

	SHE SPECIFICATION Bulk Supply, delivery and off-loading of Ammonia Solution	Template Identifier	240-73198256	Rev	1
		Document Identifier	CORP5547	Rev	1
		Effective Date	20 February 2016		
		Review Date	February 2020		

Project Name: Bulk Supply, delivery and off-loading of Ammonia Solution

Project Address: National Generation Division

Scope of the project: Bulk Supply, delivery and off-loading of Ammonia Solution to various power stations for a period of five (5) years on an “as and when required” basis

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Compiler Signature: 

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1. Introduction

Eskom responsibility and commitment is to ensure a safe working environment is in line with its Safety, Health, Environmental and Quality Policy, along with legislative obligations.

This OHS specification is Eskom's minimum requirements which are required to be met for the specific contract and for the duration of the contract period by Suppliers and where required, the delivery organisation.

The Supplier is expected to develop OHS plan which meets these requirements as well as all the relevant applicable legislation they conform to.

Eskom is in no way assuming the Supplier's legal responsibilities. The Supplier remains accountable for the quality and the execution of his/her health and safety programme for his/her employees and appointed contractor employees.

This OHS specification reflects minimum requirements and should not be construed as all encompassing.

Note 1: All the requirements listed hereunder are in relation to the contract and do not supersede or replace any organizational OHS requirements.

Where requirements listed are already in place, then the organisational requirements must be taken cognisance of and listed in the respective OHS plans/Manual/Systems. If there are any additional Eskom and or legislative requirements listed in the OHS specification, then these must be addressed.

2. Supporting Clauses

2.1 Scope

This OHS specification lists the legislative and Eskom's requirements and where applicable, any requirements pertaining to Local Authorities / Municipal by-laws / Environmental legislation that must be met by the Supplier.

2.1.1 Purpose

This document will provide a standardised approach to the compilation of OHS specifications throughout Eskom for contracts, standards and NEC 3 contracts.

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2.1.2 Applicability

This OHS specification is applicable to any contracting organisation who intends tendering for the contract.

2.2 Normative/Informative References

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

2.2.1 Normative

- [1] Basic Conditions of Employment Act No 75 of 1997.
- [2] Occupational Health and Safety Act and Regulations No 85 of 1993.
- [3] Compensation for Occupational Diseases and Illnesses Act 130 of 1993
- [4] National Road Traffic Act 93 of 1996.
- [5] Environmental Management Act, 1998 (Act No.107 of 1998)
- [6] 32-37 Eskom Substance Abuse Procedure.
- [7] 32-136 Contractor Health and Safety Requirements
- [8] 240-62196227 Life- saving Rules
- [9] 32-95 Environmental, Occupational Health and Safety Incident Management Procedure
- [10] 32-727 SHEQ Policy

2.2.2 Informative

- [11] Tobacco Products Control Act 83 of 1993 (Updated 2011.05.19)
- [12] SANS 1186 Symbolic Safety Signs
- [13] Constitution of the Republic of South Africa No 108 of 1996

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2.3 Definitions

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Definition	Explanation
Baseline risk assessment	(32-520) baseline operational risks refer to the health and safety risks associated with all standard processes and routine activities in the business
Controlled disclosure	Controlled disclosure to external parties (either enforced by law, or discretionary).
Client	Eskom representative (Internal – Asset Owner), also referred to as the contract administrator/custodian or agent or project manager (as defined in the contract). He/she is the person responsible for ensuring that the works or services are executed in terms of the contract, as well as adherence to legislation pertaining to the contract.
Competent person	(OHS Act) means any person having the knowledge, training, experience, and qualifications, specific to the work or task being performed, provided that, where appropriate, qualifications and training are registered in terms of the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
Contractor – includes appointed contractor	means an employer as defined in section 1 of the Act who performs contract work and includes principal contractors
Employee	(OHS Act) means, subject to the provisions of subsection (2), 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 an employer or any other person
Employer	(OHS Act) means, subject to the provisions of subsection (2), any person who employs or provides work for any person and remunerates that person or expressly or tacitly undertakes to remunerate him/her, but excludes a TES (ex labour broker) as defined in section 1(1) of the Labour Relations Act 1956 (Act No. 28 of 1956)
Eskom requirements	Eskom requirements flowing from directives, policies, standards, procedures, specifications, work instructions, guidelines, or manuals
Hazard	(OHS Act) means a source of, or exposure to, danger
Hazard identification	(OHS Act) means the identification and documenting of existing or expected hazards to the health and safety of persons, which are normally associated with the type of construction work being executed or to be executed
Health and safety file	(OHS Act) means a file or other record, containing the information in writing required by the construction regulations.
Health and safety plan	(OHS Act) means a site, activity or project specific document plan in accordance with the client's health and safety specifications.
Health and safety specification	(OHS Act) means a site, activity or project specific document prepared by the client pertaining to all health and safety requirements related to construction work.

