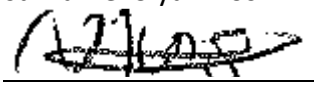
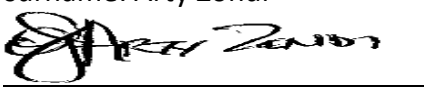
# ETHEKWINI MUNICIPALITY

## Occupational Health & Safety Directorate

# 37.2 Agreement in terms of Occupational Health and Safety Act No. 85 of 1993

| | |
|---|---|
| Document Title | 37.2 Agreement in terms of OHS Act of 1993 |
| Client | EThekwini Municipality – Human settlements |
| Project Name | Provision of professional services for structural, geotechnical and social facilitation for the construction of 90 pre-1994 housing stock in the former R293 Towns |
| Contract Number | 1H-37198 |
| Internal Reference no. | 02/09/2026 |
| Compiled by (Safety officer) | Name and surname: Siya Nkosi<br>Signature: <br>Date: 29/09/2026 |
| Reviewed by (Manager: Safety& Risk) | Name and surname: Arty Zondi<br>Signature: <br>Date: 29/09/2026 |

# ETHEKWINI MUNICIPALITY

## OCCUPATIONAL HEALTH AND SAFETY

### OCCUPATIONAL HEALTH AND SAFETY ACT 1993, (ACT NO. 85 OF 1993) MANDATORY AGREEMENT – 37.2

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## Contractor Acknowledgement of Responsibility in terms of the Occupational Health, Safety and Environmental Act

Written agreement between ETHEKWINI Municipality (the "employer")

I hereby declare that I, .....,representing eThekwini Municipality from ……Unit

And

(the "mandatary")

as provided for in terms of Section 37 (2) of the Occupational Health and Safety Act No.85 of 1993 as amended by Act 181 of 1993 (as amended) and other relevant statutory and regulatory requirements.

I hereby declare that I, ....., am authorised to represent the "mandatary" and acknowledge that the "mandatary" is an employer in its own right with all duties and responsibilities as prescribed in the Occupational Health and Safety Act no. 85 of 1993 and its Regulation and other applicable Legislations .
I agree to ensure that all work performed, or machinery and plant used by the "mandatary" on any ETHEKWINI Municipality premises shall be in accordance with the provisions of the said Act.
Furthermore, I agree the "mandatary" shall comply with all ETHEKWINI Municipality site rules and safety, health, and environmental requirements as may be communicated or stipulated by ETHEKWINI Municipality prior to and during the course of any Contract awarded to the "mandatary" by ETHEKWINI Municipality.
Furthermore, I undertake to ensure that ETHEKWINI Municipality is timeously informed should the "mandatary", for whatever reason, be unable to perform in terms of this agreement.

**I HEREBY UNDERTAKE TO**
Acquaint the officials and employees of the Mandatory with the relevant provisions of the Act and the regulations promulgated in terms of the Occupational Health and Safety Act No. 85 of 1993, and other relevant statutory and regulatory requirements.
Compliance with all the relevant duties, obligations and prohibitions imposed on the Client in terms of the Occupational Health and Safety Act No 85 of 1993 and Regulations and other relevant statutory requirements.
Ensure that all employees are trained on the SHE aspects relating to the Contract works and that they understand the hazards/aspects associated with such work being carried out on site.
Without derogating from the foregoing, to, ensure that all users or operators of any materials, machinery or equipment are properly trained in the use of such materials, machinery or equipment.

Provide full co-operation and information if and when the Client or its representative enquiries into SHE issues concerning the Mandatory. It is hereby recorded that the Client and/or its representative shall at all times be entitled to make such enquiry.
Ensure 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 or insurer are discharged, and to further ensure that the cover shall remain in force whilst any such employee is present on the site.
Ensure that all employees are informed regarding the scope of their authority as contemplated in section 37(1) b of the Occupational Health and Safety Act 85 of 1993 and Regulations.
Ensure as far as is reasonably practicable, that persons other than those in his employment who may be directly affected by his activities area not thereby exposed to hazards to their health or safety.
Ensure that all employees under his/her control are always wearing the appropriate Personal Protective Equipment when visiting sites.

The Mandatory shall inform the Client of any Health, Safety hazard or Environmental impact which the Mandatory may come across during execution of works.
The Mandatory shall ensure strict SHE discipline on work performed by Service provider.
The Mandatory shall inform the Client of any difficulty encountered with regards to compliance by the Service provider to any safety, health and/or environmental instruction, procedure and/or legal provision applicable to the Contract works the Service provider performs in the workplace.

The Service Provider shall, **after being awarded the contract,** submit the following documents to the client for approval:

- Site Specific Health and Safety Plan;
- Risk assessment
- Proof of registration with Compensation Commissioner (Letter of Good Standing)
- Legal appointment letter and Registration with relevant professional body (DOE&L, ECSA, SACPCMP, SACPLAN, etc.)
- OHSA16(1) Resolution letter
- Award letter

Signed this .....day of .....20.....

On behalf of the “mandatary” (print) .....

(sign) .....

On behalf of the “employer” (print) .....

(sign) .....