising contracts.
- 1) We have shared legal liability based on negligence and contractual agreements.
- 2) Distribution proper induction and understanding.
- 1) Principal Contractors report accidents to Eskom and the Regional Risk Managers provide statistics when required.
- 3) Project Manager to review contract requirements as per the requirements of the contract.

**Legend:**

- 1) BEE – Black Economic Empowerment
- 2) BWO – Black Woman Owned
- 3) LRA – Labour Relations Act

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**Annex B (Part 1)**  
(informative)

**Health and Safety Specifications, Contract Guidelines and OHS Act Requirements**

**Health and Safety Specifications**

## **1 Purpose**

Specification provides guidance to the Client in relation to the compilation of the required Health and Safety Specifications without detracting from his/her other duties and responsibilities as required by the Construction Regulations.

This specification is aimed at helping Line Managers to comply with the requirements of the Construction Regulations while protecting the Organisation against potential legal liability risks.

*Site specific specification must be compiled by the Client or Designated employee*

## **2 Responsibilities**

### **2.1 Network Services**

From a Distribution Divisional perspective the Network Services Department shall be required to draw-up specifications as they design projects however other departments may also be required to develop Health and Safety Specifications in accordance with their business needs in compliance with the Construction Regulations.

### **2.2 Capital Programme and Commercial**

The Capital Programme and Commercial Departments shall ensure that all new tenders that are sent out include Health and Safety Specifications prior to the conclusion of contracts.

### **2.3 Risk Management and Technical Support**

Risk Management and Technical Support Departments shall be responsible for carrying out regular audits, inspections and site visits. The focus of these audits, inspections and site visits shall be to monitor Contractor compliance to his/her Health and Safety Plan, in accordance with the Construction Regulations.

## **3 Methodology Applied**

The methodology applied in developing this Health and Safety Specification was based on the understanding of the Distribution working environment with regards to the practical application of the Construction Regulations.

A Risk Assessment must be carried out by Project Engineering to determine whether it is a Project based Contract or Operating, Construction and Maintenance Contract.

The work activities involved in the above mentioned projects have repetitive tasks, which includes the following:-

- Working above ground level
- Digging of holes (excavation)
- Blasting (the use of explosives)
- Supervision

JFScholtz/May'07 (Rev 1) to ensure traceability

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Working in Prohibited areas  
Working under a permit  
Working in the vicinity of power lines  
Working with construction vehicles near power lines  
Employing equipotential portable earthing

## **4 Specifications in Relation to the Above Mentioned Work Activities**

### **4.1 Working Above Ground Level**

The Principal Contractor shall ensure that employees are issued with a Fall Arrest System as the minimum personal protective equipment in accordance with the following procedure – SCSPVACL6: Procedure for Using Fall Arrest System.

The Construction team must have an appointed Supervisor when work is performed above ground level at all times.

Ladders shall be in accordance with Eskom specifications and regular inspections shall be conducted. For further details refer to DISPVABK5: Inspection of fibreglass extension ladders.

### **4.2 Specification for Digging of Holes**

Holes that have been dug shall be safe guarded in order to prevent the risk of people and/or animals from falling into those holes.

### **4.3 Specification for Blasting**

The use of explosive material shall be in accordance with the following Eskom Distribution Standard-SCSASAA0: Standard for Blasting Under or Adjacent to Eskom Overhead Power lines and Substations.

### **4.4 Supervision**

Each Contractor construction team shall have an Authorised person in accordance with the Operating Regulations for High Voltage Systems or in accordance with the risks that have been identified when the plant is handed over by the Authorised person. The competent person shall have knowledge of the activities being performed and shall supervise the construction work being undertaken. (See ESKPVAEY6 (1.64))

### **4.5 Working in Prohibited Areas (Refer to ESKPVAEY6 (1.54 and 3.03))**

### **4.6 Working under a Permit (Refer to ESKPVAEY6 (Section8))**

### **4.7 Working in the Vicinity of Power lines**

Where work is conducted inside the boundaries of the wayleave or servitude of an existing and energized power line, the work will be conducted by a Responsible person (ESKPVAEY6 (1.56)) in accordance with ESKPVAEY6 Section 8).

### **4.8 Working with Construction Vehicles near Powerlines**

Where work is conducted with the aid of a construction vehicle with an extendable articulated component or a conductive body extending device that could encroach the safe working clearance tabled in ESKPVAEY6 (5.03.5.2.4), the work is deemed close proximity work as defined and specified in ESKPVAEY6 (5.03.5.2.4).

All construction vehicles will meet the specifications of 34-487 and all work with construction vehicles will meet the requirements of Distribution Procedure 34-445.

#### **4.9 Employing Equipotential Portable Earthing**

Where work is to be performed under a permit on Medium or High Voltage Powerlines that has been opened, isolated and earthed in terms of ESKPVAEY6 (5.03.5), equipotential earthing will be applied by the contractor as specified by the Distribution Procedure 34-444 employing earths specified by Distribution Specification 34-487. Any work on apparatus will be conducted in a touch potential free working environment as required by the referenced documents.

### **5 Additional Relevant Information**

**5.1** Compliance to the incident management procedure (34-350).

- A Flash Report to be submitted within 24 hrs after the incident to the designated Eskom Official e.g. the Project Manager, Risk Management Representative;
- Conduct a Preliminary Investigation within 24 hrs after the incident;
- Conduct the Formal Investigation within 7 working days after the incident.

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**5.2** Compliance to the Operating Regulations for High Voltage Systems / Authorisations Standard. For further details refer to Distribution Procedure 34-146: Authorisation Procedure for Operating on High Voltage Systems.

**5.3** Principal Contractor to conduct risk assessments prior work execution. For further details refer to 34-227: Pre-Task Planning and Feedback Process.

**5.4** Notification to be given to the relevant TSC prior to any construction work being undertaken. Establish and conduct Health and Safety Committee Meetings. For further details refer to 34-316: Occupational Health and Safety Committee Systems.

**5.5** The Principal Contractor shall ensure that at all times an appointed Supervisor shall oversee all construction work.

**5.6** Legal appointments to be done in writing. For further details refer to DISASABN7: Legal Appointments and Authorisations.

## **Annex B (Part 2)**

### **Contract Guidelines**

Note 1: The foundation on which these guidelines were developed is the Occupational Health and Safety Act and related legislation in so far as they may have a bearing on occupational health and safety matters.

Note 2: The information covered below may be used as a guideline on Legislative and Risk Management Standards that need to be included, as minimum requirements, in an agreement or a contract with a Principal Contractor.

Note 3: Depending on the nature of the service required the guidelines below may not be applicable to all contracts.

#### **1 Scope of Work**

- a) Eskom Distribution shall ensure, prior to the tendering process that a risk assessment is carried out to determine which occupational health and safety risks are likely to have an influence on the execution of the project. This occupational health and safety hazard identification and risk assessment is necessary to inform prospective tenders of the health and safety risks attached to the project and what preventative action may be taken in order to avoid unnecessary health and safety risks.
- b) Following the risk assessment, the preventative activities identified shall be incorporated in the tender/contract documents in order to enable prospective Principal Contractors to make provision for it in their tenders.

#### **2 The Nature of the Contractual Relationship**

- a) The Principal Contractor shall acknowledge that the relationship between himself/herself and Eskom Distribution is for the provision of services as an independent contractor and not as an employee of Eskom Distribution, in terms of the Labour Relations Act, Act 66 of 1995 (as amended).
- b) The Principal Contractor and/or its' employees shall in no way be deemed/or regarded as employees of Eskom Distribution.
- c) The Principal Contractor will be fully accountable for his/her sub-contractors in terms of contractual conditions.

#### **3 Occupational Health and Safety Agreement**

- a) The Principal Contractor shall acknowledge that the contract constitutes an agreement in terms of Section 37(2) of the Occupational Health and Safety Act, whereby all responsibilities for health and safety matters relating to the contractor and/or its staff, the work that they are to perform on the premises/plant and the equipment that they use shall be the responsibility of the Principal Contractor.
- b) It shall be the Principal Contractor's primary obligation to ensure that any person appointed by the Principal Contractor in terms of the OHS Act possess the knowledge and/or experience and/or qualifications required for such appointment, and shall be familiar with all the relevant provisions of the OHS Act.
- c) Where it is a requirement of the OHS Act that any appointments which are to be made by the Principal Contractor or any sub-contractor in terms of OHS Act, or any terminations of any such appointments, are to be notified to the relevant Divisional Inspector of the Department of Labour, within the time specified in the OHS Act, the Principal Contractor shall copy such notifications to the Eskom Distribution Project Manager within seven (7) days of submitting the same information to the Divisional Inspector of the Department of Labour.

