

SITE SPECIFIC HEALTH AND SAFETY SPECIFICATION



***ISSUED IN TERMS OF THE OCCUPATIONAL HEALTH AND SAFETY ACT,
NO 85 of 1993 and CONSTRUCTION REGULATIONS 2014
FOR
..... PROJECT***

INDEX

No	Description	Legal Reference
1.	Definitions	
2.	Scope	
3.	Application for Construction Work Permit	CR 3 (1)
4.	Introduction to the Site Specific Health & Safety Specification	CR 5 (1) (b)
5.	Limitation of Liability	OHS Act – Section 37 (1 – 3)
6.	Purpose of the Construction Site Specific Health & Safety Specification (SSHSS)	
7.	Implementation of the Site Specific Health & Safety Specification	CR 5 (1) (b)
8.	Compensation for Occupational and Diseases	COIDA 61/1997 & CR 5 (1) (j)
9.	Notification of Construction Work	CR 4 (1)
10.	Competency	CR 5 (1) (h)
11.	Construction Safety Officer	CR 8 (5)
12.	Principal Contractor's Health and Safety File	CR 7 (1) (b)
13.	Principal Contractor's Health & Safety Plan	CR 5 (1) (a)
14.	Hazard Identification & Risk Assessment	CR 9
15.	Site Health and Safety Induction	CR 7 (5)
16.	Health & Safety Training and Ongoing Risk Competency	CR9 (3) (4)
17.	Inspection, Monitoring and Reporting	CR 5
18.	Incident Management	OHSA Sect 24, GAR 8 & GAR 9
19.	Audits and Inspections	CR 5 (1) (o) (p)
20.	Personnel Protective Equipment & Clothing	GSR 2
21.	Occupational Health and Safety Signage	GSR 2
22.	Pedestrian / Visitor Access and Traffic management	CR 23 (2) (b, c, d & j) SARTSM Vol.2 Chap 13
23.	Sub Contractors	CR 7 (1) (c – x)
24.	Night Work and After Hours Work	
25.	Facility Management	FR 2
26.	Health and Safety Representative and Committee	OHSA Sect 17 & 19
27.	Housekeeping & General Safeguarding & Stacking & Storage	CR 27 & CR 28
28.	Waste Management	CR 27

29.	Occupational Health	CR 7 (8) & ERFWP
30.	First Aid Management	GSR 3
31.	Non-compliances & legislative Contraventions	CR 5 (1) (o) (p)
32.	Fire Risk, Fire Extinguishers and Fire Fighting Equipment	CR 29
33.		
34.		
35.		

Annexure A - Contents and Numbering System for the Health and Safety Plan

Annexure B – Section 37 (2) Mandatory H&S Agreement

Annexure C – Notification of Construction Work - Annexure.2

Annexure D – Medical Certificate - Annexure.3

Annexure E - Contravention & Prohibition Notices

Annexure F – Principal Contractor Appointment Letter (CR 5 (1) (k)

Annexure G – Document Review Panel

1 DEFINITIONS

For the purpose of the Construction Health and Safety Specification, the abbreviations or definitions given hereunder shall apply:

- 1.1 “**Act**” refers to the Occupational Health & Safety Act No.85 of 1993 (as amended)
- 1.2 “**Agent**” refers to a competent person who acts as a representative for a client.
- 1.3 “**Client**” refers to the Nelson Mandela Bay Municipality
- 1.4 “**Competent person**” refers to a person who has in respect of the work or task to be performed the required knowledge, training and experience and, where applicable, qualifications, specific to that work or task: Provided that where appropriate qualifications and training are registered in terms of the provisions of the National Qualification Framework Act, 2000 (Act No.67 of 2000), those qualifications and that training must be regarded as the required qualifications and training; and is familiar with the Act and with the applicable regulations made under the Act; is familiar with the Act and with the applicable regulations in the Act.
- 1.5 “**Construction work**” refers to any work in connection with-
 - the construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure;
 - the construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer or water reticulation system; or the moving of earth, clearing of land, the making of excavation, piling, or any similar civil engineering structure or type of work;

- 1.6 **"Construction Work Permit"** Refers to a document the provincial director will issue to a client who has applied and intends to have construction work carried out. The Provincial Director will within 30 days of receiving the construction work permit application;
- assign a site specific number for each construction site
 - the site specific number contemplated in sub-regulation (3) must be conspicuously displayed at the main entrance to the site for which that number is assigned.
- 1.7 **"Contractor"** means an employer who performs construction work;
- 1.8 **"Construction manager"** refers to a competent person responsible for the management of the physical construction processes and the coordination, administration and management of resources on a construction site.
- 1.9 **"Construction supervisor"** means a competent person responsible for supervising construction activities on a construction site;
- 1.10 **"Contravention Notice"** means a written notice issued to workplace responsible person/s that relates to non-Compliance matters warranting management attention within a prescribed time frame
- 1.11 **SSHSS - Site Specific Health & Safety Specification** refers to a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work for the project;
- 1.12 **"H&S"** refers to Health and Safety.
- 1.13 **"HSF"** refers to a File, a record in permanent form, or other record containing the information in writing required by these Regulations; *[A Portfolio of Evidence consisting of 33 (thirty three) elements providing legislative required documentation and operational protocol documentation to mitigate, reduce or control the hazards and risks and to assist with the effective management of work activities on a construction site, presented to the Client for assessment and approval prior to mobilisation to the construction site for work under the Contract].*
- 1.14 **"HSP"** refers to a site, activity or project specific documented plan in accordance with the client's health and safety specification; *[a document systematic in method and approach, developed by the contractor which is included in the contractor's H&S File and arranged according to the client's "health and safety specifications" that references legislative requirements as well as project requirements pertaining to associated work(s) on a construction site and to ensure that hazards, according to their risk priority, are managed effectively and shall include all mobilisation and set-up activities that will be implemented on the construction site / work place in order to ensure a safe and healthy work environment].*

- 1.15 **“Medical certificate of fitness”** means a certificate contemplated in sub-regulation 7(8). A contractor must ensure that all his or her employees have a valid medical certificate of fitness specific to the construction work to be performed and issued by an occupational health practitioner in the form of Annexure 3.
- 1.16 **“NMBM”** refers to the Nelson Mandela Bay Municipality.
- 1.17 **“Notification of construction work”** means a documented notification by the contractor to the department of labour in writing when any construction work other than work contemplated in regulation 4(1).is to be performed.
- 1.18 **“OHS Act”** refers to the Occupational Health & Safety Act No 85, of 1993.
- 1.19 **“Principal Contractor”** means an employer appointed by the client (NMBM) to perform construction Work and to be in overall control and management of a part of, or the whole of a construction site.
- 1.20 **“Prohibition Notice”** means a written notice issued to workplace responsible person/s that relates to serious / critical OHS non-compliance matters warranting immediate seizure of work activities, to prevent potential fatal or catastrophic incidents occurring and issued to workplace for management’s immediate attention. No work may re-commence until the non-compliance/s have been attended to and the Prohibition Notice revoked.
- 1.21 **“Risk Assessment”** refers to the systematic & methodical assessment methodology utilised to identify hazards and risks to persons / plant and equipment and the corresponding listing of risk controls; the risk assessment must from part of the health and safety file to be applied on a site of works
- 1.22 **“Site”** refers to the NMBM operations, buildings, lands and other places, made available by the NMBM for the purposes of the Contract, on, under, over, in, or through which the construction work is to be executed or carried out.
- 1.23 **“SWP”** refers to a Safe Work Procedures which is a detailed and comprehensive procedure developed to ensure that adequate information and instruction regarding a task is adequately covered and is essential to ensure employee competence with the relevant task.
- 1.24 **“WI”** refers to a Work Instruction which is a work procedure developed specifically to minimise high risk work activity impacts on persons and or plant and equipment, and as referenced in the risk assessment process, that must be adequately mitigated and is essential to ensure employee competence with the relevant task.

2 SCOPE

- 2.1 This Site Specific Health & Safety Specification covers the requirements for addressing, mitigating and controlling Occupational Health and Safety related risks, problems, incidents and injuries On**project”** .
- 2.2 The scope addresses legal compliance, hazard identification, risk assessment, risk control methodology and the promotion of a health and safety culture amongst those working on the NMBM projects.