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Definition	Explanation
Health and safety requirements	Means comprehensive health and safety requirements for a contract, project, site, and scope of work. This specification is intended to ensure the health and safety of persons, both workers and the public, and the duty of care to the environment. The health and safety requirements must be specific to each contract, project, site, and scope of work
Organisation	may be defined as a group of individuals (large of small) that is cooperating under the direction of executive leadership in accomplishment of certain common objects
Risk assessment	(OHS Act) means a programme to determine any risk associated with any hazard at a construction site in order to identify the steps needed to be taken to remove, reduce, or control such hazard.
The Act	(OHS Act) means the Occupational Health and Safety Act No. 85 of 1993, as amended, and the Regulations thereto

2.4 Abbreviations

Abbreviation	Description
BU	Business Unit
CE	Chief Executive
COID Act	Compensation for Occupational Injuries and Diseases Act
DEL	Department of Employment and Labour (Inspection and Enforcement services – Provincial office)
EP	Emergency Preparedness
GAR	General Administrative Regulations
GSR	General Safety Regulations
HCS	Hazardous Chemical Substances
OHS	Occupational Health and Safety
OHS Act	Occupational Health and Safety Act and Regulations, 85 of 1993
SANS	South African National Standard
SHE	Safety Health and Environment

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2.5 Related/Supporting Documents

Eskom's OHS Act section 37(2) agreement to be signed at procurement during the signing of the NEC contract, it is the responsibility of the project manager to ensure that the 37(2) agreement is signed and a copy be kept in the Supplier's file at procurement.

3. Document Content

3.1 Scope of work

Supply, delivery and off-loading of Ammonia Solution to various power stations for a period of five (5) years on an "as and when required" basis

Note: The Company that will be awarded this contract will be known as the "Supplier" and any company appointed by the Supplier will be known as the "appointed contractor."

3.2 Legal Compliance

3.2.1 Section 37(2) (Legal) Agreement

A section 37(2) agreement must be signed between Eskom and the Supplier at the time of awarding the contract. The Supplier must ensure that a section 37(2) agreement is compiled between their company and all the appointed contractor for the contract.

The original copy of the section 37(2) agreement must be retained by the Supplier and a copy retained by the responsible project manager.

A copy of all the agreements must form part of the respective Supplier's OHS file

3.2.2 Hazardous work by children (Child Labour)

The constitution of the Republic of South Africa, in the "Bill of Rights" is clear on the rights of children, especially when it comes to:

1. being protected from exploitative labour practices;
2. not to be required or permitted to perform work or provide services that
 - i. are inappropriate for a person of that child's age; or
 - ii. place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development and the Basic Conditions of Employment Act, Chapter six Section 43 "Prohibition of employment of children".

Before resorting to the use of child labour, due consideration must be given to the rights of the child in terms of the constitution. Where work is being performed which is not prohibited in

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terms of the constitution, then such work must be conducted in terms of the OHS Act “Regulations on Hazardous Work by Children in South Africa” with emphasis on paragraph 2 Purpose and Interpretation. Eskom does not condone the use of child labour and therefore all effort must be exercised and child labour should not be used.

3.2.3 OHS Act

The Supplier and appointed contractor shall have an up to date copy of the OHS Act and regulations which will be available to all employees.

3.2.4 Legislative compliance

All Suppliers will comply with all the legislation pertaining to this contract being:

- The Constitution of the Republic of South Africa (particularly Section 24 of the Bill of Rights).
- Occupational Health and Safety Act 1993 (Act 85 of 1993) and its Regulations.
- Compensation for Occupational Injuries and Diseases Act.
- National Road Traffic Act 93 of 1996.

4. Eskom Generation OHS Requirements

The Supplier shall, before commencement of the work ensure that all their employees are familiar with the relevant Eskom’s OHS documentation that is applicable to contract services.

4.1 Appointment of a Supplier

The Supplier will be appointed by Eskom on the awarding of the contract and will be responsible and accountable for all legislative and Eskom’s requirements for the duration of the contract.