#### **4 OHS Act Section 10 - Undertaking**

The Principal Contractor must assume responsibility in terms of Section 10 of the Occupational Health and Safety Act, for taking the necessary steps to ensure that any article or substance that he/she

designs, manufactures, imports, sells or supplies for use at work is safe and without risk to the health when properly used and complies with all prescribed requirements.

## **5 Sub-contracting**

- a) The Principal Contractor shall enter into written contracts with his sub-contractors in terms of section 37(2) of the Occupational Health and Safety Act, whereby all safety procedures and arrangements are agreed upon amongst them.
- b) All Sub-contractors have to be approved by Eskom Distribution before they may be appointed by the Principal Contractor.
- c) The Principal Contractor shall accept full responsibility for any acts or omissions of his sub-contractors, when creating a safety, health or environmental hazard.

## **6 Compensation for Occupational Injuries and Diseases**

The Contractor shall be required to furnish the Eskom Distribution Project Manager with a statement or a goodwill certificate obtained from the Compensation Commissioner's Office, certifying that the Contractor is registered and is in good standing with the Compensation Commissioner's Office.

## **7 Insurance**

Refer to the following Insurance Policy for further details regarding insurance cover offered to contractors.

Policy Number: SA ENG 426 5174: Eskom Combined Contract Works/ Public Liability and Deductible Policy.

## **8 Indemnities**

Refer to the following Insurance Policy for further details regarding indemnity protection offered to contractors.

Policy Number: SA ENG 426 5174: Eskom Combined Contract Works/ Public Liability and Deductible Policy.

## **9 Disclosure of Confidential Information**

- a) The Principal Contractor shall ensure that he and his employees, including sub-contracted employees, shall at all times, treat as confidential, and shall not make unauthorised use of information which is disclosed to or acquired by them, regardless of whether such information is expressly classified as confidential or not.
- b) The Principal Contractor shall ensure that he and his employees adequately protect any confidential information which they may obtain.
- c) The Principal Contractor shall immediately inform the Eskom Distribution Project Manager of any event of breach of confidentiality.

## **10 Incorporation by Reference in Contracts**

External Standards, Eskom and/or Distribution Procedural documents may be incorporated by reference into Eskom's Conditions of Contract.

- a) Therefore, this procedure supplements Eskom's Conditions of Contract but shall not be considered as including all the responsibilities of Principal Contractors regarding the occupational health and safety requirements in terms of the Occupational Health and Safety Act, Act 85 of 1993.

- b) The overall responsibility for occupational health and safety requirements at the Distribution Division sites and work to be carried out on public property of Local Authorities shall remain with the Principal Contractor and his sub-contractor/s.
- c) All documents referred to in this procedure will be made available to the Principal Contractor by the Procurement Department who will consult with the necessary role players (i.e. Line Management, Risk Management, Environmental Management, and/ or other specialist as the need may be).
- d) The Client may however from time to time order variations, alternations, modifications, amendments, additions, changes, revisions, cancellations or insertions to health and safety requirements to be met by Principal Contractors, via the organisational documentation control processes, provided that such requirements are communicated in writing to the other party.

Note: No extension of time will be allowed as a result of any action taken by Eskom Distribution in terms of, point c mentioned above, and the Principal Contractor shall have no claim against Eskom Distribution as a result thereof. Furthermore, no amendments to Legislation or the Regulations or reasonable amendments to Eskom Distribution's Safety and Operating procedures shall entitle the Principal Contractor to claim any additional costs incurred in complying therewith from Eskom Distribution.

- e) If a Principal Contractor considers any of the requirements in the procedure as being too onerous, exemption from specific clauses may be requested in writing through the Procurement Department who will consult with the relevant role players (i.e. Risk Management, Field Services, Major Engineering Works and Capital Programme).
- f) Any difficulty experienced with the interpretation of this procedure may be discussed at any time with the Procurement Department who will consult with the necessary role players.
- g) The OHS Act Requirements "Acknowledgement of Receipt form for Principal Contractors" shall be completed and signed by the Principal Contractor on award of the contract. (Refer to Annex E)

## **11 Payment**

Payment to the Principal Contractor may only be authorised after the final contractual post project quality and safety conformance inspection has been completed by the Eskom Distribution Project Manager.

## **12 Dispute Resolution Mechanisms**

Dispute resolution mechanisms shall be available to parties both during and after the termination of a contract in terms of the NEC contract conditions.

**Annex B (Part 3)**  
(continued)

**OHS Act Requirements**

**1 Occupational Health and Safety Programme**

- a) The Principal Contractor shall have his own approved Health and Safety Policy, which must be displayed, at his work site, if practical.
- b) The Principal Contractor shall formulate, implement and maintain an Occupational Health and Safety Programme, ensuring that his employees avoid any act, which may endanger their own health and safety or that of other persons who may be affected by their conduct.
- c) All aspects concerning occupational health and safety shall be a permanent standing item on all relevant site-meeting agendas.
- d) The Principal Contractor's Occupational Health and Safety Programme shall ensure that his/her employees and sub-contractor employees adhere to Eskom Distribution's Instructions, Standards, Procedures and Operating Regulations for High Voltage Systems. The programme shall ensure that his/her employees:

- a) stay within clearly signed barricading and do not work in close proximity to live apparatus unless if live work is performed,
  - b) only work above ground level under continuous and direct supervision of the contractor's appointed Supervisor,
  - c) wear appropriate personal protective equipment and/or clothing,
  - d) refrain from proceeding with the work in the absence of the appointed Supervisor; and
  - e) adopt Eskom Distribution's Procedure on the management of substance abuse in its entirety.

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**2 OHS Act Legal Appointments**

- a) The appointment of Contractors in terms of the applicable legislation will depend on the following factors:

- 1. The duration of the contract.
  - 2. The scope of the contract.
  - 3. The hazards and risks involved in the work.

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Thereafter the successfully appointed Principal Contractor shall draw up an Occupational Health and Safety structure for the contract, which will form part of his/her Occupational Health and Safety Programme.

- b) Examples of Statutory Appointments required:

- OHS Act Section 16(2) Employer
  - OHS Act GMR 2 (1) Supervisor of Machinery
  - OHS Act GMR 2 (7) Supervisor of Machinery Assistant
  - OHS Act Section 17 Health and Safety Representative

Depending on the nature of the contract the assignments will be expanded.

### **3 Safety at Workplaces**

**3.1** All appropriate precautions shall be taken:

- a) to ensure that all workplaces are safe and without risk of injury to the health and safety of workers.
- b) to protect persons present at or in the vicinity of a construction site from all risks, which may arise from such site.

**3.2** All openings and other areas likely to pose danger to workers shall be clearly indicated.

### **4 Means of Access and Egress**

Adequate and safe means of access to and egress from all workplaces shall be provided, indicated where appropriate and maintained in a safe condition.

### **5 Good Housekeeping on Construction Sites**

a) A suitable housekeeping programme shall be established and continually implemented on each construction site which should make provision for:

1)m) the proper storage of material and equipment;

2)n) the removal of scrap, waste and debris at appropriate interval.

- b) Loose materials, which are not required for use, should not be placed or allowed to accumulate on the site so as to obstruct means of access to and egress from workplaces and passages.
- c) All combustible refuse must be removed from the inside of all buildings at the close of each day. All other waste must be removed at least once a week.
- d) The construction site should be suitably and sufficiently fenced off and provided with controlled access points to prevent the entry of unauthorised persons.
- e) Waste and debris shall not be disposed of from a high place with a chute, unless the chute complies with the requirements as set out in Construction Regulation 12(6).
- f) Material left lying about after completion of the contract will be removed by Eskom Distribution and the cost debited to the contract price.
- g) Eskom Distribution will not be held responsible for the loss of any material dealt with in this manner.
- h) The Principal Contractor must ensure that the work site is kept tidy for the duration of the contract.

### **6 Prevention of Unauthorised Entry**

- a) Construction sites in built-up areas or along traffic routes should be fenced off to prevent the entry of unauthorised persons.
- b) Visitors should not be allowed access to construction sites unless accompanied by or authorised by a competent person and provided with the appropriate protective equipment.