- 2.3 The Site Specific Health & Safety Specification contains clauses that are generally applicable to building, engineering and construction and imposes controls associated with activities that impact on human health and safety.
- 2.4 The Principal Contractor is required to comply with the provisions of the OHS Act, all applicable Regulations and this Site Specific Health & Safety Specification
- 2.5 The NMBM, through the Public Health Directorate will monitor the Principal Contractor's compliance with the requirements of the OHSACT, Regulations and their H&S Plan.
- 3 APPLICATION FOR CONSTRUCTION WORK PERMIT (CR 3 (1))** (*Refer: Department of Labour compliance requirements and Implementation timeframes*)
- 3.1 The Municipality shall apply for the above permit 30 days prior to the commencement of construction work that will be carried out.
- 3.2 Construction work can only commence after receipt of and confirmation of "Application for Construction Work Permit" and the assigning of a site specific number from the Provincial Director – DoL to the NMBM.
- 3.3 No construction work contemplated in sub-regulation 3 (1) may be commenced or carried out before the construction work permit and number contemplated have been issued and assigned.
- 3.4 The "Application for Construction Work Permit" shall be similar in format to Annexure 1 in the Construction Regulations.
- 3.5 A copy of the "Application for Construction Work Permit" to the Provincial Director and a copy of the construction work permit must form part of the Principal Contractor's site H&S File.
- 4. INTRODUCTION TO THE SITE SPECIFIC HEALTH AND SAFETY SPECIFICATION (CR 5 (1) (b))**
- 4.1 The NMBM aims to execute its health and safety duties as mandatory with the aim of 'zero harm to all'.
- 4.2 The NMBM is further committed to ensuring that the highest standards of health and safety prevail on construction sites.
- 4.3 For this purpose, the client's duty of the NMBM is bestowed on the Public Health Directorate, whose task it is to execute or manage all the statutory duties of the NMBM as mandatory for construction project works.
- 4.4 The Site Specific Health & Safety Specification is published in terms of the Occupational Health & Safety Act of 1993 (as amended), Construction Regulations No 37305 / 2014, sub-regulation 5 (1) (b). It applies to the Principal Contractor and to all other contractors and all persons who work on theproject.

- 4.5 The Construction H&S specification formulates the minimum requirements which must be met by Contractors and documented in the contractors' (1) health and safety plan and (2) subsequent H&S file. The specification is not a limited or exhaustive list of legal and corporate compliance requirements.
- 4.6 The Principal Contractor must appoint contractors, Refer: sub-regulation 7 (1) (c) (v) where applicable, for each part of the project and the contractor shall submit his H&S file in the prescribed format for approval to the Principal Contractor Refer: sub-regulation 7 (2) (b) before commencement of the construction work.
- 4.7 Additionally, to the requirements of sub-regulation 7 (1) (f), a Principal Contractor shall notify the NMBM of every H&S File which has been approved before commencement of the relevant contractor on the site.
- 4.8 Additional to the legal requirement of Construction Regulation Refer: sub-regulation 7 (2) (b) each sub contractor appointed by a contractor of the Principal Contractor, must submit his H&S File for approval to both the appointing contractor and the Principal Contractor; both the appointing contractor and the Principal Contractor shall approve the H&S File before commencement of the relevant construction work.
- 4.9 The Site Specific H&S specification does not replace the Construction Regulations, but is a specification as required in terms of the Regulations Refer: sub-regulation 5 (1) (b). Partial references to or quotes from the Regulations do not imply that the sections not referred to or quoted from are of lesser importance or are not applicable.
- 4.10 All Contractors are, at all times required to and will remain responsible to fully address all requirements and standards of the Occupational Health and Safety Act, Regulations and the full Construction Regulations in the Health and Safety Plan and the implementation thereof. The controls of the approved H&S plans must be strictly and comprehensively implemented and maintained by all contractors.
- 4.11 This Site Specific Health & Safety Specification must be included in all tender documents for construction work. It shall be known within the NMBM as the Site Specific Health & Safety Specification.
- 4.12 Through the Public Health Directorate, the NMBM may appoint an Agent who shall (inter-alia) be responsible for; (Refer: CR 5.5 / CR 5.6 / CR 5.7)
 - 4.12.1 Ensuring that the contents of the Principal Contractors' H&S Plan and H&S File cover the construction project OHS risk management requirements adequately.
 - 4.12.2 Confirming that the Principal Contractors' H&S Plan and H&S File (portfolio of evidence) meets legal , client specification and project Scope of Works requirements.
 - 4.12.3 Shall verify that it aligns to the Scope of Works, prior to submitting it to the NMBM (Client) (CR 5 (1) OHS division for assessment & final approval.
 - 4.12.4 The auditing of the Principal Contractors' site operations and the implementation and compliance to their Health and Safety Plan on-site.

4.12.5 Maintaining the document controls associated with the Site Specific Health & Safety Specification.

- 4.13 The Public Health Directorate shall ensure quality control of all agents appointed as and when and shall ensure that no person is appointed as agent, unless the Public Health Directorate is reasonably satisfied that the person it intends to appoint has the necessary registration, competencies and resource requirements to perform the duties imposed on a client by the statutes.

5. LIMITATION OF LIABILITY (OHSA – Section 37 (2))

- 5.1 The NMBM and its agent shall not be responsible for any acts or omissions of any Contractor which may directly or indirectly result from the application of the Construction Health & Safety Specification or any project specific version thereof.
- 5.2 Contractors must ensure that work, equipment, machinery, plant and work practices are, at all times, compliant to the legal requirements as these apply.
- 5.3 Contractors must ensure that where the scope of work is changed or where, for whatever reason, additional or new risks are identified the H&S plan is adapted accordingly. Any change to the H&S plan must be approved by the Public Health Directorate or its agent. No such work, not included in the approved H&S plan, may be commenced unless discussed and finally approved by the Public Health Directorate or its agent.
- 5.4 The NMBM agent shall ensure that the implementation of the Construction Regulations' and Client Requirements are fulfilled.
- 5.5 Any other potential responsibility on the part of the NMBM shall be dealt with in a Mandatory Agreement, as defined in Section 37(2) of the OHS Act. The Mandatory Agreement must be signed by both parties and included in the H&S File.
- 5.6 Each contractor shall enter into a Section 37(2) mandatory agreement with the Principal Contractor prior to starting work on the site. It is the responsibility of the Principal Contractor to ensure that each contractor has a completed and signed Section 37(2) mandatory agreement.

6. PURPOSE OF THE SITE SPECIFIC HEALTH AND SAFETY SPECIFICATION (SSHSS) (CR 5 (1) (b))

- 6.1 The purpose of the Site Specific Health & Safety Specification is for the specification to be used as a specific standard on which all Contractors' H&S Planning must be based pertaining to the**project**".
- 6.2 The Site Specific Health & Safety Specification will be applicable on the**project**".

7. IMPLEMENTATION OF THE CONSTRUCTION HEALTH AND SAFETY SPECIFICATION (CR 5 (1) (b))

- 7.1 This Site Specific Health & Safety Specification forms an integral part of the Project Contract, and Principal Contractors are required to make it an integral part of their contracts with subcontractors and suppliers. It will be disseminated by the relevant NMBM Supply Chain processes mandated accordingly, the designing of structures, and initiating of construction works which will ensure that it is included in the Tender Document(s) to prospective Principal Contractors.
- 7.2 The prospective Principal Contractors shall allow in their tenders for the cost of complying with the requirements of the Site Specific Health & Safety Specification. The H&S File shall outline a pro-forma budget and related costs example for occupational health and safety, applicable to each construction project.
- 7.3 The signing by the Principal Contractor of the Contract with the NMBM shall constitute acknowledgement that the Principal Contractor has familiarised himself with the content of the Site Specific Health & Safety Specification and that he will comply with all obligations in respect thereof.

8. COMPENSATION OF OCCUPATIONAL INJURIES AND DISEASES (COIDA NO.61 / 1997 & CR 5 (1) (j))

- 8.1 The Principal Contractor shall submit proof of registration as an employer, and proof of Good Standing with the COIDA Commissioner in the H&S File and prior to starting the work;
- 8.2 A copy of the Letter of Good Standing with the COIDA Commissioner must be included in the H&S File.

9. NOTIFICATION OF CONSTRUCTION WORK REFER: (CR 4 (1))

A contractor who intends to carry out any construction work other than work contemplated in regulation 3 (1), must at least 7 days before that work is to be carried out notify the provincial director in writing in a form similar to Annexure 2 if the intended construction work will-

- include excavation work;
- include working at a height where there is risk of falling;
- include the demolition of a structure; or
- include the use of explosives to perform construction work

10. COMPETENCY (CR 5 (1) (h))

- 10.1 The H&S File shall include signed letters of appointment of competent persons.
- 10.2 The competency of each person shall be documented in an attachment to the letter of appointment.
- 10.3 Such attachment shall contain verifiable evidence of the competent persons':
- 10.3.1 Knowledge; and
 - 10.3.2 Training; and
 - 10.3.3 Experience; and
 - 10.3.4 Qualifications specific to the work or task for which the appointee is competent.