4.2 Appointment of sub-contractors

The Supplier may appoint contractors to assist in the contract. All appointments shall be done in writing and will form part of the OHS plan/OHS systems/Manual that is required to be submitted to Eskom. Adequate training and instruction must be given to the appointees and the Supplier must ensure that all the appointed contractors understand their roles and responsibilities.

Note: Copies of Supplier’s appointments must be kept in the respective OHS file.

4.3 SHEQ policy

A SHEQ policy is a statement of intent and a commitment by the organisation’s CE and senior management in relation to the relevant OHS roles and responsibilities, the achievement of their strategic objectives, values of integrity, customer satisfaction, excellence and innovation.

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The Supplier and all appointed contractors, if already not in place, will be required to compile an organisational SHEQ policy in line with their OHS responsibilities. The policy must be signed by the organisation's CE or the appointed assistant to the CE OHS Act Section 16(2). The policy must be displayed in a prominent place within the workplace. A copy of the policy must be filed in the Supplier's OHS files and attached as an annexure in the OHS Plan/Manual/Systems.

4.4 COID

The Supplier and all his/her appointed contractors shall be registered with an appropriate employment compensation commissioner and have available a valid letter of good standing (LoG) from such commissioner. The obligation lies with the Suppliers to ensure that the LoG remain valid throughout the contract period. A copy of the LoG must be filed in the Supplier's OHS files.

5. Eskom Life-saving Rules

1. Eskom views health and safety in high esteem and encourages that any organisation that performs work for Eskom adopt the same view.
2. Five Life-saving rules have been developed that will apply to all Eskom Employees, agents and Suppliers. Failure to adhere to these rules by any Eskom employee or employee of appointed Supplier will be considered a serious transgression. These rules are being implemented to prevent serious injury or death of any employee, labour broker or Supplier working in any area within Eskom.
3. If any contractual work will be performed on any Eskom premises (including attending meetings), then the rules shall be obeyed by any Supplier and their employees.

The rules are:

RULE	DESCRIPTION OF RULE
Rule 1	OPEN, ISOLATE, TEST, EARTH, BOND, AND/OR INSULATE BEFORE TOUCH (That is plant, any plant operating above 1000 V)
Rule 2	HOOK UP AT HEIGHTS Working at height is defined as any work performed above a stable work surface or where a person puts himself/herself in a position where he/she exposes himself/herself to a fall from or into.
Rule 3	BUCKLE UP No person may drive any vehicle on Eskom business and/or on Eskom premises: Unless the driver and all passengers are wearing seat belts.

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Rule 4	BE SOBER No person is allowed to be under the influence of intoxicating liquor or drugs while on duty
Rule 5	PERMIT TO WORK Where an authorisation limitation exists, no person shall work without the required permit to work.

Eskom will take a stance of zero tolerance on these rules, the rule no 3 and 4 are applicable to this contract and must be adhered to at all times. Non-compliance to a Life Saving rule will be considered serious misconduct and will lead to serious disciplinary action, which may include dismissal.

This is to ensure that every person who works on or visits an Eskom Generation site returns home safely to his or her family.

5.1 Substance abuse

1. Alcohol and substance abuse poses a significant threat to any business, more so in industrial incidents and the driving of vehicles. Eskom is therefore, entitled to take reasonable steps to ensure that intoxicated persons are identified and prevented from entering Eskom Generation sites.
2. General Safety Regulation 2A is clear on the legal stance regarding intoxication.
3. The alcohol and drug permissible level is 0%.
4. All Suppliers shall comply with Eskom's procedure 32-37 ("Substance Abuse Procedure"), taking in to account that this is an Eskom Life-saving Rule number 4: BE SOBER", this means anyone entering the Eskom Generation sites will be subjected to ad hoc alcohol testing.
5. Suppliers are encouraged to compile their own manual and to carry out regular alcohol testing of their own employees. The legislative alcohol level is deemed to be zero.
6. Test records must be treated as "Confidential" and filed in the employees' personal file.

6. Company organisational structure

6.1 Company Organogram

The Company must provide an organisational organogram related to this contract, depicting all the levels of responsibility from the CE down to the supervisors responsible for the contract. List the relevant positions held, names of appointees and legal appointments.

The company must ensure that all appointed contractors comply with this requirement. The Company is responsible for keeping copies of all the organograms' as well as

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submitting them with the OHS plan/Manual/Systems. All organograms shall be updated timeously when appointments are changed.

This diagram must be kept up to date and filed in the project OHS files.