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## **7 Fire Prevention and Fire Fighting**

- a) The Principal Contractor shall take the necessary precautions to prevent fires and/to minimise the consequences of fire, while performing work on Eskom Distribution sites and Public property.
- b) Fire extinguishing equipment shall be properly maintained and inspected at suitable intervals by a competent person.
- c) Access to fire extinguishers such as hydrants, portable extinguishers and connections for hoses shall be kept clear at all times.
- d) All Supervisors and a sufficient number of workers shall be trained in the use of fire extinguishing equipment, so that adequately trained personnel are readily available during all working periods.
- e) Workers shall be suitably trained in the action to be taken in the event of fire, including the use of means of escape.
- f) Where appropriate, safety symbolic signs shall be provided to indicate clearly the direction of escape in the case of fire.
- g) Sufficient and suitable means to give warning in case of fire shall be provided, where this is necessary, to prevent danger. Such warning should be clearly audible in all parts of the site where persons are liable to work. There should be an effective evacuation plan so that all persons are evacuated speedily without panic and accounted for and all plant and processes shut down.
- h) Notices should be posted at conspicuous places indicating:

➔ the nearest fire alarm;

➔ the telephone number and address of the nearest emergency services.

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## **8 Use and Storage of Flammable Liquids, Solids and Gases**

- a) The Principal Contractor shall ensure that none of his/her employees work in an area where the vapour of any flammable liquid, solid or gas generated is of such an extent that a potential fire or explosion hazard is created, endangering the safety of any persons.
- b) The Principal Contractor shall ensure that all flammable liquids, solids and gases are stored in stores built for that purpose.
- c) Secure storage areas should be provided for flammable liquids, solids and gases in order to prevent trespassers.
- d) Flammable liquids on site should be stored in a well-ventilated, reasonably fire resistant container, cage or room and kept locked with proper access control measures in place.
- e) When decanting, the metal containers should be bonded or earthed.
- f) Gas cylinders should be stored under cover and  $\pm 6$  meters from the nearest buildings.
- g) The appropriate type and adequate amount of fire-fighting equipment shall be installed in suitable locations around the flammable liquid, solid or gas store.
- h) The appropriate safety symbolic signs shall be affixed at all entrances, prohibiting smoking and naked flames.
- i) Combustible materials such as packing materials, sawdust, greasy/oily waste and scrap wood or plastic should not be allowed to accumulate in workplaces but should be kept in closed metal containers in a safe place.

## **9 Eskom Distribution Security Measures and General Principal Contractor Obligations**

- a) The Principal Contractor and his/her employees and/or sub-contractor employees shall only access and exit premises through the main gate(s) and/or checkpoint(s) designated by Eskom Distribution.
- b) The Principal Contractor shall ensure that his/her employees observe the security rules of Eskom Distribution at all times and shall not permit any person who is not directly associated with the work from entering the premises.
- c) The Principal Contractor and his/her employees shall not enter into any area of the premises which is not directly associated with the work.
- d) The Principal Contractor shall ensure that all material, machinery or equipment brought on to the premises is registered at the main gate(s) and/or checkpoint(s). Failure to do this may result in a refusal by the company to allow the materials, machinery or equipment to be removed from the premises.
- e) All belongings, materials, machinery or equipment of the Principal Contractor and his/her employees shall be subject, at any time, to spot searches by Eskom Distribution.
- f) The Principal Contractor shall ensure that all road vehicles used on the premises are in a roadworthy condition, licensed and insured. All drivers shall have the relevant valid driving licenses.
- g) No persons shall be transported in the back of an open vehicle that is not specifically designed for carrying people. There will be cases where this is not reasonably practicable, for example, where vehicles are driven on site at low speed (less than 40km per hour), and proper seating and handrails have been provided.

In such cases the carrying of persons in the back of such open vehicles could be explicitly allowed, after:

- ☐ An assessment has been carried out indicating a very low risk;
  - ☐ Mitigating factors have been identified to control the risk; and
  - ☐ This has been discussed and agreed upon at the relevant Health and Safety Committee meeting.
- h) The Principal Contractor shall ensure that no hindrances, hazards, annoyance or inconvenience is inflicted on other Contractors, Eskom Distribution or Tenants. Where such situations are unavoidable, the relevant Contractor shall give prior notice to Eskom Distribution.

## **10 Health Hazards**

- a) Where a worker is likely to be exposed to any chemical, physical, biological hazard/agent and climatic conditions to such an extent that it may be dangerous to his/ her health, appropriate preventive measures shall be taken against such exposure.
- b) The preventive measures referred to in paragraph (a) should place emphasis on the need to eliminate or reduce the hazard at the source and in particular should require:

- 1)2) The replacement of hazardous substances by harmless or less hazardous substances wherever possible;
- 2)3) Technical measures applied to the plant, machinery, equipment or process;
- 3)4) Control the release of harmful agents or chemicals into the working environment;

- ~~4~~5. Training in manual lifting;
- ~~5~~6. Appropriate protection against climatic conditions likely to jeopardise health;
- ~~6~~7. Proper working posture when workers are required to work in fixed working positions or when they are carrying out repetitive work;
- ~~7~~8. Where workers are required to enter any area in which toxic or harmful substances may be present, or in which there may be an oxygen deficiency, or a flammable atmosphere, adequate measures shall be taken to guard against danger.
- ~~8~~9. Waste shall not be destroyed or otherwise disposed of on a construction site in a manner, which is liable to be injurious to health.

Note: Where it is not possible to comply with the above mentioned sub-paragraphs, other effective measures, including the use of personal protective equipment and clothing shall be applied.

- c) The employer should make arrangements for the identification and assessment by competent persons of health hazards presented by the use of different operations, plant, machinery, equipment, substances and radiations at the construction site and take appropriate prevention and control measures against the identified health risks in conformity with legislative requirements.

## **11 Occupational Health Services**

- a) The employer shall provide for the setting up of or access to an occupational health service.
- b) All workers shall be subjected to medical surveillance.
- c) Monitoring and control of the working environment and planning of safety and health precautions shall be performed in accordance with legislative requirements.
- d) A multiplicity of hazards are present in construction work and every effort shall be made to promote awareness of this fact and the need to safeguard health.
- e) Wherever new products, equipment and working methods are introduced, special attention should be paid to informing and training workers with respect to the implications for safety and health.

## **12 First Aid and Facilities**

- a) The Principal Contractor shall ensure that a sufficient number of trained first aiders are appointed for the number of employees on site.
- b) Taking into account the type of injuries that are likely to occur on site, the nature of the activities performed and the number of employees at such a work site, the Principal Contractor shall ensure that the first aid box contains the minimum requirements in accordance with the General Safety Regulations.
- c) First aid kits or boxes shall not contain anything besides material for first aid emergencies.

## **13 Hazardous Chemical Substances**

- a) If the Principal Contractor's activities in performing the work, involve the handling of any hazardous chemicals or substances the Contractor shall implement such precautionary measures as may be required by the relevant legislation.
- b) The Principal Contractor must conduct an assessment to determine which employees are exposed to which hazardous chemical substances and shall provide the affected employees with the required training and personal protective equipment.

- c) Training shall also be provided by the Principal Contractor on the correct use, care and limitations of such personal protective equipment.

## **14 Personal Protective Equipment**

- a) The provision and use of personal protective equipment by employees is the Principal Contractor's responsibility. The Contractor shall be responsible to ensure that such equipment is worn at all material times.
- b) It is also the responsibility of the Principal Contractor to do a risk assessment to establish what type of PPE his employees are required to wear based on the nature of the hazard and the type, range and performance of the protection required.
- c) The Principal Contractor shall ensure that contractor employees are trained in the correct use, care, maintenance and limitations of PPE.
- d) Workers working alone on construction sites in confined spaces, enclosed premises or in remote or inaccessible places should be provided with an appropriate alarm and the means to rapidly summons assistance in an emergency.
- e) All personal protective clothing provided by the Principal Contractor to his/her employees should clearly display its' Company logo.

## **15 Construction Welfare Facilities**

- a) An adequate supply of wholesome drinking water should be provided at or within reasonable access of every construction site
- b) The following facilities should, depending on the number of workers and the duration of the work, be provided, kept clean and maintained at or within reasonable access of every construction site:

**1)2.1** Sanitary and washing facilities or showers.

**2)2.2** Facilities for changing and for the storage and drying of clothing.

**3)2.3** Accommodation for taking meals and for taking shelter during interruption to work due to adverse weather conditions.

**4)2.4** Men and women workers should be provided with separate sanitary and washing facilities.

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## **16 Information and Training**

- a) The training of Principal Contractor employees in occupational health and safety matters relevant to their work is the responsibility of the Principal Contractor, unless other arrangements have been made contractually.
- b) The Principal Contractor shall ensure that his officials and employees are acquainted with all relevant provisions of the Occupational Health and Safety Act, the Regulations and the requirements of all relevant Environmental Legislation.
- c) The Principal Contractor shall provide his/her employees with information on potential health and safety hazards to which they may be exposed at their workplace.
- d) The Principal Contractor shall instruct and train his/her employees in the measures available for the prevention, control and protection against those hazards.
- e) No person shall be employed in any work at a construction site unless that person has received the necessary information, instruction and training so as to be able to do the work competently and safely.