10.4 The Principal Contractor shall include a competency matrix linking the competent employees, as per the organisational chart, to the competency required as a result of the risk assessment. The competency matrix forms part of the methodology for assessing the Principal Contractors' overall competence as required in Construction Regulation 5(1) (h).

11. CONSTRUCTION SAFETY OFFICER (CR 8 (5))

11.1 The Principal Contractor shall, after consultation with the client, having considered the size of the project, degree of danger or accumulation of potential hazards or risks on site, appoint a fulltime or part-time competent person as Construction H&S Officer in writing for the construction works. (*Refer appointment guideline*)

11.2 Proof of competence of the appointed construction safety officer must be included in the H&S File for approval by the NMBM. i.e.

- Recognised OHS Risk Management Qualification (SAMTRAC / MSRM / NADSAM etc)
- HIRA
- Incident Investigation / SCAT / RCAT
- Legal Compliance / Acts
- SACPCMP Registration (proof of)
- Etc, etc

Critical Issue: Appointment of a full-time or part-time CHSO - Appointment Guidelines: (*these guidelines are not exhaustive in its intention to assist with the appointment criteria of a CHSO on construction projects (Refer CR 8 (5), nor is it a replacement i.r.o duties of contractors as an employer to apply due diligence in complying with the intent and requirements of the OHS Act 85 / 1993 (as amended) and specifically w.r.t Construction Regulations 2014)*)

Item	Project Description	CHSO Appointment	
		Full-time	Part-time
1	Large building / Structural engineering projects	✓	
2	Sewerage augmentation projects	✓	
3	Storm water augmentation projects	✓	
4	Potable water augmentation projects	✓	
5	Multiple contractors on site	✓	
6	Housing & township development projects	✓	
7	Road work network projects	✓	
8	Small road repair works (<i>no significant interference with traffic / pedestrian traffic flows</i>)		✓
9	Road reserve works (<i>no significant interference with traffic / pedestrian flows</i>)		✓
10	Sewerage, storm water projects, sub-station or WTW in outlying / secluded areas (<i>(not interfering with traffic / pedestrian / community traffic flows)</i>)		✓

12. PRINCIPAL CONTRACTOR'S HEALTH & SAFETY FILE (CR 7 (1) (b))

- 12.1 The Principal Contractor shall provide and maintain an H&S File, containing all relevant documents as prescribed in the OHS Act and Regulations and all records referred to in the H&S Plan.
- 12.2 The H&S file, in its original start-up format, shall be presented to the Public Health Directorate (OHS Division) inclusive of the H&S plan for final approval.
- 12.3 The Public Health Directorate (OHS Division) shall assess and discuss, where applicable the contents of the H&S File with the Principal Contractor
- 12.4 The H&S File shall include an index as per Annexure A.
- 12.5 The H&S File shall be kept on the construction site and available for inspection by the NMBM, it's Agent, or the Department of Labour's Inspectors.
- 12.6 The H&S File becomes the property of the NMBM after completion of the project.

13 PRINCIPAL CONTRACTOR'S HEALTH & SAFETY PLAN (CR 5 (1) (a))

- 13.1 The Principal Contractor's H&S Plan must be a site, activity or project specific documented plan in accordance with the client's health and safety specification.
- 13.2 The Principal Contractor shall submit the H&S Plan to the Public Health Directorate, in accordance with legal requirements sub-regulation 7 (1) (a) and the Construction Health & Safety Specification, prior to work starting.
- 13.3 The Principal Contractor's H&S Plan shall be evaluated and where found compliant according to the project scope of work, be preliminary approved by the Client's appointed H&S Agent (where applicable), and then thereafter be handed over to the Public Health Directorate, OHS Division, for final assessment and approval prior to the site being handed over to the Principal Contractor.
- 13.4 The content of the H&S Plan shall follow a specific order and include the following as a minimum:
 - 13.4.1 An index of the H&S Plan.
 - 13.4.2 A detailed overview of the scope and activities of the project; such overview must identify all activities of the project in a chronological manner, following the planned progress of the project; the scope must include all work done by sub contractors.
 - 13.4.3 A page indicating:
 - 13.4.3.1 The contract reference;
 - 13.4.3.2 The name and address of the Principal Contractor and its CEO;
 - 13.4.3.3 The name and signature of the designated person in terms of the Construction Manager and of the Construction Supervisor;
 - 13.4.3.4 A space for the client and Agent to sign for approval;

- 13.4.4 The Principal Contractors' Occupational Health and Safety Policy.
 - 13.4.5 An overview of the machinery and plant used in the project.
 - 13.4.6 An organisational table of the competent staff deployed in the project, which identifies legal appointments and responsibilities (see Annexure C); the table must refer to the proof of competence of each person.
 - 13.4.7 A hazard identification and risk assessment process based on the scope of work.
 - 13.4.8 A hazard identification and risk assessment procedure, monitoring and review process.
 - 13.4.9 An overview of the management controls, with reference to the hazard identification and risk assessment, to ensure compliance with legislation and the relevant sections of the Site Specific Health & Safety Specification these controls shall be referenced to documented method statements, risk assessments, SWP and WI's addressing engineering- and administrative risk control.
 - 13.4.10 All relevant documents, appointment letters, programmes, instructions, inspection register templates, etc. must support each section of the H&S Plan. Where practical, such documents must be inserted in the H&S File; the H&S File, together with the H&S Plan must be submitted for assessment and approval by the Public Health Directorate.
- 3.4.11 The assessment systematically verifies compliance to the H&S Plan and with the statutory requirements as well as with the requirements in the H&S specification. The assessment is done in accordance with the NMBM H&S procedure for the assessment of construction H&S Files & H&S Plans.

14 HAZARD IDENTIFICATION AND RISK ASSESSMENT (CR 9)

- 14.1 Interfacing with the Public Health Directorate's H&S structures, a pre-construction baseline risk assessment shall be conducted by the NMBM project management team at the pre- construction work / project planning stage, prior to releasing it to any tender documentation.
- 14.2 The Principal Contractor shall appoint a competent person to perform an issue-based hazard identification and risk assessments. The competent persons' proof of training as a risk assessor shall be attached to the letter of appointment.
- 14.3 The baseline assessment shall be included in the H&S File.
- 14.4 Risk assessments of all risk-bearing activities identified in the scope of work shall form an integral part of the H&S File.
- 14.5 All risk assessments shall be conducted in terms of an acceptable and documented methodology, prior to commencement of work and in accordance with the provisions of the Construction Regulations. As a minimum standard, such risk assessments must be classified, identified and arranged as:

- 14.5.1 Task / activity no
- 14.5.2 Task / Activity description – sequentially as far as possible
- 14.5.3 Hazards & risks or combination thereof
- 14.5.4 Analysis and assessment (risk analysis and rating – Probability / Frequency / Consequence - Pure Risk
- 14.5.5 Preventative and control measures should include aspects such as:
 - Engineering controls
 - Training requirements
 - Monitoring activities – supervision included
 - Preventative measures
 - Administrative measures
 - PPE requirements

14.6 The methodology shall ensure that:

- 14.6.1 For each hazardous event, hazards must be identified separately and the risk assessment and identification of controls must be documented separately.
- 14.6.2 A risk register, must be included in the H&S File listing by number, the issue based risk assessments where applicable.

15 SITE HEALTH & SAFETY INDUCTION (CR 7 (5))

- 15.1 The Principal Contractor shall develop a job- or project-specific induction training programme in health and safety, based on the risk assessment, to ensure that all employees on site are conversant with:
 - 15.1.1 The risks of the construction project
 - 15.1.2 The controls documented in the H&S Plan
 - 15.1.3 The role they are expected to play in ensuring health and safety on the construction site.
- 15.2 No Principal contractor may allow or permit any employee or person to enter any site, unless that employee or person has undergone health and safety induction training pertaining to the hazards prevalent on the site at the time of entry.
- 15.3 The Principal contractor must ensure that all visitors to a construction site undergo health and safety induction pertaining to the hazards prevalent on the site and must ensure that such visitors have the necessary personal protective equipment.
- 15.4 The Principal contractor must at all times keep on his or her construction site records of the health and safety induction training contemplated in sub-regulation (6) and such records must be made available on request to an inspector, the client, the client's agent or the principal contractor;.