6.2 Appointed Supplier/s Organogram

1. Appointed contractors are required to compile their company organogram for the project, listing the reporting structure from their CE down to their project supervisors. The diagram must list the names, positions held and any appointments made.
2. This diagram must be kept up to date, a copy of which must be given to the Supplier and a copy filed in the relevant project OHS files.
3. This diagram must be kept up to date and filed in the project OHS files.

7. Eskom Generation Induction training

1. The Supplier shall ensure that all his / her employees, appointed contractors and their employees have undergone the Eskom Generation Safety Contractor Management induction training prior to commencing work on site.
2. Attendance registers must be completed of any induction training given, which must indicate that they have received and understood the induction training.
3. Prior to attending the induction training, all employees must undergo a pre-employment medical examination and found fit for duty. A copy of the certificate of fitness must be kept in the OHS file on site for the duration of the project.
4. All employees and visitors on Generation site shall carry the proof of induction training.

8. Eskom OHS audits

Eskom shall evaluate the Supplier companies' OHS performance on an ongoing basis against the legal, Eskom requirements, OHS specification and the companies OHS plans/Manual/Systems.

Note: Eskom reserves the right to conduct unannounced audits on appointed Supplier companies.

These audits shall be attended by the Supplier Companies site manager or the representative. If there are any findings / non-compliance identified as serious in these audits, an activity will be stopped for that specific Supplier and appointed contractor.

9. Smoking

The national smoking policy must be observed and smoking is permitted in designated areas only (Eskom Smoking Procedure 32-36).

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10. Cellular phones

The national requirements regarding the use of cellular phones must be observed, in particular when driving and walking on Eskom Generation premises.

11. Occupational health, hygiene and rehabilitation

The Supplier and its contractors are required to develop an Occupational Health, Hygiene and Rehabilitation program. The program is intended to ensure that the risks to health are identified and controlled.

11.1 Medicals

Note: Eskom will only accept medical surveillances conducted by an Occupational Health Practitioner who holds a qualification in occupational health.

1. Supplier must ensure that their employees who will be working on this contract have a medical surveillance program whereby their employees under go entry, periodic and exit medical fitness examinations.
2. In order for the appropriate medical examinations to be conducted, each employee must have a person job specification, which must indicate the description of work, list of hazards and potential occupational exposure limits, physical hazards and required physical attributes.
3. Medical fitness certificates shall be renewed annually for employees who are working on site. This shall be maintained until completion of the contract.
4. The Supplier must ensure that his / her employees and appointed contractor employees have undergone pre-entry medical examination before starting work on the contract.
5. The Supplier shall provide a documented process for managing those employees who are issued with a conditional certificate of fitness.

12. Driver Requirements

1. It is the responsibility of the driver to ensure:
 - a. Their passengers wear seat belts whilst the vehicle is in motion.
 - b. Comply with all traffic road rules, safety, direction and speed signs.
 - c. Comply with the speed limits on Eskom sites.
 - d. Ensure that vehicle loads are properly secured prior to moving off.
 - e. Ensure that vehicles are not overloaded.
2. No drivers or operators may text, talk on cell phones or two way radios whilst driving, unless a hands free kit is used.
3. All drivers of vehicles are to have valid medical fitness certificates.

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13. Transportation of Chemicals

Hazardous chemicals must be stored and transported carefully according to the applicable regulatory requirements covered by the National road traffic Act. The vehicle must be labelled and emergency numbers be displayed according to the hazardous substance Act.

Individuals transporting chemicals must be familiar with the material's hazards and know what to do in the event of a release or spill. Material Safety Data Sheet (MSDS) are a good source for this information and must be submitted to the station on the day of the delivery. Hazardous materials must be attended at all times while being transported. Incompatible chemicals must be kept separated during transportation. Hazardous materials should not be transported in the passenger compartment of the vehicle.

A spill kit must be kept in the vehicle suitable for cleaning up the materials that are being transported. In general, this would consist of personal protective equipment (e.g. gloves, eye protection), absorbent materials, and plastic bags to contain clean-up debris. Be prepared for spill containment and have clean up systems. Have an emergency plan in place to deal with an incident involving the hazardous chemicals. Have easily accessible fire-fighting equipment

14. Appointments

For the duration of the contract, the Supplier shall appoint competent employees who will meet the requirements of the OHS Act. Where appointments are made, Supplier shall ensure that the appointees have been suitably trained and or informed of their responsibilities before getting them to accept such appointment. The relevant statutory appointments shall be made in accordance with the requirements of the OHS Act which includes the requirement of a competent person being appointed in the relevant roles. The statutory appointments will include 16(2) appointments.

