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**MANDATORY AGREEMENT AND SAFETY SPECIFICATIONS**

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| --- | --- | --- | --- |
| **Principal Contractor**  **Representative** |  | **Date issued to Contractor** |  |
| **Principal Contractor**  **SHE Consultancy** |  | **Contractor**  **Starting Date** |  |

WRITTEN AGREEMENT ON OCCUPATIONAL HEALTH & SAFETY

**In accordance with the provisions of the applicable legislation;**

(Tick **x** in **the applicable block)**

|  |  |  |
| --- | --- | --- |
|  | South Africa | Occupational Health & Safety Act - 85 of 1993 – Section 37(2) & CR 5 (3)(b) |
|  | South Africa | Mine Health & Safety Act – 29 of 1996 |
|  | Botswana | Botswana Factories Act – CHAPP 44:01 – BOWEC Regulations |
|  | Botswana | Mines, Quarries, Works & Machinery Act - CHAPP 44:02 – Reg 250 |
|  | Swaziland | Occupational Health & Safety Act – 9 of 2001 |
|  | Lesotho | Labour Code Order 1992 – Part VII Health, Safety & Welfare at Work Reg 93 |
|  | Mozambique | Occupational Health & Safety in Industrial Premises – 48/73 |
|  | (other) |

THIS MANDATARY AGREEMENT IS ENTERED INTO ON THE

|  |
| --- |
| PROJECT NAME |
|  |

BETWEEN

**THENJIWE SUPPLIES & REPAIRS**

AND

|  |
| --- |
| Contractor Name |
| (Hereinafter referred to as the Contractor) |

CONTRACTOR’S MAIN SCOPE OF WORK

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
|  | | | |
|  | | | |
|  | | | |
| **Contractor Signature** | |  | **Principal Contractor Representative** |  | |

OHS ACT 85 of 1993 - Section 37(2) Mandatary Agreement and Safety Specification

1. Purpose

This agreement is entered into by the parties in order to identify and stipulate the arrangements and procedures between the **Principal Contractor** and **Contractor** in order to ensure that the **Contractor** and their subcontractors comply with all the Client **SHE Specification** requirements along with all applicable legislation on the **Project**. Legislative requirements are mandatory by Law and ignorance of the Law and its regulations are not an excuse. The Contractor and his Contractors shall therefore ensure compliance with all applicable legislative requirements and shall have in their possession a copy of the latest revision as required by Law on this project.

1. Scope

This Agreement applies to the specified Project and shall not be valid on any other Projects of which the Principal Contractor herein mentioned is part off.

1. definitions

**SHE**

Health Safety & Environment

**Contractor**

Refers to the Mandatory who is employed on the project and includes his own subcontractors who he further employs.

**Client**

The Employer, Developer, Owner, Project Manager of the project

**Employee**

Means any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration or who works under the direction or supervision of that employer.

**Mandatory**

Includes an agent, a contractor or a subcontractor for work, but without derogating from his status in his own right as an employer or a user.

**Principal Contractor**

Is the main contractor, joint venture partners or consortium who employs or provides work on the project and who has been appointed to construct the project for the Client

**Project**

Refers to the contract and has reference to the premises or any part thereof where the work which has been contracted for is to be performed.

1. insurance

The **Contractor** and its subcontractors warrant that they have the following insurance cover which shall remain in force whilst on the **Project**, or which shall remain in force for the duration of the contractual relationship between the **Contractor** and **Principle Contractor**, which ever period is the longest;