- 15.5 When working in or close to production areas or areas where the NMBM employees, visitors or stakeholders are working, each employee of a contractor accessing the site, including management, shall complete the NMBM induction; Each contractor shall ensure that none of his employees accesses the NMBM site/s unless having been inducted by the NMBM.
- 16. HEALTH AND SAFETY TRAINING AND ONGOING RISK COMPETENCY (CR 9 (3) (4))**
- 16.1 The Principal Contractor shall ensure that daily pre-task health and safety instructions are given to all employees.
- 16.2 The methods for ensuring that daily pre-task instructions or start-up talks or toolbox talks occur, including the method of documenting the contents and attendance recording, shall be described in the H&S Plan.
- 17. INSPECTION, MONITORING AND REPORTING (CR 5)**
- 17.1 The Principal Contractor shall carry out daily safety inspections on the site (or more frequent, where so required in the Regulations), and shall take steps to rectify any unsafe condition of which he is aware.
- 17.2 The H&S File shall contain an inspection schedule addressing all identified risks; the schedule and contents of the inspection shall be relative to the residual risks.
- 17.3 The Construction Supervisor and Safety Officer shall perform regular inspections and document these in the H&S File.
- 17.4 The relevant inspection templates and the frequency of inspections shall be included in the H&S File.
- 17.5 The H&S File shall contain a list and template of all statutory inspection registers which shall be kept on site.
- 18. INCIDENT MANAGEMENT [INCIDENTS, ACCIDENTS AND EMERGENCIES] (OHS – Section 24, GAR 8 & GAR 9)**
- 18.1 All near misses, incidents and accidents must be recorded, investigated and managed in accordance with the statutory provisions.
- 18.2 Each H&S incident and accident must be recorded in a register kept in the H&S file; a template of the register shall be included in the H&S File.
- 18.3 Every incident in which an employee sustains any form of injury shall be reported to the Public Health Directorate or its Agent within the working shift in which the incident occurs. Section 24 of the OHS Act and in accordance with regulations 8 and 9 of the General Administrative Regulations, 2003, incidents shall be reported in the prescribed manner to the Department of Labour, to the COIDA Compensation Commissioner in the prescribed manner [Annexure 1 & WCL2] and to the NMBM Public Health Directorate or its Agent.
- 18.4 A record of all incidents and investigations shall be kept.

- 18.5 A record / register [matrix] shall be kept to indicate the categories of injuries [first aid / IOD non-disabling, IOD Disabling and dangerous occurrences] sustained by employees, visitors and sub-contractors to date.
- 18.6 Each contractor shall ensure that a proper incident reporting and investigation management procedure is documented and a site emergency procedure is formulated, documented, implemented (drills) and is available on site, outlined in detail, and included in the H&S File. The emergency arrangements shall be displayed on site and shall include:
- 18.6.1 A comprehensive emergency and evacuation plan;
 - 18.6.2 An site specific emergency evacuation top down plan/flow chart;
 - 18.6.3 An updated list of emergency telephone numbers including those of fire, police, ambulance, medical & hospitals.
- 18.7 Emergency procedure(s) shall include, but not be limited to, fire, spills, accidents to employees and injury resulting from the use of hazardous substances, etc.
- 18.8 In the event of an emergency arising, the Principal Contractor shall advise the Directorate or its Agent in writing of the incident, together with a record of any action taken, within 24 hours of the emergency occurring

19. AUDITS AND INSPECTIONS (CR 5 (1) (o) (p))

- 19.1 The Public Health Directorate, OHS&W Sub Directorate, OHS Division and the appointed H&S Agent by arrangement (where applicable), shall perform regular inspections and audits of the construction site (CR (5)(1)(o) "at least once every 30 days") and the inspection / audit report shall be provided to the Principal Contractor and Public Health Directorate, OHS&W Sub Directorate within 7 days. Unsafe work will be stopped.
- 19.2 All inspections and audits are done in accordance with the NMBM H&S procedure for the audit and inspection of construction sites.
- 19.3 Records of audits shall be kept together with a record of any non-conformance report/s, investigation and corrective & preventative actions required by the Principal Contractor.
- 19.4 The Principal Contractor's H&S Plan shall document the corrective and preventative action procedure applicable to the project.
- 19.5 The Public Health Directorate, OHS&W Sub Directorate, OHS Division, or its appointed H&S Agent (where applicable) shall stop all or any work activity which does not conform to the H&S Plan, which is contradictory to statutory requirements or which poses a threat to the health and safety of persons.
- 19.6 The Principal Contractor shall conduct regular health & safety audits (at least once a month) to ensure compliance with the OHS Act, its Regulations and the Contractors' H&S Plan. Each contractor on site, whether appointed by the Principal Contractor or by any of his sub-contractors shall be audited by the Principal Contractor.
- 19.7 The H&S File of the Principal Contractor shall include a contractor's auditing procedure, template and schedule.
- Ph/ohs/Spec-Site Specific Health & Safety Specification

19.8 The Principal Contractor shall stop all or any work activity which does not conform to the H&S Plan, which is contradictory to statutory requirements or which poses a threat to the health and safety of persons.

20. PERSONAL PROTECTIVE EQUIPMENT (PPE) AND CLOTHING (GSR 2)

20.1 The Principal Contractor shall ensure that every employee is issued with, and wears SABS-approved PPE, consisting of all PPE identified in the PPE needs analysis and indicated in the risk assessment.

20.2 The Principal Contractor shall document the procedure applicable for the issue, use and replacement criteria of PPE in the H&S File.

20.3 All the contractors' employees shall wear; full length overalls, and shall wear clearly visible identification with respect to their employer.

20.4 Contaminated PPE shall be disposed of in the prescribed manner as referenced in the OHS Act – HCS Regulations and to an approved waste disposal site.

20.5 Furthermore, the Principal Contractor shall ensure that at the minimum (*but not limited to*), all employees on site shall comply with the following PPE requirements;

- Full length overalls
- Reflective vests
- Gloves
- Safety shoes – steel capped
- Gum Boots – water environment
- Rain Coats – inclement weather

20.6 The Principal Contractor shall also ensure that where there is a risk of falling objects (drop zone), all persons to wear hard hats.

21. OCCUPATIONAL HEALTH AND SAFETY SIGNAGE (GSR 2)

21.1 The Principal Contractor shall erect and maintain quality mandatory, warning, general information, prohibiting and fire fighting safety signage and the Principal Contractor shall ensure that such signage is available or visible in workplaces where maintenance work is performed. Absence there-of are to be reported to the NMBM representative for corrective actioning.

21.2 The signage shall reflect through text & symbolical means, all the risks identified in the H&S plan that necessitate the use of PPE as a control factor.

21.3 Where falling objects may occur, relevant barricading and warning signs must be erected;

22. PEDESTRIAN / VISITOR ACCESS AND TRAFFIC MANAGEMENT (CR 23 (2) (b, c , d & j) (SARTSM – VOL.2 – CHAPTER 13)

- 22.1 Where access to the construction site or to the NMBM has been identified as a risk, an 'Access and traffic' SWP or WI shall be included in the H&S File.
- 22.2 The risk of all traffic arrangements included in the scope of the work shall be assessed and a traffic control SWP or WI included in the H&S File.
- 22.3 Prescribed traffic and pedestrian control measures are to be implemented and maintained for the duration of the construction project works. (Ref. CR 23 (2) (b, c, d) & (j) & SATRSM Vol.2 Ch 13)
- 22.4 Appropriate health and safety signage shall be posted; the type of signage planned for must be documented in the H&S Plan.
- 22.5 The Principal Contractor shall ensure that each person visiting the site shall be inducted to the site and such abridged induction shall outline the hazards likely to arise from on-site activities and the precautions to be observed to avoid or minimise those risks. The template induction and record shall be included in the H&S File.
- 22.6 Where the need for public barricading is identified in the risk assessment or in a specific construction H&S Specification, the Principal Contractor shall document a SWP for the erection, maintenance and control of barricades or fences and controlled access points, to prevent the entry of unauthorized persons.
- 22.7 Where the need for traffic deviation is identified in the risk assessment or in a specific construction H&S Specification, the Contractor shall perform an issue based risk assessment and document a SWP compliant to the relevant traffic ordinances and traffic controls standards; the method statement shall include competence of traffic officers, flagmen and operators of traffic control equipment.

23. SUB-CONTRACTORS (CR 7 (1) (c – x)

- 23.1 Sub-contractors must be given a copy of this Construction H&S Specification and any additional specification issued by Principal Contractor, the NMBM or the Public Health Directorate, and shall comply with these specifications.
- 23.2 The Principal Contractor shall ensure that all sub-contractors on site, including sub contractors of his sub contractors, plan the construction work in an H&S Plan, approved by the Principal Contractor.
- 23.3 Principal Contractors shall ensure that sub-contractors comply with their H&S Plans, based on all applicable Construction H&S Specifications, the requirements of the OHS Act and all other relevant legislation.
- 23.4 Monthly audits of all sub-contractors must be recorded and filed in the H&S File, for inspection by the NMBM or its Agent.
- 23.5 All sub-contractor H&S Files must strictly follow the Contents and Numbering system as per Annexure A.
- 23.6 The H&S Plan must include the Principal Contractor's actions to ensure that all sub-contractors fully comply with the Regulations.