- f) The information, instruction and training should be given in a language understood by the worker and written, oral, visual and participative approaches should be used to ensure that the worker has assimilated the material.
- g) The Principal Contractor shall provide his employees with all personal protective equipment and the appropriate tools required for the safe and proper execution of the work.
- h) The Principal Contractor shall, if requested to do so by the Procurement Department, demonstrate to the satisfaction of the Risk Management Department, that his employees and any sub-contractors have completed site and job orientation and any other qualifications and safety training that may be required by Eskom Distribution.
- i) The Project Manager shall ensure that the Principal Contractor and his staff undergo compulsory on site safety induction prior to commencing work on Eskom Distribution work sites.

## **17 Symbolic Safety Signs**

The Principal Contractor shall display all the necessary health and safety warning signs in accordance with the identified hazards for the applicable work site. (General Administration Regulation 13)

## **18 Communication**

The Principal Contractor shall have a system in place to ensure the immediate communication to his/her employees and the on-site application, of any new Legislation, Regulations or relevant Eskom Distribution Standard that may come into effect during the course of the contract.

## **19 Reporting, Recording and Investigation of Accidents and Diseases**

### **19.1 Reporting**

- a) Incidents, accidents and diseases shall be reported to the relevant authorities as stipulated in the Occupational Health and Safety Act, the Compensation for Occupational Injuries and Diseases Act and the various Environmental Legislation.
- b) These incidents shall also be reported to the Project Manager, within 24 hours after the incident, who will be responsible for reporting it to the relevant Distribution Risk Manager.
- c) The Principal Contractor shall collect all safety-related statistics and shall report it to the Eskom Distribution Project Manager at the end of each month.

### **19.2 Investigations**

- a) All incidents and accidents shall be investigated as stipulated in the Occupational Health and Safety Act.
- b) Thereafter corrective actions and recommendations agreed upon shall be followed-up on to assess the effectiveness of the remedial measures taken.

### **19.3 Damage Incidents**

All damage to Eskom Distribution or Contractor buildings, structures, vehicles equipment and the environment shall be reported to the Project Manager and investigated promptly by the Contractor to ensure that action is taken to minimise possible production delays.

### **19.4 Monthly Incident/Accident Statistical Information Reports**

At the end of each month the Principal Contractor on site shall submit the following information to the Project Manager and forward a copy to the relevant Eskom Distribution Risk Co-ordinator/Practitioner. (see Annex H)

#### **19.4.1 Injury types**

- a) The number of fatal incidents.
- b) The number of diagnosed and reported occupational diseases.
- c) The number of disabling injuries.
- d) The number of medical incidents.
- e) The number of first aid incidents.

#### **19.4.2 Incident types**

- a) The number of electrical contact incidents.
- b) The number of public incidents.
- c) The number of vehicle incidents.
- d) The number of environmental incidents.
- e) The number of damage incidents.
- f) The number of near-miss incidents.

The Principal Contractor shall, briefly, provide the relevant details for each incident reported monthly.

### **20 Environmental Management**

- a) No scrap or refuse shall be left on site.
- b) No fires shall be made for waste destruction.
- c) The Principal Contractor's hygiene facilities shall be of such a nature that the impact on the environment is minimised.
- d) Under no circumstances shall surface or ground water be polluted.
- e) The Polluter Pays Principle (PPP) is now legislated and defined in the National Environmental Management Act, Act 107 of 1998. The cost of remedying pollution, environmental degradation and consequent adverse health effects shall be paid by those responsible for causing the pollution, degradation and adverse health effects. The same shall apply to the cost of preventing, controlling or minimising further pollution, or environmental damage, or adverse health effects.
- f) The Principal Contractor shall issue the Project Manager with a list of all hazardous chemical substances that he will be using on site.
- g) All hazardous substances at the site shall be adequately stored and accurately identified, recorded, labelled and a Material Safety Data Sheet for each chemical shall be available on site.
- h) All waste hazardous substances shall be disposed of at a licensed Class H disposal site.
- i) All environmental incidents shall be reported to the Project Manager and the designated Provincial Departments and measures shall be taken to control, minimise and clean up the pollution.
- j) The site shall be kept neat and tidy at all times during the construction period.

### **21 Occupational Health and Safety Representatives and Committees**

The Principal Contractor shall appoint Health and Safety Representatives and they shall form part of a statutory Health and Safety Committee.

## **22 Notification of Construction Work**

The Principal Contractor who intends to carry out any construction work shall before carrying out that work notify the Provincial Director, at the Department of Labour, in writing of the construction work if it includes:

- a) The demolition of a structure exceeding 3 meters;
- b) The use of explosives to perform construction work;
- c) The dismantling of fixed plant at a height greater than 3 meters;

Before carrying out that work, notify the Provincial Director in writing when the construction work

- a) Exceeds 30 days or will involve more than 300 person days of construction work;
- b) Included excavation work deeper than 1 meter, and
- c) Includes working at a height greater than 3 metres above the ground or on a landing.

The notification to the Provincial Director contemplated in sub-regulation (1) of the Construction Regulations must be done on a form similar to Annexure A of the said Regulations.

A Principal Contractor shall ensure that a copy of the contemplated form Annexure A of the Construction Regulations is kept on site for inspection by an inspector, client, client's agent or employee.

## **23 Site Hand-over**

Before the Principal Contractor starts with the required construction work, the site must be formally handed over to the Principal Contractor by Project Manager. During this meeting all occupational health and safety requirements applicable are to be defined, confirmed and signed off.

## **24 The Identification of Occupational Health and Safety Hazards**

- a) The Principal Contractor shall, before proceeding with work, visit and inspect the site and shall establish whether there are any additional hazards to the health and safety of persons involved, in any work, which is to be performed there. The Principal Contractor shall report any additional hazards identified to the Project Management Clerk of Works.
- b) Each person working on a site or visiting a site, and the surrounding community shall be made aware of the dangers likely to arise from operations at the site and the precautions to be observed to avoid or minimise those dangers. The necessary signage shall be posted at all times.

## **25 Reporting for Duty**

The Principal Contractor and/or its' designated person appointed in terms of Section 16 (2) of the Occupational Health and Safety Act shall report to the designated Eskom Distribution Representative prior to commencing work at the premises.

## **26 On Site Risk Assessments**

- a) A risk assessment shall be conducted in accordance with Regulation 7 of the Construction Regulations.
- b) An On site toolbox talk including a risk assessment shall be conducted prior to the commencement of work. The team leader, after conducting pre-task planning and after facilitating the On site risk assessment shall share all the tasks at hand, the identified risks and control measures with all his

team members before commencing a specific task. This shall be done to ensure common understanding of the tasks, risks and control measures required.

## 27 Supervision of Contractor Employees

- a) The supervision of contractor employees performing construction work shall be executed in terms of Regulation 6 of the Construction Regulations.
- b) The Principal Contractor shall ensure that the work is performed under the close supervision of a contractor's employee.
- c) The Principal Contractor shall ensure that the Supervisor has been trained to identify and understand the hazards associated with the work and have the authority to ensure that precautionary measures prescribed by the OHS Act and Eskom Distribution are implemented.
- d) The Principal Contractor shall strictly enforce discipline against any of his/her employees regarding non-compliance by such employee with any health and safety requirement.
- e) The Principal Contractor shall not permit the use of any unsafe machinery, plant, equipment, vehicle (including cranes, hoists and forklifts), substances, article, material, tool, protective equipment, ladder or scaffolding on Eskom Distribution premises.
- f) The Principal Contractor shall not permit any of his/her employees to use any material, machinery or equipment of Eskom Distribution unless the prior written consent of the Company has been obtained.

## 28 Fall Protection

The Principal Contractor shall designate a competent person to prepare a fall protection plan, which will include a risk assessment of all work carried out from an elevated position. This shall be done in accordance with Regulation 8 of the Construction Regulations and DISASABW3: Standard for a Fall Arrest System.

## 29 Structures

- a) The Designer shall before the contract is put out to tender, make available to the Client (the requestor) all relevant information about the design which may affect the pricing of the construction.
- b) The Designer shall also be required to inform the Principal Contractor in writing of any known or anticipated dangers or hazards related to the construction work. The following information should be made available:

- a geo-science technical report where appropriate;
- the loading the structure is designed to withstand ;
- the methods and sequence of construction.

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In accordance with Regulation 9 of the Construction Regulations.