1. Compensation Registration covering all occupational injuries and diseases and the cover must be paid up for the duration of the **Project**. Proof of this cover must be provided to the **Principal Contractor** in the form of a **Letter of Good Standing** from either the **Compensation Commissioner** or relevant insurance fund managers.
2. Adequate **Public Liability** insurance cover in relation to the work undertaken.
3. Any other insurance cover that will adequately make provision for any losses and/or claims arising from its subcontractors and/or their respective employees and/or omissions whilst on the Project.
4. administration
   1. The **Contractor** shall ensure that it has an updated copy of the applicable legislation on the **Project** at all times and that this copy is accessible to all employees. The **Principal Contractor** will also keep an updated copy on the project for viewing by any **Contractor**.
   2. The **Contractor** and its subcontractors shall ensure that a **SHE File** is implemented and maintained for the duration of the **Project**. This file must contain all relevant documentation pertaining to **SHE** related issues such as, appointments, risk assessments, accident procedures, incident investigations, training records, registers, check lists, safety meeting minutes and other **SHE** related documentation.
   3. The **Contractor** and its subcontractors shall permit a representative from the **Principal Contractor** to view and inspect the file from time to time as determined by the **Project** requirements.
5. supervision / appointments
6. The **Contractor** and its subcontractors shall ensure that all work performed is done under the supervision of trained and competent persons.
7. The **Contractor** and its subcontractors shall appoint a **Supervisor** in terms of the applicable legislation. This appointed person will be responsible to ensure that all **SHE** requirements are implemented and adhered to on the **Project**.
8. The **Contractor’s** appointed **Supervisor** will also be required to attend all scheduled **SHE** meetings of the Project.
9. The **Contractor** and its subcontractors shall further ensure that all other legislative appointments are implemented and maintained for the duration of the **Project** and that those employees appointed have the necessary training and experience to meet those requirements.
10. training
11. The Contractor and its subcontractors shall ensure that all its employees are adequately trained and experienced to perform their work. Where semi-skilled employees are employed, adequate supervision must be available to maintain standards of work and to ensure compliance with SHE standards on the Project.
12. The Contractor and its subcontractors shall ensure that all employees undergo a formal SHE Induction prior to commencing on the Project.
13. The Contractor and its subcontractors shall ensure that all its employees are in possession of valid licenses and/or certificates of the correct code where machinery or plant is utilised. Proof of these licenses and/or certificates will be kept in the Contractors SHE File.
14. Supervisors shall be required to have attended an OHS course and any other requirement the Client imposes in their SHE specification.
15. SHE Officers shall be required to have at least 2 years’ experience in the Health, Safety and Environmental construction field with a minimum of a SAMTRAC (or equivalent) diploma. There might be additional requirements in the Client SHE specification which needs to be adhered to.
16. accident / incident procedures
17. The **Contractor** and its subcontractors shall ensure that a sufficient number of trained first aiders are available on site for the duration of the **Project**. The number and Level of training will be determined by legislative and **Project** requirements. A guideline however may be a Level 1 trained first aider for every 50 employees.
18. The **Contractor** and its subcontractors shall ensure that suitable first aid facilities are provided for the work to be performed. The number of first aid facilities and type of equipment will also be determined by the legislative and **Project** requirements.
19. Should the **Contractor** or its subcontractors utilise the **Principal Contractors** first aid facilities then this needs to be agreed upon in writing. Costs of first aid equipment will then be charged to the **Contractor** at the discretion of the **Principal Contractor.**
20. The **Contractor** and its subcontractors shall ensure that a suitable **Accident Procedure** is drawn up for the duration of the **Project**. This **Accident Procedure** must be submitted to the **Principal Contractor** and must contain the names of all emergency contact persons and contact numbers.
21. The **Contractor** and its subcontractors shall ensure that all accidents, incidents, injuries and near misses are reported to the **Principal Contractor** at the soonest convenience.
22. The **Contractor** will be responsible to inform the **(relevant authorities i.e.** **Department of Labour, Department of Minerals and Energy, etc.)** of any **Serious** or **Reportable Incidents** which may occur in terms of the applicable legislation. All correspondence to the **(Relevant Authorities)** regarding these incidents must be copied and submitted to the **Principle Contractor**.
23. The **Contractor** shall ensure that a monthly report is submitted to the **Principle Contractor** and shall contain the following;

* Man-hours worked for the relevant month (including subcontractors)
* No of work related injuries for the relevant month.

1. The Client SHE Specification might have additional requirements which need to be complied with.
2. health, safety and environmental representatives
3. The **Contractor** and its subcontractors shall ensure that an adequate number of health and safety representatives are appointed and trained, as per the requirements of the applicable legislation and/or **Project SHE** requirements. As a guideline one **Health & Safety Representative** should be appointed for every 50 employees.
4. The **Contractor** and its subcontractors shall ensure that regular internal **SHE** meetings are conducted and attended by the appointed **Health & Safety Representative**. The frequency of these meetings must be determined by the work activities performed along with the duration of the **Project**, however at least once every three months.
5. The **Contractor** and its subcontractors shall keep records of these meetings in the **SHE File** along with the attendance records.
6. The **Contractor Supervisor** or his **Health and Safety Representative** will attend the main **Project SHE** meetings.
7. The Client SHE Specification might have additional requirements which need to be complied with.
8. machinery
9. The **Contractor** and its subcontractors shall ensure that all the plant, machinery or equipment they wish to utilise on the **Project** is of sound order and fit for the purpose for which it is intended and that it complies with all applicable legislative requirements.
10. The **Contractor** and its subcontractors shall ensure that all plant, machinery or equipment is suitably guarded by means of insulation, fencing, screening, or guarding. Further to this, all safety equipment in relation to the plant, machinery or equipment is in a suitable and working condition.
11. The **Contractor** and its subcontractors shall ensure that all employees operating or utilising such plant, machinery or equipment are suitable trained, experienced and are aware of the dangers involved.
12. The **Contractor** and its subcontractors shall not permit uncertified employees from working on moving or electrically alive machinery. **Isolation Procedures** shall be adhered to by all.
13. Devices to start and stop machinery must be clearly labelled and in working order on all plant, machinery and equipment. Warning signs of relevant dangers must also be clearly visible.
14. The Client SHE Specification might have additional requirements which need to be complied with.
15. housekeeping / cleanliness
16. The **Contractor** and its subcontractors shall ensure that the area where the work is performed is at all times maintained to reasonable practicable levels of cleanliness. Further to this the following must be addressed ;