24. NIGHT WORK AND AFTER-HOUR'S WORK

- 24.1 No night work shall be performed unless authorised by the NMBM or its Agent.
- 24.2 Where applicable the risk assessment and method statements in the H&S File shall include night risks including but not limited to work sites, excavations, road obstructions, traffic obstructions or deviation, night security, after hours delivery.
- 24.3 Where applicable the risk assessment and method statements in the H&S File shall include after hour work and the safe management thereof.

25. FACILITIES MANAGEMENT [FACILITIES FOR EMPLOYEES] (CR 30 & FR 2)

- 25.1 The Principal Contractor shall document the construction site's methods to ensure the statutory application of employee's rights in terms of employee facilities as defined in the OHS Act, Facilities Regulations, 2004, and the Construction Regulation 2014.
- 25.2 Where the construction work includes access to production or utility areas, such access shall be planned and authorised by NMBM operational responsible person/s.

26. HEALTH AND SAFETY REPRESENTATIVES AND COMMITTEES (Section 17 & 19)

- 26.1 The Principal Contractor and all contractors must ensure that for any workplace where more than 20 employees work, the minimum legislative prescribed number of Health and Safety Representatives in a ratio of 1:50 employees be nominated, elected, designated in writing and trained to carry out their prescribed functions.
- 26.2 In areas where twenty (20) or less employees are engaged in an activity, at least one Health and Safety Representative shall be designated in writing and operate as above.
- 26.3 The Principal Contractor shall ensure that Health and Safety Committee meetings are held monthly and are chaired by the Construction Supervisor. Meeting agendas and minutes shall be filed in the H&S file. Alternatively, such structure may be incorporated into that of the NMBM existing structures.

27. HOUSEKEEPING, STACKING, STORAGE, DROP ZONES AND LAY-DOWN AREAS (CR 27 & CR 28)

DROP ZONE = *AN ELEVATED AREA WITHIN THE WORKING ENVIRONMENT WHERE THERE IS A POTENTIAL RISK OF FALLING MATERIALS AND OR OBJECTS THAT MAY CAUSE INJURIES*

LAY-DOWN AREA = *AN AREA WHERE MATERIALS, EQUIPMENT AND SUNDRY IS STAGED THAT IS REQUIRED FOR PROJECT RELATED PURPOSES*

- 27.1 The principal contractor shall appoint a person responsible for general housekeeping, and stacking and storage of materials and equipment on the entire site.

- 27.2 Where the baseline risk assessment *identified* the risk of falling tools, items, objects and materials, the area shall be barricaded or demarcated, appropriate warning signage installed and such hazards included in a method statement & issue based risk assessment prior to or when work activities are performed within such zones.
- 27.3 Furthermore, the same stipulation is required for site lay-down areas where equipment, plant, materials, substances and other items are stored / staged for the site project works.
- 27.4 Stacking and storage areas shall be clearly defined and demarcated on the site with the appropriate symbolic signs.

28. WASTE MANAGEMENT (CR 27)

- 28.1 The principal contractor shall appoint a person responsible for site-wide control & removal of scrap, waste and debris;
- 28.2 No waste, including scrap, debris, hazardous waste, combustible materials and containers shall accumulate on the construction site;
- 28.3 Hazardous waste (*liquid / Solids*) shall be disposed of in the prescribed manner and at HH disposal sites;
- 28.4 The principal contractor shall document a waste management SWP or WI in the H&S File.

29. OCCUPATIONAL HEALTH (CR 7 (8) & ERFWP)

- 29.1 The H&S File shall include medical certificates of fitness for all employees. (refer: CR 7 (8)).
- 29.2 Medical certificates must be issued by an occupational health practitioner (refer: CR 2014, Reg.7 (1) (g) after performing the medical tests.
- 29.3 Medical certificates must be on the prescribed Annexure.3 form and conform to the applicable statutory requirements. i.e
- 29.3.1 Health quest – comprehensive questionnaire i.r.o past, present & family related health conditions
 - 29.3.2 Audiogram – SANS 10083/2013
 - 29.3.3 Lung-function test
 - 29.3.4 Vision test
 - 29.3.5 Blood Pressure measurement (hypertension)
 - 29.3.6 HGT – blood glucose measurement
 - 29.3.7 Hepatitis A vaccination
 - 29.3.8 Fitness to perform work activities within Confined spaces & Use of Self Contained Breathing Apparatus Equipment
 - 29.3.9 Fitness for Working @ Heights and elevated positions etc
- 29.4 Medical certificates are valid for a period of 12 months (1 year).
- 29.5 Necessary vaccinations for Hepatitis – A, or other where deemed necessary, must be performed prior to the contractor's employees commencing work activities.

- 29.6 The H&S File shall also include procedures that must be followed to minimise or prevent Noise Induced Hearing Loss.
- 29.7 Where noise is identified as a hazard the requirements of the NIHL regulations must be complied with.

30. FIRST AID MANAGEMENT (GSR 3)

- 30.1 Principal Contractors & sub-contractors shall ensure that every site where they are engaged in work activities, has adequately trained first aiders at all times.
- 30.2 Where high risk substances, toxic, corrosive or similar hazardous substances are used, handled, or processed, the Principal Contractor shall ensure that the First Aider is trained in the first aid procedures to treat injuries that may result from such activities.
- 30.3 First aiders shall be identified and shall have immediate access to a comprehensively stocked first aid box.
- 30.4 Such first aid box/s shall be stocked to include all first aid equipment as per the minimum requirements listed under General Safety Regulation 3 & 4, and any additional items identified in the risk assessment.
- 30.5 All the above first aid controls, including the letter of appointment, proof of competency, signage, injury-record and stock-control registers shall be documented in the H&S File.

31. NON-COMPLIANCES & LEGISLATIVE CONTRAVENTIONS (CR 5 (1) (o) (p))

- 31.1 Compliance to OHS legislation shall be monitored via regular inspections & audits conducted by a member of the Public Health Directorate – mandated for OHS legal compliance, referencing relevant legislative requirements for operational and construction project works.(at least once a month)
- 31.2 Should any breaches or non compliances of OHS legislation and operational protocols be identified, the Public Health Directorate appointed OHS staff member must:
- Depending on the severity of the breach / non compliance, either stop the work activity or complete works and / or issue to the responsible person of that work place a Contravention Notice or Prohibition Notice.
 - A Contravention Notice issued will relate to less serious non-compliance matters but serious enough warranting management attention within a prescribed time frame
 - When a Prohibition Notice is issued warranting management immediate attention, it shall be for more serious / critical non-compliances that may result in fatal or catastrophic incidents occurring and all work activities must cease with immediate effect and shall not commence until the non-compliances have been rectified and the Prohibition Notice revoked.
 - The Public Health Directorate will inform workplace management teams accordingly where such Notices have been issued.

32. FIRE RISKS, FIRE EXTINGUISHERS AND FIRE FIGHTING EQUIPMENT (CR 29)

- 32.1 No open fires are allowed on site.
- 32.2 No smoking is allowed on site, except in designated smoke areas, identified in the H&S Plan.
- 32.3 All combustible and all flammable products must be stored in an adequate storage facility; this process shall be documented in a SWP or WI in the H&S File.
- 32.4 The Principal Contractor shall provide suitable fire extinguishers when working in workplaces outside of the normal NMBM operational installations, as defined in the H&S controls, which shall be serviced regularly, in accordance with the manufacturer's recommendations.
- 32.5 Safety signage shall be prominently displayed in all areas where fire extinguishers are located. The Principal Contractor shall arrange for the training of the relevant personnel, in the use of fire extinguishers.
- 32.6 The following are minimum requirements for competency in the use of a fire extinguishers:
 - 32.6.1 At least one employee on each construction site;
 - 32.6.2 All employees engaged in hot work;
 - 32.6.3 All store men;
 - 32.6.4 All persons involved in re-fuelling;
 - 32.6.5 All persons handling flammable substances;
- 32.7 The fire extinguisher inspection register, the inspection methodology and the letter of appointment of the competent inspector shall be included in the H&S File.