## 30 Vehicles and Mobile Equipment

- a) All vehicles and earth-moving or materials-handling equipment should:

1)3.1 be of good design and construction taking into account as far as possible ergonomic principles particularly with reference to the seat; ← - - - - Formatted: Bullets and Numbering

2)3.2 be maintained in good working order;

3)3.3 be properly used with due regard to health and safety;

**4.3.4** be operated by workers who have received appropriate training, by their employers, in accordance with legislative requirements.

**5.3.5** All drivers have the relevant valid licences.

- b) No vehicles shall carry passengers unless it is specifically designed to do so.
- c) The employer of all drivers and operators of vehicles and earthmoving or materials handling equipment shall ensure that the employees are medically fit, trained and tested in accordance with legislative requirements.
- d) On all construction sites on which vehicles, earthmoving or material handling equipment are used:

**4.4.1** safe and suitable access ways should be provided for them;

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**2.4.2** traffic should be organised and controlled as to secure their safe operation.

- e) Adequate signalling or other control arrangements or devices should be provided to guard against danger from the movement of vehicles and earth moving or material-handling equipment. Special safety precautions should be taken for vehicles and equipment when manoeuvring backwards.
- f) The assistance of a trained and authorised signaller should be available when the view of the driver or operator is restricted. All involved should understand the signalling code.
- g) The Principal Contractor shall see to it that all his employees obey road traffic signs and speed limits at all times.
- h) Any person ignoring or violating traffic rules on site may be prevented from driving on the site or even prevented from entering the premises.
- i) When earth-moving or material-handling equipment is required to operate in dangerous proximity to live electrical conductors, adequate precautions should be taken, such as isolating the electrical supply or erecting overhead barriers of a safe height.
- j) Preventive measures should be taken to avoid the fall of vehicles and earth-moving or materials-handling equipment into excavations or into water.
- k) Contractor owned construction vehicles and mobile equipment shall be in a roadworthy condition at all times in accordance with the National Road Traffic Act. (Refer to Regulation 21 of the Construction Regulations for details of all requirements under the heading of Construction vehicles and mobile plant.)
- l) Contractor owned vehicles shall display their own company logo on their vehicles used during the duration of the Eskom Distribution contract.

## **31 Cranes**

Notwithstanding the provisions of the Driven Machinery Regulations promulgated by Government Notice No.R.533 of 16 March 1990, as amended, a Principal Contractor shall ensure that where tower cranes are used:

- a) account is taken of the effects of wind forces on the structure;
- b) account is taken of the bearing capacity of the ground on which the tower crane is to stand;
- c) the bases for the tower cranes and tracks for rail-mounted tower cranes are firm and level;
- d) the tower cranes are erected at a safe distance from excavations;
- e) there is sufficient clear space available for erection, operation and dismantling;
- f) the tower crane operators are competent to carry out the work safely; and

- g) the tower crane operators are physically and psychologically fit to work in such an environment by being in possession of a medical certificate of fitness in accordance with Regulation 20 of the Construction Regulations.

### **32 Excavations**

- a) The Principal Contractor shall conform to the requirements as prescribed under the Construction Regulation 11 when carrying out any excavation work.
- b) Adequate precautions should be taken in any excavation, shaft, earthworks, underground works or tunnel:
- 1) By suitable shoring or otherwise, to guard against danger to workers from a fall or dislodgement of earth, rock or other material.
  - 2) To guard against dangers arising from the fall of persons, materials or objects or the inrush of water into the excavation, shaft, earthworks, underground works or tunnel.
  - 3) To secure adequate ventilation at every workplace so as to maintain an atmosphere fit for respiration and to limit any fumes, vapour, dust or other impurities to levels which are not dangerous or injurious to health and are within limits laid down in legislative requirements.
  - 4) To enable the workers to reach safety in the event of fire, or an inrush of water or material.

### **33 Demolition Work**

- a) The Principal Contractor shall conform to the requirements as prescribed under the Construction Regulation 12 when carrying out any demolition work.
- b) When the demolition of any building or structure might present danger to workers or to the public:
- 1) Appropriate precautions, methods and procedures should be adopted, including those for the disposal of waste or residues, in accordance with legislative requirements.
  - 2) The work should be planned and undertaken only under the supervision of a competent person.

### **34 Tunnelling**

Any Contractor performing tunnelling activities shall comply with the Tunnelling Regulation as published under the Mine Health and Safety Act 1996 (Act No. 29 of 1996) as amended and Regulation 13 of the Construction Regulations.

### **35 Entering Confined Spaces**

- a) When Contractor employees have to enter a confined space or pipe, the Contractor must ensure that there is sufficient ventilation before entering the confined space.
- b) Measurements must be taken to see if it is safe to enter and a person must be on standby to supervise the process.

### **36 Lock out Procedure**

The Principal Contractor must ensure that his/her employees working in substations are trained to do so. If required they must get a competent person who is authorised to do lock outs.

### **37 Scaffolding**

All scaffolding work operations are carried out under the supervision of a competent person who has been appointed in writing and that all scaffold erectors, team leaders and inspectors are competent.

### **38 Suspended Platforms**

The Principal Contractor shall ensure that all suspended platform work operations are carried out under the supervision of a competent person who has been appointed in writing and that all suspended platform erectors, operators and inspectors are competent to carry out their work. The Principal Contractor shall ensure that proof of their training is kept on site. (In accordance with the requirements of the Constriction Regulation 15)

### **39 Boatswain's Chairs**

The Principal Contractor shall ensure that the boatswain's chair is securely suspended and constructed in such a manner to prevent any occupant from falling there from. Ensure inspections are carried out prior to use and performance tests are carried out immediately after erection and a visual inspection daily.

### **40 Material Hoists**

A Principal Contractor shall ensure that every material hoist and its tower have been constructed of sound material in accordance with the generally accepted technical standards and are strong enough and free from defects.

### **41 Welding and Flame Cutting**

The Principal Contractor shall ensure that no welding or flame cutting is undertaken unless:

- a) The person has been fully instructed in the safe use of the equipment and in the hazards that may arise.
- b) He must ensure that all electrodes are effectively insulated.
- c) Area adequately ventilated.
- d) The workplace is effectively partitioned off and the relevant warning signs displayed.
- e) The Principal Contractor must ensure that when welding or flame cutting is undertaken, all flammable materials are removed or properly covered and that sufficient and suitable fire extinguishing equipment is placed at strategic locations.

### **42 Hand Tools and Safeguarding of Machinery**

- a) Machinery and equipment, including hand tools, should:

- 4)5.1** be of a good design and construction, taking into account, as far as possible, health and safety and ergonomic principles;
- 2)5.2** be maintained in good working order;
- 3)5.3** be used only for the work for which they have been designed unless a use outside the initial design purpose has been assessed by a competent person who has concluded that such use is safe;
- 4)5.4** be operated only by workers who have been authorised and given appropriate training;

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**5.5.5** be provided with protective safety devices including guards, shields, earths, tools, barricades, vehicles, chains, ropes, and all relevant safety signs.

- b) As far as practicable, safe operating procedures should be established and used for all machinery and equipment.
- c) Operators of machinery and equipment should not be distracted while work is in progress.
- d) Machinery and equipment should be switched off when not in use and isolated before any major adjustment, cleaning or maintenance is done.
- e) Where trailing cables or hose pipes are used they should be kept as short as practicable and not allowed to create a safety hazard.
- f) A maintenance programme shall be implemented on all items of equipment and proper records shall be kept of inspections, testings and work performed on these items, as required by the Occupational Health and Safety Act.
- g) The Principal Contractor shall be responsible for inspecting and maintaining all his own tools, equipment and personal protective equipment.
- h) The Principal Contractor shall enforce the correct application, maintenance and use of the equipment and tools.

#### **43 Explosive Powered Tools**

- a) The use of explosive power tools shall be executed in accordance with Regulation 19 of the Construction Regulations.
- b) No Principal Contractor shall use or permit any person to use an explosive powered tool, unless:
  - 1) It is provided with a protective guard around the muzzle end, which effectively confines any flying fragments or particles; and
  - 2) The firing mechanism is so designed that the explosive powered tool will not function unless—
    - it is held against the surface with a force of at least twice its weight; and
    - the angle of inclination of the barrel to the work surface is not more than 15 degrees from a right angle:

Provided that the provisions of this sub-regulation shall not apply to explosive powered tools in which the energy of the cartridge is transmitted to the bolts, nails or similar relevant objects by means of an intermediate piston which has a limited distance of travel.