* adequate care is taken to ensure correct storage and stacking of articles and material,
* regular refuge removal is maintained,
* the working area around machinery is clean and demarcated,
* no articles or material are disposed from any height without the necessary precautions taken.

1. The **Principal Contractor** reserves the right to clean up after any **Contractor** who fails to adhere to these housekeeping requirements and to charge the **Contractor** accordingly.
2. The Client SHE Specification might have additional requirements which need to be complied with.
3. general she requirements

The **Contractor** and its subcontractors shall ensure that;

* + 1. All employees are issued with the appropriate **PPE** and that they are trained in the correct use thereof.
    2. Employees are medically certified to work on heights and to operate Plant and Machinery.
    3. All security measures implemented on the **Project** are adhered to and that random searching maybe carried out.
    4. All signs and notices implemented on the **Project** are adhered to and not damaged in any way.
    5. Suitable firefighting equipment is made available and employees are trained in the safe use thereof.
    6. No large volumes of flammable substances are stored and suitable precautions are taken to store those that are.
    7. Suitable measures are in place with regards to sanitation, changing facilities, eating facilities, and drinking water.
    8. Measures are taken to reduce any environmental impairment with regards to noise, ground, air and water pollution.
    9. Suitable lighting is provided in all darkened working areas.
    10. No employees are permitted to enter / work on the **Project** while under the influence of any intoxicating substance.
    11. No machinery, article, substance, plant, or PPE belonging to the **Principal Contractor** is used without permission.
    12. No illegal immigrants are employed by the **Contractor or Subcontractor** while on the **Project**.

Without derogating from the generality of the above requirements and notwithstanding the applicable legislation the **Contractor** and its subcontractors shall ensure the following;

1. The provision of a safe and healthy working environment,
2. The provision of safe and healthy systems of work, plant and machinery,
3. The identification of the prevalent hazards to health and safety and the precautionary measures to be taken,
4. The provision of the necessary information, instructions and training,
5. The enforcement of the established precautionary measures,
6. Informing employees on their scope of authority,
7. Making employees conversant with the identified hazards and precautionary measures,
8. Ensuring that no employee is victimized as a result of adhering to these requirements.

The **Principal Contractor** reserves the right to request immediate correction of any non-compliance identified in terms of this agreement by the **Contractor** and its subcontractors during the performance of the work on the Project. The **Principal Contractor** further reserves the right to stop any work that does not comply with the **SHE** standards and without any cost to the **Principal Contractor**. This agreement places the onus on the **Contractor** to contact the **Principal Contractor** in the event of the inability to perform as per this agreement.

1. ADDITIONAL REQUIREMENTS

Compliance to the Occupational Health and Safety Act 85 of 1993 or other applicable Legislative Requirements, is a legal requirement and all Contractors and Subcontractors are required to adhere with the Legislation and its regulations to avoid prosecution by the Authorities. Over and above the Legal requirements, Contractors will be required to comply with the specific requirements of this document and Client SHE requirements.

**Contractors** will provide to the **Principal Contractor,** before work commence, a written Health, Safety and Environmental Plan, which is to be approved by the **Principal Contractor.** The **Contractor** shall ensure the implementation and adherence to the **Health, Safety and Environmental Plan** by its **Employees and Subcontractors.**

The **Contractor** will ensure that all **Subcontractors** employed on the Project maintain SHE files and submit such documentation to the **Contractor** on completion of their contract. **Subcontractor** SHE files will be handed over to the **Principal Contractor** by the **Contractor** on the completion of the contract work performed by the **Contractor.**

The Principal Contractor reserves the right to stop any Contractor or his Subcontractor from performing his activities if the Contractor or his Subcontractor is found not adhering to the specified SHE Plan, contravening any Legal requirements, not adhering to the Principal Contractors SHE Specification for Contractors, not adhering to the Clients SHE Specification or if the Contractor or his Subcontractor is found performing his work activities unsafely.