33. ????????????**34. ????????????**

ANNEXURE A – REVISION.7.1 (Edition 3 – 2016)

CONTENTS AND NUMBERING SYSTEM FOR THE HEALTH AND SAFETY FILE (H&S PLAN & PORTFOLIO OF EVIDENCE)

No	Element	Content & Guidelines
1	Index to H&S Plan / File	
2	Scope of Work	Describe site specific activities as per contract agreement
3	Application for Construction Work Permit Notification to Commence Construction Work	Client obtain from Department of Labour Both parties sign & dated
4	Contract Agreement CR 5 (1) (k) Contractor Appointment	Both parties sign & dated Both parties sign & dated
5	H&S Mandatary Agreement (S37 (2))	Both parties sign & dated
6	Client OHS Specification	Site Specific H&S Specification
7	Letter of Good Standing	Current or proof of submission
8	H&S Budget	Budget to reflect all expenses / cost i.r.o HS&E management - H&S Training - Symbolic signs - Personal Protective Equipment & Clothing - H&S Plan draft & submitted - External inspection & audits etc, etc
9	OHS Plans	- H&S Plan - Fall Protection Plan (as per project definition) - Environmental Management Plan (<i>"Process" Waste management / Spillage Control / Disposal certificates</i>) (as per project definition)
10	Method Statements	- All work activities & aligning to the relevant Risk Assessments (<i>Method Statements to be linked to each Risk Assessment and numbered accordingly</i>)
11	Hazard Identification Risk Assessments	- Risk Register - Risk Assessment Monitoring & Review Procedure - Baseline Risk Assessment - Issue Based Risk Assessment
12	Emergency Plan & Response	- Emergency Planning & Response Procedure - Emergency Contact Numbers & Detail - Emergency Procedure Flow Chart
13	OHS Policies	- OHS Policy - Environmental Policy - HIV / Aids Policy
14	Organisational Chart	- Site Specific organisation - Positions indicated legal reference - Person/s names - Inclusive of all employees on site

15	Appointments	- All appointments must be signed & dated - Appointments to be looped back to the organisational chart
16	Medical Certificates	All employees to have valid medical certificates of fitness
17	CV's & Competency Certification	- CV's - Competency Certificates
18	Site Induction & H&S Awareness Training	- Training Matrix / Record / SWP / WI / MS / RA / SAMTRAC / Fire Fighting / First Aid / Mobile Plant & equipment / IRCON / Supervisor Safety / HCS / PPE - Environment Awareness / HSR / Legal liability / - Risk Assessor / Incident Investigation / Site & Company Induction / Safety / Tool Box Talks / Safety Awareness Posters / Etc, etc
19	Accident / Incident Management including First Aid Facilities	- Section 24 Procedure – Annexure.1 & WCL.2 - Injury recording - Incident investigation - Non compliance reporting - Preventative & corrective actions
20	Construction Plant, Machinery & Equipment Management	Mobile plant, machinery, equipment & tools inventory - Vehicles / Mobile Crane / Skyjacks & Material Hoist / Compactors / TLB's / Batch Plants / Hand tools / Portable electrical equipment etc
21	Access, Traffic Control & Public Safety Management	- Security - Employee / Visitors / Public - Vehicular
22	Hazardous & Flammable Substance Management	- MSDS - Handling, use, storage & disposal procedures / instructions
23	Safe Work Permits	- Confined space permit - Hot work permit - Working at heights permits - Hazardous Chemical Substance Permits - Energy lockout permit - Excavation Permit etc, etc
24	Daily Safe Task Instruction (DSTI)	- DSTI (<i>must loop back to the risk assessment</i>)
25	Inspection Registers & Certificates (C.O.C)	- Plant, machinery & equipment inspection registers - Excavation inspection register - PPE inspection register - Stacking & Storage inspection register - Housekeeping Inspection register etc, etc
26	Facilities Management Procedures (male / female)	- Washing - Sanitary - Change room - Sheltered Eating - Accommodation / Transportation
27	PPE Management	- PPE Needs Analysis - PPE Issue record
28	Contractor Management	- H&S Agreement (S37(2) (signed) - CR 5 (3) (b) - Appointments (signed)

29	Safe Work Procedures and or Work Instructions	- Hearing conservation / Decanting / Excavations / Working at Heights / Confined Spaces / Housekeeping & Hygiene / Stacking & Storage / Electrical Powered / Drilling / Electrical Powered Cutting & Grinding / Petrol Driven Concrete Cutter / Manual Screed Machine / Handling / Arc Welding / Concrete Pouring / Form Work / Electrical Lockout / Gas Cylinders / Portable Electrical Equipment / Traffic & Pedestrian Control / Fire Risks - Incident reporting & investigation / Fall Protection / Mobile Crane & Lifting Operations / Mobile Plant & Equipment / Flammable Liquid Storage / Aerial Lift Platform / Gas Welding / Load & off Load Plant & Equipment / Drop Scaffolding / Scaffold Erect & / Dismantle / Skill Saw Use etc, etc
30	H&S Inspections & Audits	- Internal & External
31	Legal Requirements	- OHSA 1993 - COIDA - Construction Regulations - By-Laws - BCEA - Signs & Notices etc, etc
32	H&S Committee	- H&S Committee minutes - Committee member appointment
33	Record Keeping Management	▪ Completed Audits ▪ Inspection Registers ▪ Checklists etc, etc

ANNEXURE (B)**SECTION 37(2) MANDATORY H&S AGREEMENT:****WRITTEN AGREEMENT ON
OCCUPATIONAL HEALTH AND SAFETY**

In accordance with the provisions of Section 37(2) of the Occupational Health and Safety Act 85 of 1993 as amended

AS ENTERED INTO BY AND BETWEEN

(Hereinafter referred to as "the Employer")

AND

(Hereinafter referred to as "the Mandatory")

Compensation Fund number:

Common Law Liability

Insurance in respect of Third

Parties for the Minimum Sum of R...

1. **Reporting**

The Mandatory and/or his designated person appointed in terms of Section 16 (2) of the Occupational Health and Safety Act 85 of 1993 ("the OHS Act") as amended shall report to the Construction Manager CR 8.1 and/or a representative designated by the Employer prior to commencing the work at the premises.

2. **Warranty of compliance**

- 2.1 In terms of this agreement the Mandatory warrants that he agrees to the arrangements and procedures as prescribed by the Employer and as provided for in terms of Section 37 (2) of the OHS Act for the purposes of compliance with the Act.
- 2.2 The Mandatory acknowledges that this agreement constitutes an agreement in terms of Section 37 (2) of the OHS Act, whereby all responsibility for health and safety matters relating to the work that the Mandatory and his employees are to perform on the premises shall be the obligation of the Mandatory.
- 2.3 The Mandatory further warrants that he and/or his employees undertake to maintain such compliance with the OHS Act. Without derogating from the generality of above, neither from the provisions of the said agreement, the Mandatory shall ensure that the clauses as hereunder described are at all times adhered to by himself and his employees.

3. **Refer:**

- Occupational Health & Safety Act No.85 of 1993 as amended including Regulations
- Hazards Chemical Substance Regulations of 1995
- Compensation for Occupational Injuries and Diseases Act 130 of 1993 as amended
- Hazardous Substance Act 15 of 1973
- National Environmental Management Act 107 of 1998
- National Environmental Management: Air Quality Act 39 of 2004
- National Road Traffic Act No.83 of 1996
- National Water Act 36 of 1989
- National Building Regulations and Building Standards Act 103 of 1977

4. **Mandatory an employer**

The Mandatory shall be deemed to be an employer in his own right while on the Employer's premises. In terms of Section 16 (1) of the OHS Act, the Mandatory shall accordingly ensure that himself, and/or his nominated Chief Executive Officer comply with the requirements of the OHS Act.

5. **Appointments and training**

- 5.1 The Mandatory shall appoint competent persons as per the OHS Act 85 / 1993, Construction Regulations 8.1 and Construction Regulations 8.7 – referring the Construction Regulations 2014.as well as other workplace legislative appointments as per workplace activities in accordance with the OHS Act 85 / 1993
- 5.2 Any such appointed person shall be trained on any occupational health and safety matter and the OHS Act provisions pertinent to the work that is to be performed under his responsibility.
- 5.3 Copies of any appointments made by the Mandatory shall immediately be provided to the Employer.
- 5.4 The Mandatory shall further ensure that all his employees are trained on the health and safety aspects relating to the work and that they understand the hazards associated with such work being carried out on the premises.
- 5.5 Without derogating from the foregoing, the Mandatory shall in particular, ensure that all his users or operators of any materials, machinery or equipment are properly trained in the use of such materials, machinery or equipment.
- 5.6 Notwithstanding the provisions of the above, the Mandatory shall ensure that he, his appointed responsible persons and his employees are at all times familiar with the provisions of the OHS Act, and that they comply with the provisions of the Act.