15. Risk Assessments

It is a legal requirement in terms of Section 8 (2)(d) of the OHS Act for an employer to carry out risk assessments to establish what hazards to the health and safety or persons are attached to any work which is performed. A risk assessment is defined as an identification of the hazards present in an organisation and an estimate of the extent of the risks involved, taking into account whatever precautions are already being taken. It is essentially a three stage process:

- identification of all hazards;
- evaluation of the risks;
- measures to control the risks.

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Risk assessments are required to be maintained. This means that significant changes to a process or activity, or any new process or activity should be subjected to a risk assessment and that if new hazards come to light during the work process, then these should also be subjected to risk assessments. Risk assessments for long term processes should be periodically reviewed and updated. Prior to start of work, risk assessments on every job / task are ideal to allow managers and employees to assess any inherent risks that could have been overlooked during the initial risk assessment or any changes that might have occurred in a period of absence. In particular, if a job / task is extended over a day or halted due to inclement weather.

16. Material Safety Data Sheet

Material Safety Data Sheet (MSDS) are a good source for this information and must be submitted to the station on the day of the delivery.

17. Personal Protective Equipment Requirements

1. The Supplier shall ensure that their employees use the correct PPE whilst on Generation sites.
2. All PPE purchased and used by the Supplier employees must comply with the relevant SANS standards.
3. Where deemed as a requirement, then high visibility vests shall be worn.
4. Where PPE is required and the employees are not in possession of, it is the Supplier's responsibility to provide the PPE.
5. All employees shall comply with the requirements of GSR 2 of the OHS Act.

18. Incident Investigation

All incidents shall be investigated in terms of OHS Act General Administrative Regulations 8 and 9, using Eskom Procedure 32-95 as a reference, and where injuries as contemplated in sections 24 and 25 have been sustained, be reported to the Department of Employment and Labour. Supplier shall use the standard General Administrative Regulation Annexure 1 "Recording of an Incident" form for all incident investigation reports. The objective of incident investigation, should not only be a legal requirement, but should establish why and how the incident occurred and find out the real root cause of the incident and to decide on precautionary measures that are required to address the root cause to prevent any further recurrences of the same or similar incidents.

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19. Emergency Management

The art of emergency preparedness and response is to minimise the effects of any emergency and to restore normal activities as soon as practical. The Supplier's employees shall familiarise themselves with the emergency management plan when working on Eskom Generation sites.

20. Environmental management

Environmental Requirements means all Laws and requirements relating to the protection of the environment or to emissions, discharges, releases or threatened releases of pollutants, contaminants, or Hazardous Materials. The supplier shall comply with the National c when offloading the hazardous chemicals onsite. The Environmental professional shall be informed of the date of the delivery of the chemical to site. The baseline risk assessment shall include the protection of the Environment and the person's health, should the chemical spillage take place.

21. Non-Conformance and Compliance

Any non-compliance to any Eskom health and safety requirement and applicable legislation is subject to discipline in terms of the Eskom Procurement and Supply Management Procedure.

The procedure for the issuing and closing off of non-conformance reports shall be strictly adhered to.

Supplier's project management must monitor the close out non-conformances issued, in not doing so; any recommendations made may not be implemented.

Where non-conformances are issued by Eskom, one step of the close-out procedure will be for the offender to be called by the responsible project manager to explain the non-conformance issued and identify the plans in place to prevent a recurrence of the non-conformance.

Should the Supplier fail to provide adequate PPE to their employees for the tasks being performed and/or to visitors; failure to enforce the wearing of such PPE will be viewed as a transgression of the legislative and Eskom requirements

22. Generation Sites Requirements

The minimum OHS requirements communicated during the procurement stage are for tender evaluation purpose that is assessing the supplier's capability to comply with Eskom, legal and other requirements for the duration of the contract.

Note: Eskom site specific requirements will be issued by the site where the services will be provided and therefore the supplier is urged to consult the respective sites timeously after

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signing the contract to avoid the delay of service delivery. The successful supplier **shall** comply with the Eskom site/BU, legal and other requirements and the OHS file **shall** be assessed by the site/BU OHS professional. The supplier will only commence with work once the OHS file is approved by the Site/BU.

23. Revisions

Date	Rev.	Compiler	Remarks
July 2021	1	Florence Poee	This provides the initial OHS specification requirements that must be met by the relevant Suppliers who have been awarded a contract for the work to be performed for Eskom.

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