**13.1 Requirements.**

**Contractors** are responsible to comply with the **Legislation and Contractual Requirements** of the **Principal Contractor** and **Client**. However various systems will be implemented to ensure compliance by all **Contractors** on the project. **Contractors** will be included in all SHE meetings and will receive copies of all SHE related documentation pertaining to their operations. Routine inspections and monthly audits will include **Contractor** operations. Formal action will be taken against contractors failing to comply too the project H.S.E requirements. This formal action could lead to financial implications and/or permanent removal from the project.

**13.2 Mandatory Agreement / Contractor Specification – Section 37(2)**

**This document is deemed to be accepted once it has been issued unless written response is received within 5 working days of issue. Contractors** are required to sign this **Contractor Safety Specification,** which includes the **Mandatary Agreement (OHS Act 85 of 1993 - Section 37(2) Agreement)** with the **Principal** **Contractor.** This Agreement covers various aspects such as, Insurance, Administration, Supervision, and Training, Accident procedures, SHE Representatives, First Aid, Housekeeping and General SHE requirements. **Contractors** will not be allowed to commence work, unless this Agreement has been signed by both Parties and all required documentation is on site.

**13.3 Contractor Supervisor Appointment & Functions.**

Attached to this **Mandatory Agreement** is a blank **Construction Work Supervisor [OHS Act 85 of 1993 - CR6 (1)]** **Appointment form.** The **Contractor** shall appoint a trained and competent person in writing to oversee their respective operations. As with this **Mandatory Agreement** no work will commence until the **Appointment** form is received and the appointed person is qualified to be the **Construction Work Supervisor** for the **Contractor** on the Project.

* 1. **General Administration**

1. **LETTER OF GOOD STANDING – COMPENSATION COMMISSIONER (COID ACT 130 OF 1993).**

The **Contractor** will supply an updated copy of their **Letter of Good standing** with either **WCA or FEMA** to the **Principal Contractor** before work commences on the **Project.** Therefore all employees who may be injured or suffer any disease associated with the work activities, will be covered in terms of the **COID Act 130 of 1993.**

1. **NOTIFICATION OF CONSTRUCTION WORK**

As standard procedure, formal written notifications of all new projects in the Republic of South Africa are submitted to the **Department** **of Labour.** Copies of the notification are kept on the Project H.S.E File. Additional copies are available on request. This notification will be done by the **Principle Contractor.**

1. **MONTHLY PROJECT MAN-HOUR & INJURY REPORT**

The **Contractor** is required to submit a formal **Monthly Report of Hours worked and Injuries sustained** to the **Principal Contractor.**

1. **SAFETY FILE**

The **Contractor** will have and maintain a **SHE file** where all **Administrative requirements** will be kept. At the end of the **Contractor’s** contract the **Contractor** will hand over his **completed SHE file** to the **Principle Contractor** who will submit all documentation to the **Client.**

**THE FOLLOWING SHOULD BE CONTAINED IN THE CONTRACTORS SHE FILE:**

Copy of the Occupational Health and Safety Act (85 of 1993) or MHS Act (29 of 1996 when working on a mine)

Updated Letter of Good Standing with WCA or FEM

Clients Safety Specification

Approved Risk Assessments

Approved Fall Protection Plan

Approved SHE Management Plan

* **Records Specific To The Project:**

Risk Assessments - Const Reg. 9

Fall Protection Plan - Const Reg. 10

Mandatory Agreement - Sect. 37

Safety Inductions of Employees - Const Reg. 8

Persons Working at Elevated Positions - Const Reg. 10

Incident Recording & Investigation - GAR 9(1)

Incident Reports - GAR 8(1)

Health and Safety Rep. Inspections - Sect. 18

Issue of PPE - GSR 2

Safety Meeting Minutes - Sect. 19

Letter of Good Standing from FEM or WCA - Const Reg. 7

Safety Toolbox Talks - Sect. 8

First Aid Box Contents - GSR 3(3)(a)

First Aid Treatments - GSR 3(1)

* **Training certificates of employees (CV’s for all Supervisors / Management) and Medical fitness certificates for employees working at heights. Every person working on the project will have a valid medical certificate issued by an Occupational Medical Health Practitioner.**
* **Training certificates and Operator Medical certificates for Operators of Plant, Machinery and Vehicles.**
* **Appointments**