6. **Supervision, discipline and reporting**

The Mandatory shall ensure that all work performed on the Employer's premises are done Under strict supervision and that no unsafe or unhealthy work practices are permitted. Discipline regarding health and safety matters shall be strictly enforced against any of his employees regarding non-compliance by such employee with any health and safety matters.

The Mandatory shall further ensure that his employees report to him all unsafe or unhealthy work situations immediately after they become aware of the same and that he in turn immediately reports these to the Employer and/or his representative.

7. **Access to the OHS Act**

The Mandatory shall ensure that he has an updated copy of the OHS Act on site at all times and that this is accessible to his appointed responsible persons and employees, save that the parties may make arrangements for the Mandatory and his appointed responsible persons and employees to have access to the Employer's updated copy/copies of the Act.

8. **Cooperation**

- 8.1 The Mandatory and/or his responsible persons and employees shall provide full co-operation and information if and when the Employer or his representative inquires into occupational health and safety issues concerning the Mandatory.
- 8.2 It is hereby recorded that the Employer and his representative shall at all times be entitled to make such inquiry.
- 8.3 Without derogating from the generality of the above, the Mandatory and his responsible persons shall make available to the Employer and his representative, on request, all and any checklists and inspection registers required to be kept by him in respect of any of his materials, machinery or equipment

9. **Work procedures**

- 9.1 The Mandatory shall be entitled to utilise the procedures, guidelines and other documentation as used by the Employer for the purposes of ensuring a healthy and safe working environment.
- 9.2 The Mandatory shall then ensure that his responsible persons and employees are familiar with and utilise the documents.
- 9.3 The Mandatory shall implement safe work practices as prescribed by the Employer and shall ensure that his responsible persons and employees are made conversant with and adhere to such safe work practices.

- 9.4 The Mandatory shall ensure that his employees prior to the obtaining of such a permit do not perform work for which the Employer requires a permit.

10. Health and safety meetings

- 10.1 If required in terms of the OHS Act, the Mandatory shall establish his own health and safety committee(s) and ensure that his employees, being the committee members, hold health and safety meetings as often as may be required and at least once every three (3) months.
- 10.2 The Employer may elect to permit the Mandatory's health and safety representatives or a mandatory representative to attend the Employer's health and safety committee meetings.

11. Compensation registration

- 11.1 The Mandatory shall ensure that he has a valid registration with the Compensation Commissioner, as required in terms of the Compensation for Occupational Injuries and Diseases Act 130 of 1993, and that all payments owing to the Commissioner are discharged.
- 11.2 The Mandatory shall further ensure that the cover shall remain in force while any such employee is present on the premises.

12. Medical examinations

The Mandatory shall ensure that all his employees undergo routine medical examinations and necessary vaccinations where applicable and that they are medically fit for the purposes of the work they are to perform.

13. Incident reporting and investigation

- 13.1 The Mandatory to the Department of Labour and to the Employer shall report all incidents referred to in Section 24 of the OHS Act.
- 13.2 The Employer shall further be provided with copies of any written documentation relating to any incident.
- 13.3 The Employer retains an interest in the reporting of any incident as described above as well as in any formal investigation and/or inquiry conducted in terms of Section 32 of the OHS-Act into such incident.

14. **Statutory Obligations of the Mandatory & Contractor**

- 14.1 The Mandatory shall notify the Employer of any subcontractor he may wish to perform work on the Employer's premises.
- 14.2 It is hereby recorded that all the terms and provisions contained in this clause shall be equally binding upon the subcontractor prior to the subcontractor commencing with the work.
- 14.3 Without derogating from the generality of this paragraph:
- 14.3.1 The Mandatory shall ensure that training as discussed under Appointments and training, is provided prior to the subcontractor commencing work on the Employer's premises.
- 14.3.2 The Mandatory shall ensure that work performed by the subcontractor is done under strict supervision and discipline enforced, as well as reporting of incidents and / or injuries.
- 14.3.3 The Mandatory shall inform the Employer of any health and safety hazard and/or issue that the subcontractor may have brought to his attention
- 14.3.4 The Mandatory shall inform the Employer of any difficulty encountered regarding compliance by the subcontractor with any health and safety instruction, procedure and/or legal provision applicable to the work the subcontractor performs on the Employer's premises.
- 14.3.5 The Mandatory hereby undertakes to ensure that the health and safety of any other person on the premises is not endangered by the conduct and/or activities of all his employees while they are on the Employer's premises i.e.
- Horseplay, scuffling, fighting, running or throwing of objects.
 - The possession, consumption or offering for consumption to any person of intoxicating liquor or habit-forming drugs.
 - Any employee suspected of being under the influence of alcohol or other intoxicating substance will not be allowed to enter or remain on the Employer's premises.
 - The tampering with or misuse of any safety equipment installed or provided to any person by an employer or user of machinery.
 - The failure to use any safety equipment at a workplace, or in the course of employment or in connection with the use of machinery which is provided by an employer or user of machinery.
 - The doing of anything at a workplace or in connection with the use of machinery, calculated to threaten the safety of any person.

- Contractors are required to take all reasonable measures to ensure that the requirements of the Act and the regulation are observed by his employees.
- Contractors must, in the interests of safety, enforce discipline

15. **Security and access**

- 15.1 The Mandatory and his employees shall enter and leave the premises only through the main gate(s) and/or checkpoint(s) designated by the Employer.
- 15.2 The Mandatory shall ensure that employees observe the security rules of the Employer at all times and shall not permit any person who is not directly associated with the work from entering the premises.
- 15.3 The Mandatory and his employees shall not enter any area of the premises that is not directly associated with the work.
- 15.4 The Mandatory shall ensure that all materials, machinery or equipment brought by him-self onto the premises are recorded at the main gate(s) and/or checkpoint(s). A failure to do this may result in a refusal by the Employer to allow the materials, machinery or equipment to be removed from the premises.
- 15.5 The Mandatory shall ensure that no persons carry firearms on the company's or Employer's premises unless written permission has been obtained from the designated person.

16. **Fire precautions and facilities**

- 16.1 The Mandatory shall ensure that an adequate supply of fire-protection and first-aid facilities are provided for the work to be performed on the Employer's premises, save that the parties may mutually make arrangements for the provision of such facilities.
- 16.2 The Mandatory shall further ensure that all his employees are familiar with fire precautions at the premises, which include fire-alarm signals and emergency exits, and that such precautions are adhered to.

17. **Hygiene and cleanliness**

- 17.1 The Mandatory shall ensure that the work site and surrounding area is at all times maintained to a reasonably practicable level of hygiene and cleanliness.
- 17.2 In this regard, no loose materials shall be left lying about unnecessarily and the work site shall be cleared of waste material regularly and on completion of the work.

18. No nuisance

- 18.1 The Mandatory shall ensure that neither he nor his employees undertake any activity that may cause environmental impairment or constitute any form of nuisance to the Employer and/or his surroundings.
- 18.2 The Mandatory shall ensure that no hindrance, hazard, annoyance or inconvenience is inflicted on the Employer, another Mandatory or any tenants. Where such situations are unavoidable, the Mandatory shall give prior notice to the Employer.

19. Intoxication not allowed

- 19.1 No intoxicating substance of any form shall be allowed on site. Any person suspected of being intoxicated shall not be allowed on the site.
- 19.2 Any person required to take medication shall notify the relevant responsible person thereof, as well as the potential side effects of the medication.

20. Personal protective equipment

- 20.1 The Mandatory shall ensure that his responsible persons and employees are provided with adequate personal protective equipment (PPE) for the work they may perform and in accordance with the requirements of General Safety Regulation 2 (1) of the OHS Act.
- 20.2 The Mandatory shall further ensure that his responsible persons and employees wear the PPE issued to them at all material times.

21. Plant, machinery and equipment

- 21.1 The Mandatory shall ensure that all the plant, machinery, equipment and/or vehicles he may wish to utilise on the Employer's premises is/are at all times of sound order and fit for the purpose for which it/they is/are intended, and that it/they complies/comply with the requirements of Section 10 of the OHS Act.
- 21.2 In accordance with the provisions of Section 10 (4) of the OHS Act, the Mandatory hereby assumes the liability for taking the necessary steps to ensure that any article or substance that it erects or

installs at the premises, or manufactures, sells or supplies to or for the Employer, complies with all the prescribed requirements and will be safe and without risks to health and safety when properly used.

- 21.3 The Mandatory shall further ensure that all plant, machinery and equipment is inspected by a competent person as prescribed by legislation & records thereof retained.