#### **44 Electrical Installations and Machinery on Construction Sites**

- a) In terms of electrical installations and machinery on construction sites Regulation 22 of the Construction Regulations will apply.
- b) All electrical equipment and installations shall be constructed, installed and maintained by a competent person, and so used as to guard against danger.
- c) Before construction commences and during the progress thereof adequate steps shall be taken to ascertain the presence of and to guard against danger to workers from any live electrical cables or apparatus which is under, over or on site.
- d) All parts of electrical installations should be constructed, installed and maintained so as to prevent danger of electrical shock, fire and external explosion.
- e) All electrical appliances and outlets should be clearly marked to indicate their purpose and voltage.
- f) A notice or notices should be kept exhibited at suitable places:

**1)6.1** Prohibiting unauthorised persons from entering electrical equipment rooms or from handling or interfering with electrical apparatus.

**2)6.2** Containing direction as to procedures in the case of fire, rescue of persons in contact with live conductors and the restoration of persons suffering from electrical shock.

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**3)6.3** Specifying the person to be notified in case of electrical accident or dangerous occurrence, and indicating how to communicate with him.

- g) Persons having to operate electrical equipment shall be fully instructed as to any possible dangers of the equipment concerned.
- h) All electrical equipment should be inspected before it is taken into use to ensure that it is suitable for its proposed use.
- i) After the work has been completed on conductors and equipment, the current should only be switched on again on the orders of a competent person after the earthing and short-circuiting have been removed and the workplace reported safe.

#### **45 Stacking and Storage of Articles**

- a) The stacking and storage of articles on construction sites shall be undertaken in terms of Regulation 26 of the Construction Regulations.
- b) The Principal Contractor shall ensure that stacks are safe.
- c) Stacking is to be executed by a person with specific knowledge and experience of this type of work.

#### **46 Vessels Under Pressure**

The Principal Contractor shall ensure that an Approved Inspection Authority tests all compressors and other pressure vessels the contractor intends to use on the specific site. Gas cylinders must always be stored in an upright position and properly chained. (Vessels Under Pressure Regulations 15, 16 and 17)

#### **47 Water Environments**

A Principal Contractor shall ensure that where construction work is done over or in close proximity to water he/she shall ensure that measures are taken to prevent employees from falling into the water and ensure that rescue equipment is available, in accordance with Regulation 24 of the Construction Regulations.

#### **48 Record Keeping**

It is recommended as a result of, the onerous requirements stemming from the Construction Regulations that Line Management (the Client requesting the service) keep copies of all Contractor health and safety plans indefinitely depending on the nature of the risks that were identified in the required risk assessments.

**Annex C**  
(informative)

## **Energy Control Unit (ECU) Installations Contract Guidelines**

These are the requirements that Eskom Distribution should include in its contracts with Principal Contractors, who will install or replace energy control units (ECU's) on its' behalf, to ensure that the practices of the Principal Contractors comply with the applicable Eskom Distribution requirements in terms of compliance to the relevant Eskom exemption.

### **1 Occupational Health and Safety Act Requirements**

The following clauses based on the Occupational Health and Safety Act must be included in the contract.

#### **1.1 Undertakings**

- a) The Principal Contractor must undertake, warrant and assume responsibility for compliance with the provisions of the Occupational Health and Safety Act in terms of Section 37(2).
- b) The contract, drawn up by the Procurement Department, must in writing set out the arrangement and procedure to ensure compliance by the Principal Contractor with the provisions of the Occupational Health and Safety Act.

#### **1.2 In Practical terms this will entail a Checklist:**

- a) Agreed control measures to administer Eskom's exposure.
- b) Checklist of compliance and submission of a Certificate of Appointment of 16(1) and (2) delegated senior persons, competent persons, accredited persons, training and supervision, written work procedures, adequate first aid facilities and PPE.
- c) The Principal Contractor must assume responsibility in terms of OHS Act Section 16(1) and if the Principal Contractor delegates any duty in terms of OHS Act Section 16(2), a copy of such written delegation must immediately be handed over to the Eskom Distribution Project Manager.
- d) The Principal Contractor must be barred from signing any undertaking in terms of OHS Act Section 10(4) without the written approval of Eskom Distribution.
- e) The Principal Contractor must irrevocably declare that Eskom Distribution shall have an interest in any inquiry in terms of Section 31 and 32 into any incident involving the Principal Contractor, its employees and/or his sub-contractors.

### **2 General Requirements**

#### **2.1 Principal Contractor**

The criteria to be used in determining who a Principal Contractor is, is as follows, "It is any person or registered business doing work on behalf of Eskom Distribution". It is important to clarify this, because it would be of no use to Eskom Distribution to conclude a contract with a contractor who in turn will enter into a contract with a sub-contractor because the sub-contractor will not be a party in the original contract between Eskom Distribution and the Principal Contractor.

The Principal Contractor must, therefore, agree that he will not sub-contract without Eskom Distribution's written approval. The policy should, therefore, be that a written contract in terms of OHS Act Section 37(2) be entered into between Eskom Distribution and each Principal Contractor and they in turn with their Sub-contractors.

DOCUMENT CLASSIFICATION: **CONTROLLED DISCLOSURE**

<b>HEALTH AND SAFETY REQUIREMENTS TO BE</b>	Reference:	<b>34-333</b>
<b>MET BY PRINCIPAL CONTRACTORS EMPLOYED</b>	Revision:	<b>1</b>
<b>BY ESKOM DISTRIBUTION</b>	Page:	<b>43 of 56</b>

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## **2.2 Insurance**

- a) The Contractor must warrant that his employees are covered in terms of the Compensation for Occupational Injuries and Diseases Act, 1993, and that those employees earning in excess of the amounts defined in the Act also have adequate cover.
- b) It may also be necessary to look at public liability cover.

## **2.3 Other Terms**

The rest of the terms will be those standard in a contract and/or its annexes, and it is preferable that the person who signs the contract must be the OHS Act 16(2) delegated person. This will ensure that Eskom Distribution will at all material times deal with the person who is operational and carries responsibility in terms of the Occupational Health and Safety Act.

**Annex D**  
(informative)

**Electricity Dispenser (ED) installations – Contract Guidelines**

In the case where a Principal Contractor is contracted in to install an Electricity Dispenser (ED) on Eskom Distribution's behalf, the same Contractor may also, for example, accept a contact from the customer to connect his electrical installation to the electricity supply and issue the customer with a Certificate of Compliance (CoC).

Eskom Distribution and a Principal Contractor are free to conclude any contract between them. See the minimum requirements as set out in - Energy Control Unit installations contract guidelines.

The Principal Contractor is not an employee of Eskom Distribution and, therefore is entitled to participate in any economic activity of his choice **insofar as that does not contravene the agreement with Eskom.**

If there is a clause on time management in the contract between Eskom Distribution and the Principal Contractor, there is no reason why the Principal Contractor should not accept other work.

The South African courts have traditionally relied on the so-called "control test" to determine whether the relationship between two persons is that of a "master and servant" or that of an "employer and independent contractor."

In *Smith v. Workmen's Compensation Commissioner* 1979(2) SA 51(A) the position was set out as follows:

*The legal characteristics of a location conduction operarum (dienstcontract) in Roman-Dutch Law is the duty of the employee (locator operatum) to obey the lawful commands, orders or instructions of his employer (conductor operarum) has concomitant right under (location conduction operarum) to supervise and control the manner in which the employee (location operarum) is to perform his services.*

*Control is a wide concept. It includes inter alia the right to decide what work is to be done, the manner in which it is to be done, the means to be employed in doing it, the time and place where it is to be done.*

The above text must guide Eskom Distribution not to conduct an Employer/Employee relationship in a contractual relationship with an Independent Contractor. The "dominant impression" test of the relationship is important. If the relationship is seen as defined in the above case, then and in that event, the Contractor is an employee and this means Eskom Distribution will be vicariously liable for the Contractor's acts and omissions.

**It is therefore advisable to contract with the Principal Contractor in such a manner that he retains his independence subject to the arrangement and procedure in terms of Section 37(2) of the Occupational Health and Safety Act.**

DOCUMENT CLASSIFICATION: **CONTROLLED DISCLOSURE**

**HEALTH AND SAFETY REQUIREMENTS TO BE  
MET BY PRINCIPAL CONTRACTORS EMPLOYED  
BY ESKOM DISTRIBUTION**

Reference: **34-333**  
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**Annex E**  
(informative)

**Acknowledgement of Receipt Form**

**HEALTH AND SAFETY REQUIREMENTS TO BE MET BY PRINCIPAL  
CONTRACTORS EMPLOYED BY ESKOM DISTRIBUTION**

We ..... have been  
engaged by ..... to perform work under a  
contract.