Appointment of Manager - Sect. 16(2)

Construction Supervisor - Const Reg. 8(7)

Assistant Construction Supervisor - Const Reg. 8(8)

Project H&S Officer - Const Reg. 8(5)

Risk Assessor - Const Reg. 9(1)

Fall Protection Supervisor / Planner - Const Reg. 10(1)

First Aider - GSR 3(4)

Incident Investigator - GAR 9(2)

Health and Safety Representative - Sect. 17(1)

Electrical Machinery Supervisor - Const Reg. 24(d)

Explosive Power Tool Operator - Const Reg. 21(3)

Explosive Power Tool Controller - Const Reg. 21(2)(g)(i)

Scaffold Supervisor - Const Reg. 16(2)

Scaffold Team Leader - Const Reg. 16(2)

Formwork Supervisor - Const Reg. 12(a)

Fire Equipment Inspector - Const Reg. 30(h)

Construction Vehicle Operator / Inspector - Const Reg. 23(1)

Stacking Supervisor - Const Reg. 28(a)

Crane Operator - Const Reg. 22

Lifting Tackle Inspector - DMR 18

Lifting Machine Operator - Const Reg. 22

Lifting Machine Inspector - DMR 18

Excavation Supervisor - Const Reg. 13(1)

Demolition Supervisor - Const Reg. 15(1)

**Appointments – Supervisory**

1. All legal and client requirements regarding appointments will be adhered to on the project. In all cases the person being appointed will have the necessary training and or experience for the appointed position.
2. The **Contractor** will have a **SHE Appointment Structure** in place. The **CEO** will delegate certain responsibilities down to appointed employees, however he will remain ultimately responsible. Refer to attached appointment structure (Annexure 2).
3. **Delegation of Duties – Section 16(2).** The **Contractor CEO** will appoint his **Managing Director and Contracts Director** who will oversee that all legal, client and company H.S.E requirements are implemented, adhered too, and enforced.
4. **Supervisor CR8 (7). The Contractor** will appoint a Construction Work Supervisor for the contract to supervise the construction process and thus ensuring that all legal, client and company SHE requirements are implemented, adhered too, and enforced. The appointed person will have the authority to appoint all other persons as may be required on the project.

**H.S.E Representatives & Committee Members**

1. **OHS Act 85 of 1993 - Sect 17&19.** As per the legal requirement, the **Contractor** will appoint SHE Representatives & SHE Committee Members. These persons will be nominated by the **Contractor** workforce and will thus represent the workforce in all SHE related issues. A minimum of one SHE Representative will be appointed for every 50 employees. All SHE Representatives will be members of the Project SHE Committee and will meet on a monthly basis with the project management to discuss SHE related issues.
2. **Appointments & Functions.** The appointed SHE Representatives and Committee members shall be formally trained in their functions and responsibilities. These will also be clearly defined on their appointment forms.
3. **Monthly Inspection Report.** Each SHE Representative is required to complete a formal monthly inspection report for their respective work areas. These reports are then tabled at the monthly safety meetings for review, however should the need arise a SHE Representative may at any time complete an inspection report and forward it directly onto the appointed Construction Work Supervisor. These monthly reports are kept in the **Contractor Safety File** and then archived after the completion of the project.

**Registers & Checklists.**

In order to ensure that all plant, equipment, systems and procedures are maintained in accordance to **Legislative requirements**, formal inspection **Registers and Checklists** have to be compiled. These **Registers and Checklists** are then completed by the **appointed** **persons, who are designated in writing.** The completed forms are kept on the **Contractors H.S.E file** and then archived after project completion.

The following is a list of **Registers and Checklist required** to be completed for the applicable activities and at intervals as per the requirements of the **Occupational Health and Safety Act 85 of 1993:**

* Portable Electrical Equipment
* Hand Tools
* Construction Vehicle
* Scaffolding
* Form- & Support work
* Fire Extinguishers
* Construction Vehicles and Mobile Plant Equipment
* Explosive Power Tools
* Hazardous Chemical Substances
* Cranes
* Slings, Chains & Hooks (Lifting Tackle)
* Compressors
* Ladders
* Hoists
* Excavations
* Suspended Scaffolding
* Gas Welding / Flame Cutting
* Safety Belt / Safety Harnesses
* Distribution Boards
* First Aid Boxes

1. **Safety Induction And Identification**

The **Contractor** will ensure that all his employees and visitors will have **Safety Induction Training or will explain and have the attached General SHE Induction form signed by all employees / Visitors,** before the persons will be allowed in the site. The Contractor will keep a copy of all the signed General SHE Induction forms on his SHE File and will issue the Principal Contractor with copies of all signed forms within 24 hours of the new employees or visitors arriving on site.