22. No usage of the Employer's equipment

The Mandatory hereby acknowledges that his employees shall not be permitted to use any materials, machinery or equipment of the Employer unless the prior written consent of the Employer has been obtained, in which case the Mandatory shall ensure that only those persons authorised to make use of same, have access thereto.

23. Transport / Vehicles

- 23.1 The Mandatory shall ensure that all road vehicles used on the premises are in a roadworthy condition and are licensed and insured.
- 23.2 All drivers shall have relevant and valid driving licences and no vehicle shall carry passengers unless it is specifically designed to do so.
- 23.3 All drivers shall adhere to the speed limits and road signs on the premises at all times.
- 23.4 In the event that any hazardous substances are to be transported on the premises, the Mandatory shall ensure that the requirements of the Hazardous Chemical Substances Act of 1995 are complied with at all times.

24. Confined Spaces

In the event of having to entering confined spaces, work shall not be performed unless defined through a Specific Confined Space Work Instruction and detailed by the contractor as to the precautionary measures that should be implemented prior to and during the work activities required in confined spaces; i.e.

- Air Sampling
- Air Monitoring
- Personal Air Monitoring
- No employee to enter suffering from claustrophobia
- Permits

- Standby present
- Self contained breathing apparatus

- Life line etc

25. **Clarification**

In the event that the Mandatory requires clarification of any of the terms or provisions of this agreement, he should contact the Public Health, Safety & Wellness Sub-Directorate of the Employer.

26. **Duration of agreement**

This agreement shall remain in force for the duration of the work to be performed by the Mandatory and/or, while any of the Mandatory workmen would be present on the Employer's premises.

27. **Headings**

The headings as contained in this agreement are for reference purposes only and shall not be construed as having any interpretative value in them or as giving any indication as to the meaning of the contents of the paragraphs contained in this agreement.

Thus done and signed at on

For, and on behalf of the Employer

Date

NAME: _____

SIGNATURE: _____

for, and on behalf of the Mandatory

Date

NAME: _____

SIGNATURE: _____

Witness

Date

NAME: _____

SIGNATURE: _____

ANNEXURE (C)

OCCUPATIONAL HEALTH AND SAFETY ACT, 1993
(Regulation 4 of the Construction Regulations, 2014)

NOTIFICATION OF CONSTRUCTION WORK

1.(a) Name and postal address of principal contractor:

(b) Name and tel. no of principal contractor's contact person:

2. Principal contractor's compensation registration number:

3.(a) Name and postal address of client:

(b) Name and telephone no of client's contact person or agent:

4.(a) Name and postal address of designer(s) for the project:

(b) Name and telephone no of designer(s) contact person:

5. Name and telephone number of principal contractor's construction supervisor on site appointed in terms of regulation 8.(1). _____

6. Name/s of principal contractor's sub-ordinate supervisors on site appointed in terms of regulation 8.(2).

7. Exact physical address of the construction site or site office:

8. Nature of the construction work:

9. Expected commencement date: _____

10. Expected completion date: _____

11. Estimated maximum number of persons on the construction site.

Total: _____ Male: _____ Female: _____

12. Planned number of contractors on the construction site accountable to principal contractor:

13. Name(s) of contractors already chosen.

Principal Contractor

Date

Client

Date

- THIS DOCUMENT IS TO BE FORWARDED TO THE OFFICE OF THE DEPARTMENT OF LABOUR **PRIOR TO COMMENCEMENT** OF WORK ON SITE.

ANNEXURE (D)

Annexure 3

OCCUPATIONAL HEALTH AND SAFE Act, 85 of 1993 Construction Regulations 2014

Medical Certificate of Fitness

	* Possible Exposures e.g. noise, heat, fall risk, confined space etc.	* Job Specific e.g. Operating Mobile Crane, Digging Trenches, Erecting Formwork & Support Work etc	* Protective Equipment e.g. Dust Respirator, (Light Duty), Welding Gloves etc.
* Occupation e.g. General Worker, Welder, Bricklayer, Steel Fixer, Mobile Crane Operator etc			

*** The Employer to complete the information in the spaces marked with an * before sending the Employee for a medical examination.**

Declaration by the Medical Examiner:

I certify that I have, by examining and testing, using the above criteria specified by the employer, satisfied myself that the abovementioned employee is fit to perform the duties as described by the employer in the matrix above.

Occupational Medicine Practitioner / Occupational Health Nursing Practitioner (please print name)

Signature: _____ **Practise Number:** _____ **Date:** _____

Address: _____

ANNEXURE (E)

PROHIBITION NOTICE

11

CONTRAVENTION NOTICE

□

Date _____ Site Location _____
Site HSO Name _____ Site Manager Name _____

The undersigned is duly appointed and mandated by a NMBM executive directive, as the for the Nelson Mandela Bay Municipality Operations in terms of the Occupational Health & Safety Act No.85 of 1993 (as amended) referring Section 37. A department / workplace / Construction Site inspection / audit were conducted on _____ at _____.

The **inspection** ☐ / **audit** ☐ were performed in terms of Section 8 and Construction Regulations 5 (1) (q)

The following non-conformances were identified during the site inspection:

No	Description	Finding	Legal / H&S Spec/ H&S Plan Ref

☐ In terms of the OHSA 85 of 1993, Section 8(1) & (2) f, g, h and Section 9 (1) (2) and Construction Regulations CR 5 (1) (q), you are hereby instructed by virtue of a **Contravention Notice**, to implement and effect mitigation and / or reduction arrangements and substantially reduce the threat which gave rise to the imposition of this **Contravention Notice** within _____ hours / days. *Failure to comply this notice will result in a Prohibition Notice being issued.*

☐ In terms of the OHSA85 of 1993, Section 8(1) & (2) f, g, h, Section 9 (1) (2) and Construction Regulations CR 5 (1) (q) you are hereby instructed to stop the operations by virtue of a **Prohibition Notice**. Revoking of the prohibition notice or any amendments thereto, shall only be effected when mitigation and / or reduction arrangements have been implemented to substantially reduce the threat which gave rise to the imposition of this prohibition notice.

Construction Manager / Supervisor

Name & Surname: _____ Signature: _____ Date: _____

NMBM official:

Name & Surname: _____ Signature: _____ Date: _____

ANNEXURE (F)

**APPOINTMENT AS THE PRINCIPAL CONTRACTOR OF CONSTRUCTION WORK IN TERMS OF CR 5(1)(k) OF THE
OCCUPATIONAL HEALTH AND SAFETY ACT, (85 OF 1993) AS AMENDED**

NAME OF COMPANY:

IN TERMS OF THE ABOVE-MENTIONED ACT:

I/WE having been appointed to ensure full compliance with the
OHS Act and Regulations, hereby appoint you as the Principal Contractor of
Construction Work in terms of the Construction Regulation 2014, Sub-Regulation 5(1) (k). The appointment is for the
following project:Project.

YOUR RESPONSIBILITIES ARE TO:

1. Comply with all the duties imposed on a Principal Contractor by the Construction Regulations.
2. Supervise all Construction work on the premises in accordance with CR 8.
3. Ensure compliance with the health and safety specifications prescribed by the client or his agent for this project.
4. Ensure compliance with all the requirements of the National Building Regulations.
5. Ensure that all contractors appointed by yourself, and reporting to you, comply with the requirements as stipulated in the Construction Regulations.
6. Ensure that information and specifications to carry out work safely are communicated to all contractors appointed and reporting to you.
7. To ensure that all records, registers, and documentation are maintained and that all persons appointed to carry out tasks are competent, and possess the necessary resources to complete their tasks effectively and in such manner that the health and safety of persons are not compromised.
8. Report to the client or his agent as per the agreed safety plan on all deviations and progress.

A copy of the said Construction Regulations 2014 of the OHS Act is attached for your convenience and you are to familiarise yourself with the requirements of the Regulations and ensure that all construction work is done in accordance with this Regulation.

This appointment will become effective on the date of acceptance thereof and will be valid until completion of the construction work.

Please confirm your acceptance of this appointment by signing and returning to me the duplicate copy of this letter.

Yours Faithfully

Signature:

Date:.....

Client Representative Designation:.....

ACCEPTANCE

I..... understand the implications of the appointment and confirm my acceptance of this appointment. I have studied the relevant sections of the Act and Regulations and understand what is required of me.

Signed:

Date:

ANNEXURE (G)

DOCUMENT REVIEW PANEL:

1. Director: Occupational Health, Safety & Wellness
2. Assistant Director: Doctor: Occupational Medical Practitioner & H&S Consultant
3. Assistant Director: Occupational Health & Safety Risk Management
4. Occupational Health and Safety Engineer / Occupational Risk Management Specialist
5. Senior Health & Safety Officer
6. Health & Safety Officer