We declare that we have familiarised ourselves with the requirements of the Occupational Health and Safety Act and related Legislation. We have also read and understand the health and safety rules governing our work at the above mentioned Company and agree to abide by them while on the premises.

I,.....do hereby acknowledge having  
received the Distribution Procedure 34-333: Health and Safety Requirements to be met by Principal  
Contractors employed by Eskom Distribution. I undertake to study and abide by these requirements at  
all times.

Furthermore, we undertake to explain the various rules and regulations to all our employees.

Signed at: ..... on the ..... day of ..... 20.....

\_\_\_\_\_  
Principal Contractor's Signature

\_\_\_\_\_  
Eskom Distribution – Project Manager

(The Project Manager shall keep the original on file and a copy shall remain with the Principal Contractor)

**Annex F**  
(informative)**Legal Compliance Guide when Appointing Principal Contractors  
Conducting Work on behalf of Eskom Distribution****General Matters****Responsible Eskom Distribution Manager dealing with Principal Contractor:**

Name: ..... Designation .....

Department: .....

Details of Principal Contractor:

Name of Principal Contractor: .....

Contact Person: ..... Tel: .....

Nature of work performed: .....

Duration of Contract: .....

Commencing date: ..... Completion date: .....

**IMPORTANT ISSUES THAT MUST BE IN PLACE**(Please indicate with a (✓) in the **Yes** or **No** box to the following questions)

	<b>Yes</b>	<b>No</b>
1. Section 37(2) OHS Act written agreement in place? (Reference- <b>34-333</b> )	<input type="checkbox"/>	<input type="checkbox"/>
2. Is Annexure E "Acknowledgement of Receipt" of 34-333, signed by Contractor?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the Contractor Registered with Compensation Commissioner (CC)?	<input type="checkbox"/>	<input type="checkbox"/>
4. Has the Contractor paid his/her assessment to CC? (Goodwill Certificates) (Annual Payment)	<input type="checkbox"/>	<input type="checkbox"/>
5. Have the Names of the Persons charged with the responsibilities of the Act been submitted to the Distribution Project Manager. (Section 16(2) OHS Act)	<input type="checkbox"/>	<input type="checkbox"/>
6. Have Health and Safety Reps. been appointed? (If employing more than 20 employees)	<input type="checkbox"/>	<input type="checkbox"/>
7. Is there a person with a valid first aid certificate? (Provide name to Distribution Project Manager if more than 5 employees are employed). (Are names submitted to Distribution Project Manager- GSR 3)?	<input type="checkbox"/>	<input type="checkbox"/>
8. Is high-risk work being performed as per the Distribution Critical Task List or as identified by the Contractor? (Contractor to provide a list of critical tasks that will be undertaken)	<input type="checkbox"/>	<input type="checkbox"/>
9. Are all the employees of the Contractor or Sub-contractors trained? (Obtain proof of training records)	<input type="checkbox"/>	<input type="checkbox"/>
10. Eskom Distribution will provide Eskom Distribution specialised training where applicable (See 34-146)	<input type="checkbox"/>	<input type="checkbox"/>
11. Does Contractor or Sub-contractor understand their duties in terms of this agreement?	<input type="checkbox"/>	<input type="checkbox"/>
12. Does the Contractor or Sub-contractor have a Health and Safety programme in place?	<input type="checkbox"/>	<input type="checkbox"/>
13. If working in close proximity of live apparatus, is <b>SCSASAAW8</b> issued to the contractor?	<input type="checkbox"/>	<input type="checkbox"/>
14. Is Contractor registered with UIF?	<input type="checkbox"/>	<input type="checkbox"/>

.....  
**Signed**.....  
**Date**

**Annex G**  
(informative)**List of Eskom Distribution Critical Tasks****Task Analyses – Most Critical Tasks**

<b>No</b>	<b>TASK</b>
1	Replace a pole mounted transformer
2	Work with/on extension/single ladders
3	Work with/on pedestal mounted ladders
4	Operate a vehicle mounted crane
5	Operate a vehicle mounted crane with a bucket attached
6	High voltage operating
7	Work in live chambers and prohibited areas
8	Operate metal clad switch gear
9	Replace a rotten/broker pole (intermediate single pole structure) manually A. Scenario 1 – Damaged pole still standing in position – Able to climb against with ladder (when pole is supported) B. Scenario 2 – Damaged pole still standing in position – Unable to climb against with ladder (partially burnt off, broken off, etc.)
10	Replace a rotten/broken pole (intermediate single pole structure) with a vehicle mounted crane
11	Build/maintain overhead lines (LV) under energised/dead lines (11/22 kV)
11a (i)	Build overhead lines (LV) under energised lines (11/22 kV)
11a (ii)	Maintain overhead lines (LV) under energised lines (11/22 kV)
11b (i)	Build overhead lines (LV) under dead lines (11/22 kV)
11b (ii)	Maintain overhead lines (LV) under dead lines (11/22 kV)
12	Work in an energised pillar box – Replace a circuit breaker
13	Cut a newly constructed line into an energised line (live tapping)
14	Work with chainsaws (petrol driven) and high cutters (mechanical)
15	Physical material handling
16	Vehicle risk management
17	Install pre-paid meters – Electricity dispenser (ED) and energy control unit (ECU)

**Annex H**  
(informative)**Example of a Principal Contractor's Monthly Incident/Accident Statistical  
Report**

(The frequency of submission to be determined and agreed upon contractually)

**Company Name:** .....**Physical Address:** .....**Name of the Principal Contractor's Responsible Person:** .....**Year:** .....

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Average Number of Employees per month</b>												
<b>a) Injury types</b>												
1. Fatal incidents												
2. Occupational Diseases												
3. Disabling injuries												
4. Medical incidents												
5. First aid incidents												
<b>b) Incident types</b>												
1. Vehicle incidents												
2. Environmental incidents												
3. Damage to property incident												
4. Public incidents												
5. Electrical contact incidents												
6. Near-miss incidents												

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Note: This information should be kept on site.

**Annex I**  
(informative)

**Health and Safety File**

- a) Contract appointing Contractor.
- b) Approved Health and Safety Plan.
- c) The Clients/agents project organogram.
- d) Company Health and Safety Policy.
- e) Agreements as contemplated in terms of Section 37(2) of the OHS Act.
- f) Organisational organogram (detailing all statutory appointments). List all possible appointments.

OHS Act, Section 17 – Appointment of the Health and Safety Representatives

Specific Construction Regulation Appointments:

Regulation 4 (1) (c) – Appointment of the Principal Contractor  
Regulation 4 (5) – Appointment of the Client Agent  
Regulation 5 (3) (b) – Appointment of the Contractor  
Regulation 6 (1) – Appointment of the Construction Supervisor  
Regulation 6 (6) – Appointment of the Construction Site Health and Safety Officer  
Regulation 7 (1) – Appointment of the Construction Site Risk Assessor  
Regulation 8 (1) (a) – Appointment of the Fall Protection Plan Developer  
Regulation 10 (a) – Appointment of the Formwork and Support Work Supervisor  
Regulation 11 (1) – Appointment of the Excavation Work Supervisor  
Regulation 12 (1) – Appointment of the Demolition Work Supervisor  
Regulation 14 (2) – Appointment of the Scaffolding Supervisor  
Regulation 15 (1) – Appointment of the Suspended Platform Supervisor  
Regulation 17 (8) – Appointment of the Material Hoist Inspector  
Regulation 18 (1) – Appointment of the Batch Plant Supervisor  
Regulation 19 (2) (g) (i) – Appointment of the Explosive Powered Tools Issuer  
Regulation 21 (1) (j) – Appointment of the Construction Vehicles and Mobile Plant Inspector  
Regulation 22 (e) – Appointment of the Temporary Electrical Installation controller  
Regulation 26 (a) – Appointment of the Stacking and Storage Supervisor  
Regulation 27 (h) – Appointment of the Fire Extinguisher Inspector

Copies of relevant Appointment letters.

Certificates of Compliance for electrical installations.

Exemptions and/or notifications.