The **Contractor** will ensure that his employees are issued with some sort of identification, i.e. Contractor name on Overalls, Hardhats or ID cards will be acceptable.

1. **Risk Assessments And Safety Talks (Toolbox Talks)**

All Risks associated with the scope of work relevant to the contractor shall be assessed, safe methods of work identified, safe working conditions and a healthy work environment will be provided.

All Risk assessments shall be communicated to the employees of the contractor by the contractor before work starts.

When activities change the contractor will be required to revise the risk assessment to suit the changed conditions and re communicate the revised risk assessment with the employees.

Copies of all risk assessments will be issued to the **Principal Contractor** for review and these will include copies where the **Contractor’s** employees have signed confirmation of receiving the risk assessment information.

The **Contractor** is required to have a **Weekly Safety Talk (Toolbox Talk)** with his employees to inform them of safety issues related to their scope of work. The employees of the **Contractor** will sign acknowledgement of receiving the training and copies of the documents shall be kept on the **Contractor SHE file** and copies will be issued to the **Principal Contractor.**

1. **H.S.E MEETINGS**

Monthly SHE meetings with all SHE Representatives and other committee members will be conducted for the contract. Depending on the scope of work, monthly SHE Contractor meetings will also be conducted to discuss SHE related matters.

The SHE meetings are formalised with a standard agenda, however each project may adapt the standard agenda to meet either client requirements or joint venture requirements. Minutes must be kept for each meeting and distributed to each member. As with all SHE documentation these are filed on the Principal Contractor Safety files for viewing by either the client or officials from the Dept of Labour.

All persons attending SHE meetings are required to sign a standard attendance register as proof of attendance.

1. ACCIDENT PROCEDURES

Standard Accident Procedure. Fully equipped first aid boxes along with applicable signage must be placed in prominent areas on the project. All incident investigations will be conducted by either the **Principal Contractor**, appointed investigator or appointed **Contractor SHE Representative.**

**First Aider - Appointment & Functions.** The **Contractor** will appoint a trained **Level 1 First Aider.** A minimum of one trained First Aider with his First Aid Box must be available for every 50 employees. Each trained First Aider must be appointed in writing and responsibilities should be in writing on the appointment form.

**Employers - Report of Accident Forms.** In the unfortunate case of a person being injured and requiring medical attention then the standard **“Employers Report of Accident”** form will be completed accordingly. Sufficient blank copies will be kept at the Contractors offices. As per the accident procedure copies will be sent to the medical practitioner and relevant company Head Office. A copy will also be kept on the **Contractor Safety file**.

**Investigation Form** Each incident involving medical attention from either a doctor or hospital will be fully investigated on an **Annexure 1** form. This form entails input from all parties namely the investigator, SHE Committee and project management. Each investigation will be reviewed at the monthly H.S.E meeting. Once actioned the form will be kept on the Contractor H.S.E File. If required the client will be notified immediately and a copy handed over.

**Serious & Reportable Incidents.** The **Contractor** will immediately inform the **Principal Contractor** of any serious or fatal accident which occur. **In the case of a Fatality the Contractor will also inform the Authorities (Department of Labour or the Department of Minerals and Energy - in RSA) for their investigation.**

1. CONSTRUCTION ACTIVITIES

**Portable Electric Tools**

No Contractor will allow any employee to work with unsafe or damaged portable electric tools. All tools will be inspected before it is issued to employees. Any contractor who does not conform to this requirement will be fined and the tool confiscated until it is made safe to use by the contractor. All rotating parts will be sufficiently guarded to protect employees. Tools may only be used by competent/trained persons.

**Scaffolding**

No contractor will allow any employee to work on unsafe or damaged scaffolding. Scaffolding will be inspected weekly and after inclement weather by a competent appointed person. No work will be allowed on scaffolds during inclement weather conditions. Scaffolds will be fitted with a sign at the access to the Scaffold to indicate if it is safe or unsafe to use. Scaffolds will be constructed to SANS 10085 standards and OHS Act 85 of 1993 regulations.

**Ladders**

No contractor will allow any employee to work on unsafe or damaged ladders. No person will be allowed to stand and work on the last 2 Rungs of any ladder. When the ladder is longer than 3m then another person will hold the ladder in place at the bottom and the ladder will also be tied to a solid structure at the top where possible. Ladders will be inspected visually before shift starts and monthly on a register.

