



**HEALTH AND SAFETY
APPOINTMENT**
Section 37(2) & Construction Regulation 4(1)(c)

MANDATARY

Occupational health and Safety Act 85 of 1993

AGREEMENT WITH MANDATARY
In terms of section 37 (1) and (2)

WRITTEN AGREEMENT ENTERED INTO AND BETWEEN

OAKDALE TRUST t/a THE MANDELA SHOPPING CENTRE
(Hereafter referred to as the client abbreviated as WSV)

C/o Main Road & R44, Orknie Snorknie

AND

(Hereinafter referred to as the Principal Contractor)

Compensation Fund Number _____

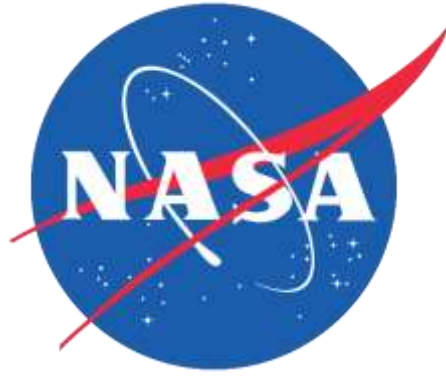
NAME AND SURNAME OF SECURITY OFFICIAL _____ **COY** _____
WHO COMPLETE THE FORM

PERMIT NO _____

CARD NO -----

DATE _____

TIME _____



Definition of Mandatory

Includes a agent, a principal contractor or contractor for work, but with out derogating from his status in his own right as an employer or user.

Occupational health and Safety Act 85 of 1993

1. You are requested to, as far as you reasonably can, comply with the requirements of the OHS Act regulations and incorporate Safety standards.
2. Your attention is drawn to “**General Duties of Employers to the Employees**” as required by Sections 8 of the OHS Act 85 of 1993.
3. You are required to :
 - 3.1 Sign a written “**Agreement with Mandatory**” as required by Section 37(1)(2) of the Act with WSV before commence any work on the premises/site.
 - 3.2 Provide WSV with a documented health and safety plan.
 - 3.3 Provide WSV with a written appointment of the person who is going to supervise the b construction work as per Construction Regulation 6(1)
 - 3.4 Provide WSV with written designation of your nominated Health and Safety Representative as per Section 17(1). *(Competency certificate available)*
 - 3.5 If you employ more than five (5) persons, you are required to provide your First Aid Box as required per General Safety Regulation 3(2). *(Incident records and monthly content inspections available!*
 - 3.6 If you employ more than ten (10) persons, you are required to provide your own qualified First Aider as per General Safety Regulation 3(4). *(Competency certificate available)*
 - 3.7 When working with hazardous chemicals substances, comply with Hazardous Chemicals Substances Regulation 3. *(Competency certificate available on site)*
 - 3.8 When using material hoist, comply with Construction Regulation 17
 - 3.9 When using lifting machines and lifting tackle, comply with Driven Machine Regulation 18.
 - 3.10 When using explosive power tools, comply with Construction Regulation 19
 - 3.11 When using scaffolding, formwork and support comply with Construction Regulation 19 & 14
 - 3.12 When excavating or demolishing, comply with Construction Regulation 11 and 12
 - 3.13 When welding, flame cutting, soldering , comply with Construction Regulation 9 and obtain Hot work permit from operational manager.
 - 3.14 When working in confine spaces, comply with General Safety Regulation 5.
4. You are responsible for providing your own legal safety documents and registers to comply with the Act's requirements.
5. You are required to comply with General Safety Regulation 2(1) to (7) and provide employees with personal protective equipment which will allow them to carry out their work in a safe manner, eg. Hard hats, safety harness, safety footwear, eye protection, hand protection etc...
6. Reporting of incidents and occupational diseases shall be done as General Admin Regulation 6 (Also see Section 24 of the Act)
7. Carry out **Issue Base Line Risk Assessment/Task Hazard Identification** before Commencement of any construction work. (Construction Regulation 7)

Compensation for occupational Injuries and Diseases Act (no 136 of 1993)

You are required to provide WSV proof of registration with the Compensation Commissioner / Federated Employer's Mutual when signing this agreement. Failure to do so would result in WSV notifying the agent of the Commissioner to investigate and make an assessment of your wages return and the applicable levy you have to pay which will be liable for deduction from your monthly progress payment and paid over to the Commissioner. *(Copy of proof of payment will be provided to _____see Section 89(1) of the COID Act*



AGREEMENT WITH MANDATORY
In terms of Section 37(1) and (2)

Section 37(1) Whenever an employee does or omits to do any act which is an offence in terms of this Act for the employers of such employee or a user to do or to omit to do , then innless it is proved that -

- (a) in doing or omitting to do that act the employee was acting without connivance or permission of the employer or any such user.
- (b) it was not under any condition or in any circumstances with the scope of the authority of the employee to do, or omit to do an act, whether lawful or Unlawful, of the character of the omission charged, and
- (c) all reasonable steps were taken by the employer or any such to prevent any act or omission of the kind in question.

the employer or any such user himself be presumed to have done or omitted to do that act, and shall be liable to be convicted and sentenced in respect thereof ; and the fact that he issued instructions forbidding any or omission of the kind in question, shall not, in itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission.

Section 37(2) The provision of subsection (1) shall “mutatis mutandis” apply in the case of the mandatory of any employer or user , except if the parties have agreed in writing to the arrangements and procedures between them to ensure compliance by the mandatory with the provision of the Act.

ACCEPTANCE BY MANDATORY

In terms of the provision of Section 37(2) of the Occupational Health and Safety Act 85 of 1993

I, _____ acting for and on behalf of Client WSV.
Security – Controller – Name & Surname

Signature _____ Date _____ Time _____

I, _____ acting for and on behalf of – Principal Contractor
Name and Surname

NAME OF COMPANY AND TELEPHONE OF COMPANY

ADDRESS _____

Signature _____ Date _____ Time _____