COVID Registration



Registration number  
Letter of good standing



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Risk assessments and analysis

- Task analysis
- Risk assessments
- Safety work procedures
- Fall protection plan
- Fall protection risk assessment
- Scaffold plan and inspection records



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**HEALTH AND SAFETY REQUIREMENTS TO BE  
MET BY PRINCIPAL CONTRACTORS EMPLOYED  
BY ESKOM DISTRIBUTION**

Reference: **34-333**  
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In case of Modifications, the revised Health and Safety Specifications and Approved Health and Safety Plans and relevant Risk Assessments

Evacuation plans and Emergency contact details





PPE – Personal Protective Equipment



List of PPE  
Issue list  
Inspection of PPE  
Material Safety Data Sheets

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Training records

 The relevant training records of all employees  
 Health and safety induction  
 Risk assessment training  
 Responsible persons (ORHVS)

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Medical Records



Proof of medical surveillance plan

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Minutes of all site and statutory meetings



Agenda  
Minutes

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Incident reporting and investigation reports



Report of incident to the Department of Labour  
Report of incident to Eskom Distribution (The Project Manager)  
Report to COID  
OHS Act Annexure 1  
Proof of follow-up and close out of incident recommendations  
Non conformance reports  
Disciplinary action records

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Monthly Audit reports

Maintenance Plans for Machinery and equipment

Project Close-out/review reports

**Annex J**  
(informative)

**Health and Safety Plan**

Copy of the Health and Safety Plan

- It must be available on site
- It must contain a copy of the organisational organogram specifically depicting the appointment of the Construction Supervisor

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OHS Act Appointments

- Copies of the relevant OHS Act appointments for that specific work site

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List of names of persons working under the supervision of the Construction Supervisor

Design and work specifications

- Technical drawings
- Technical specifications
- Relevant Eskom Policies, Standards and Procedures

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Risk analysis, Risk profiling and Job Observations

- Relevant task analysis
- On-site risk assessments
- Specific written safe work procedures
- Personal protective equipment (PPE)
- Proof of job observations conducted

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Sub-Contractors

- List sub-contractors and contract details (where applicable)
- Proof of sub-contractor competencies

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Site hand over

- Site hand over certificate on file
- Relevant authorisations
- Relevant permits e.g.:
  - ORHVS authorisations
  - Confined spaces
  - Hot work

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Inspections (site specific)

- Record of relevant / required inspections (site specific)

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Occupational Health and Hygiene Surveys

- Proof of survey reports (where applicable)

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Incident investigations

- Copies of the incident report to the Department of Labour
- Copies of the incident reporting to Eskom Distribution (Project Manager)
- Copies of report to COID (where applicable)
- Copies of OHS Act Annexure 1's

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## **Annex K**

### **Typical Health and Safety Inspections to cover the following (where applicable)**

**Note: This list is not in any order of priority**

- a) Fire
- b) First aid box and equipment
- c) Housekeeping
- d) Scaffolding
- e) Dangerous goods
- f) Demolition
- g) Earth leakage control inspection
- h) Electrical hazards
- i) Electrical installations
- j) Ergonomics
- k) Formwork and concreting
- l) Hand tools and equipment
- m) Hazardous substances
- n) Ladders
- o) Portable electrical lights tools and appliances
- p) Powered mobile plan
- q) PPE issue
- r) The use of PPE
- s) Public safety
- t) Roofing
- u) Site establishment
- v) Trenching and excavation

## **Annex L**

### **Impact Assessment**

**Impact assessment form to be completed for all documents.**

#### **1 Guidelines**

- ⦿ All comments must be completed.
- ⦿ Motivate why items are N/A (not applicable)
- ⦿ Indicate actions to be taken, persons or organisations responsible for actions and deadline for action.
- ⦿ Change control committees to discuss the impact assessment, and if necessary give feedback to the compiler of any omissions or errors.

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#### **2 Critical points**

**2.1 Importance of this document. E.g. is implementation required due to safety deficiencies, statutory requirements, technology changes, document revisions, improved service quality, improved service performance, optimised costs.**

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Comment: To ensure that Contractors working for Eskom Dx comply with All Legal and Eskom Health and Safety Requirements.

**2.2 If the document to be released impacts on statutory or legal compliance - this need to be very clearly stated and so highlighted.**

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Comment: Document requires compliance to the Occupational Health and Safety Act and the Construction Regulations of all Contractors employed by Eskom Distribution.

**2.3 Impact on stock holding and depletion of existing stock prior to switch over.**

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Comment: N/A - Does not apply to stock items.

**2.4 When will new stock be available?**

Formatted: Bullets and Numbering

Comment: See comment in 2.3. above

**2.5 Has the interchangeability of the product or item been verified - i.e. when it fails is a straight swop possible with a competitor's product?**

Formatted: Bullets and Numbering

Comment: See comment in 2.3. above

**2.6 Identify and provide details of other critical (items required for the successful implementation of this document) points to be considered in the implementation of this document.**

Formatted: Bullets and Numbering

Comment: Regions are required to hold induction training sessions to bring awareness to the nature and content of the document.

**Provide details of any comments made by the Regions regarding the implementation of this document.**

Comment: No comments which impact on the contents of the document.

**Annex L**  
(continued)

### 3 Implementation timeframe

**3.1 Time period for implementation of requirements.**

Formatted: Bullets and Numbering

Comment: Immediately

**3.2 Deadline for changeover to new item and personnel to be informed of DX wide changeover.**

Formatted: Bullets and Numbering

Comment: On publication of document

### 4 Buyers Guide and Power Office

**4.1 Does the Buyers Guide or Buyers List need updating?**

Formatted: Bullets and Numbering

Comment: No

**4.2 What Buyer's Guides or items have been created?**

Formatted: Bullets and Numbering

Comment: None

**4.3 List all assembly drawing changes that have been revised in conjunction with this document.**

Formatted: Bullets and Numbering

Comment: None

**4.4 If the implementation of this document requires assessment by CAP, provide details under 5**

Formatted: Bullets and Numbering

**4.5 Which Power Office packages have been created, modified or removed?**

Comment: None

### 5 CAP / LAP Pre-Qualification Process related impacts

**5.1 Is an ad-hoc re-evaluation of all currently accepted suppliers required as a result of implementation of this document?**

Formatted: Bullets and Numbering

Comment: Yes

**5.2 If NO, provide motivation for issuing this specification before Acceptance Cycle Expiry date.**

Formatted: Bullets and Numbering

Comment: Document

**5.3 Are ALL suppliers (currently accepted per LAP), aware of the nature of changes contained in this document?**

Formatted: Bullets and Numbering

Comment: Procurement dept to supply copy of contract to Contractors/Supplier

**Annex L**  
(continued)

**5.4 Is implementation of the provisions of this document required during the current supplier qualification period?** Formatted: Bullets and Numbering

Comment: Yes

**5.5 If Yes to 5.4, what date has been set for all currently accepted suppliers to comply fully?** Formatted: Bullets and Numbering

Comment: Immediate

**5.6 If Yes to 5.4, have all currently accepted suppliers been sent a prior formal notification informing them of Eskom's expectations, including the implementation date deadline?** Formatted: Bullets and Numbering

Comment: To be done by Project Managers and Procurement dept.

**5.7 Can the changes made, potentially impact upon the purchase price of the material/equipment?** Formatted: Bullets and Numbering

Comment: No

**5.8 Material group(s) affected by specification: (Refer to Pre-Qualification invitation schedule for list of material groups)** Formatted: Bullets and Numbering

Comment: No

## **6 Training or communication**

**6.1 State the level of training or communication required to implement this document. (E.g. none, communicated, awareness training, practical / on job, module, etc.)** Formatted: Bullets and Numbering

Comment: Classroom awareness training

**6.2 State designations of personnel that will require training.** Formatted: Bullets and Numbering

Comment: All contractor working for Eskom Dx.

**6.3 Is the training material available? Identify person responsible for the development of training material.** Formatted: Bullets and Numbering

Comment: Yes

**6.4 If applicable, provide details of training that will take place. (E.G. sponsor, costs, trainer, schedule of training, course material availability, training in erection / use of new equipment, maintenance training, etc).** Formatted: Bullets and Numbering

Comment: Regional Risk Management to do training as and when required.

**6.5 Was Training & Development Section consulted w.r.t training requirements?** Formatted: Bullets and Numbering

Comment: Yes

**Annex L**  
(continued)

## 7 Special tools, equipment, software

**7.1 What special tools, equipment, software, etc will need to be purchased by the Region to effectively implement?** Formatted: Bullets and Numbering

Comment: None

**7.2 Are there stock numbers available for the new equipment?** Formatted: Bullets and Numbering

Comment: Not applicable

**7.3 What will be the costs of these special tools, equipment, software? None** Formatted: Bullets and Numbering

## 8 Finances

**8.1 What total costs would the Regions be required to incur in implementing this document? Identify all cost activities associated with implementation, e.g. labour, training, tooling, stock, obsolescence - None** Formatted: Bullets and Numbering

Comment:

Document to be submitted to Dx Risk Auditing System Work group for audit questions to be updated.

Impact assessment completed by:

Name: Sivendri Govender & Risk Management Standards Revisions Committee

Designation: Dx Group Risk Specialist – Policies and Procedures