**PPE (Personal Protective Equipment**)

Compulsory PPE is Hardhats, Safety boots and overalls. Any other PPE required will be determined by the Risk Assessment. PPE will be issued to employees free of charge and a signed register will be kept by the contractor to proof that PPE has been issued to the employee. Only full body safety harnesses will be allowed to be used by employees who are working on any unprotected heights. These harnesses must carry the SABS stamp of approval. PPE will comply with relevant SABS and OHS Act 85 of 1993 regulations.

**Fall Protection Plan**

A detailed fall protection plan will be submitted by the contractor to Principal Contractor for approval. A competent person will be appointed in writing to control and oversee all work being conducted by the contractor.

All employees working on heights will be required to undergo a Medical Fitness test with an Occupational Practitioner, every 12 months as per the OHS Act 85 of 1993, Construction Regulations. **Contractors** working on heights will take precautions to prevent tools and equipment from accidentally falling from the heights onto persons below. Where it can be prevented no person will work above other employees unless there is sufficient guarding protecting the employees below.

**Housekeeping**

Housekeeping of the contractors work area will be the responsibility of the contractor. Housekeeping will be done throughout the day to prevent any material or tools obstructing the walkways of the employees. Daily cleaning of the work area will be done near the end of the shift. If the contractor does not comply with daily cleaning of his area, the Principal Contractor reserves the right to hire a cleaning team and to charge the contractor for the cost of the cleaning team.

**OHS Act 85 of 1993**

This document does not replace any regulations or any part of the OHS (Occupational Health and Safety Act) Act 85 of 1993, but does conform to the requirements of the OHS Act 85 of 1993 Construction Regulations. The Client shall provide a Health and Safety Specification to the Principal Contractor and the Principal Contractor will issue such information to the employed contractors on the construction project. As an Employer, the Contractor remains responsible to ensure compliance with the OHS Act 85 of 1993 and its regulations

**Excavations**

Excavations will be barricaded with solid barricading i.e. pipes or orange netting. Excavations will be barricaded in such a way that it will prevent any person from falling into the excavations. There will be safe access into the excavation via a ladder which will protrude 1m above ground level. These ladders will be placed at intervals not exceeding 6m from any worker inside the excavation. All excavations will be shored or battered to prevent accidental collapse of ground. All excavated material will be placed at least 1,5m away from the sides of the excavation. All excavations will be inspected daily by a competent, appointed person and findings will be recorded on an appropriate register. No contractor will allow his employees to work inside any excavation while a TLB or Excavator is busy excavating the same excavation. Excavations will be kept free of any toxic or explosive gases. Excavations will be kept well ventilated at all times.

**Stacking and Storage**

Laydown areas will be kept neat and tidy. Areas will be barricaded and all equipment, material or tools will be stored neatly inside this area. Stacking of equipment or material will be done on level solid surfaces. Overhanging of material will not be allowed.

Flammable liquids will be stored in a well ventilated store room with a Fire extinguisher placed on the outside of the store.

Gas Cylinders will be secured in a trolley while work is being done on site and will remain upright at all times. Gas cylinders will be stored upright inside a well ventilated area, empty and full cylinders will be stored apart from another. The Torch, pipes and regulators will be stored detached from the cylinders and will be kept in a storage box.

**Operators of Machinery**

Operators of machinery will be required to complete a daily pre-start checklist before work commences. Operators must be in possession of a valid Medical Certificate issued by an Occupational Health Practitioner and the operator will be in possession of a Competency Certificate for the Machine he/she operates. Drivers of trucks or any other Vehicle or Plant travelling on Public Roads must also be in possession of a valid PDP licence. It will remain the responsibility of the Operator of a Vehicle/ Plant / Machine to report all oil leaks to the supervisor and to have the Vehicle / Plant / Machine fixed as soon as possible. Where there are Life Threatening Faults the Vehicle / Plant / Machine will not be used until it has been sufficiently repaired.

**Cranes and lifting equipment**

Cranes and Lifting equipment will comply with OHS Act 85 of 1993, Driven Machinery Regulations (DMR) 18. Operators of mobile cranes must be in possession of valid PDP license, medical certificate and training certificate. Mobile cranes must have a valid load test certificate and must be inspected monthly by a competent person on a register. All lifting equipment/tackle must have a valid load test certificate and will be inspected monthly by a competent person on a register. At no stage will gas cylinders be lifted by a crane unless the cylinders are in a cradle designed to carry equipment. Cranes will be directed by a Banks man / Supervisor with sufficient communication with the crane. It will remain the responsibility of the operator to ensure that the loads are not slewed over other employees and that the mobile crane slew area is barricaded with tape while the crane is in operation. Where there are Life Threatening Faults the Crane Operations will not start until the faults have been sufficiently repaired and the Crane was issued with a certificate to prove the crane has been fixed and where applicable, a new load test was conducted.

**Flame cutting and welding**

Gas Cylinders will be in a trolley while work is being done on site and will remain upright at all times. Gas cylinders will be stored upright inside a well ventilated area, empty and full cylinders will be stored apart from another. The Torch, pipes and regulators will be stored detached from the cylinders and will be kept in a storage box.

Electric welders will have insulated electrical cables, electrodes and an effective earth system. Areas where welding is taking place must be barricaded with welding screens and sufficient warning signs have to be erected to protect other employees from the glare and sparks. Operator will be trained and experienced in welding.

A Fire extinguisher will be at the area of work where any spark producing activity takes place.

Contractors who fail to comply with legal regulations and the stipulations of this document will face legal action which can be instituted by the Principal Contractor or the Client.

**Eating Facilities and storage**

Every Contractor will be required to have a sheltered eating facility with storage space for food.

**Demolition Work**

Demolition work will be done under supervision of a competent person. No floor or part thereof will be overloaded with debris or material in such a way to make it unsafe. Adequate shoring or extra support will be used to prevent any accidental collapse of the structure being demolished. Safe means of access shall be provided by the contractor. All waste and debris will be removed from site as soon as possible. The demolition area shall be well barricaded with relevant warning signs displayed on the barricading to prevent any unauthorised person to enter the demolition area. Dust will be minimised to an acceptable standard. When working with Compressors and Jack hammers, the contractor will ensure that all couplings are safeguarded with safety chains over the couplings. All service lines will be detected before the work starts and all service lines will be secured by competent persons before work commence.

**Form- & Support Work**

Work will be done under supervision of a competent supervisor who has been appointed in writing. Before work commences, drawings will be issued to the Principal Contractor. Decks will be erected in a systematic way and will at no time endanger any persons working on the deck. Handrails will be placed around the edges of the temporary or permanent decks. Safe access will be provided and fall protection will be used as per the Contractor’s Risk assessment / Fall protection plan. No material or rubble will be thrown from any height.

**Steel Assembling & Placing**

Area where assembly takes place must be demarcated. When working at heights employees must be issued with safety harnesses and other PPE required as per the risk assessment. The correct tools must be used for the work to be done. When handling steel, beware of the cutting edges of the steel and be aware of other people. When lifting steel with a crane, the load must be well balanced.

**Explosive powered tools**

All operators will be trained by a competent company and the operator will be appointed in writing. The operator will receive a training certificate which has to be forwarded to the Principal contractor. The “Gun” and the Cartridges will be stored in a lockable storage facility and will be stored separately.

**OHS Act 85 of 1993**

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**Minor Transgression**

Not wearing PPE, e.g. Hardhats, earplugs when required, etc.

A Fine up to R 500-00 will be issued to the Contractor.

**Medium Transgression**

Not contributing to good housekeeping standards, proper stacking and storage standards, no Supervision for activities, not doing Risk Assessments, Toolbox Talks not conducted, No safe working procedures in place, not issuing PPE to their Employees, etc.

A Fine up to R 2500-00 will be issued to the Contractor.

**Major Transgression**

Any Life threatening activity, act or contribution by an employee in creating an unsafe environment for his own employees or other Persons, Not wearing or using critical PPE e.g. Eye protection, Safety Harness or Respiratory equipment as stipulated / required in the task risk assessment.

A fine up to R 5000-00 must be issued to the Contracting Firm.

Any Contracting Company who receives more than 3 Major transgressions for the same unsafe act or condition must be called in for a disciplinary hearing and if another incident of the same nature occurs then the contractor may be put off site.

Copies of all Non-Conformance Reports must be kept in the project HSE File for references.

**Fines instituted against any Contractor shall be refundable when the Contractor has demonstrated compliance to the OHS Act and regulations and / or Principle Contractors Safety Requirements and the Principle Contractor has been satisfied that the Contractor has indeed addressed the issue which led to the fine imposed.**

**Non Conformances**

Any contractor employee who is found not adhering to the SHE procedures, Contractor SHE Plan or OHS Act 85 of 1993 or who is observed doing unsafe acts or contributing to creating unsafe conditions will be issued with a Non Conformance Report.

Copies of the Non Conformance Report and disciplinary procedures must be kept on record.

Copies of all Non Conformance Reports must be kept in the project SHE File for references.

**Signed by Contractor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Company Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**