

Sample form: Agreement between client and contractor

The sample agreement attached is generic and should be adapted to be site-specific.

REGULATION AND CONTROL OF CONTRACTORS

IN REGARD TO CONSTRUCTION WORK

OCCUPATIONAL HEALTH & SAFETY REQUIREMENTS

AGREEMENT FRAMED IN TERMS OF SECTION 37(2) OF THE OCCUPATIONAL HEALTH AND SAFETY ACT

(issued to Principal Contractors and where applicable, Contractors)

This document is to be issued in triplicate to all Contractors.
The Contractors and witnesses are to sign two copies, initial each page and return these copies to the Company.

I, the undersigned, in my capacity as the authorised office of, and as such representing the undermentioned contracting firm, hereby acknowledge that I have read the attached Regulations for Principal Contractors and Contractors, the contents of which I fully understand and I hereby agree to abide by these regulations in all respects. I acknowledge that I am a mandatory in terms of the Occupational Health and Safety act and agree to comply with the Act and Safety Regulations. To this end, I will comply in full with the Occupational Health and Safety Act and in particular with the Construction Regulations GN R1010 of 18 July 2003.

SIGNATURE

NAME IN BLOCK LETTERS

WITNESS

NAME IN BLOCK LETTERS

NAME OF PRINCIPAL/AGENT

DATE

Certified that _____ has produced to me proof of registration in terms of Section 80 of the Occupational Injuries and Diseases Act or registration with a registered compensation Insurer.

Registration/Certificate Number _____

Signed _____ Date _____

PREAMBLE

(Note that where the term Contractor is used in this document this shall also be taken to mean Principal Contractor where applicable.)

These regulations have been compiled by _____ (hereinafter referred to as the Company) to ensure that all construction work carried out for or on behalf of the Company is performed in a safe and healthy manner and that the Occupational Health and Safety Act and Regulations, particularly the Construction Regulations, are complied with as far as is reasonably practicable.

This agreement is drawn up as provided for in Section 37(2) of the Occupational Health and Safety Act and in signing these Regulations the contractor not only specifies adherence to the legal requirements, but also undertakes to comply with the same.

***** Where Principal Contractors and Contractors require assistance in preparing this document, add the following paragraph*****

It is essential that all Contractors are aware that they are bound by the provisions of the legislation and to assist you the following documents are attached. They set out basic requirements.

- *A matrix indicating duties and responsibilities of owner/employer/agents, contractors and their contractors, commonly referred to as sub-contractors;*
- *An inspection checklist for use by owner/employer/agents, contractors and their contractors;*
- *An abridged version of the Occupational Health and Safety Act; and*
- *The required Health and Safety System that must be fully documented.*

Important: Where, in any documentation relating to this contract, reference is made to the Act, this shall mean the Occupational health and Safety Act of 1993, which includes all Regulations thereto, any Regulations made under the Machinery and Occupational Safety Act of 1983, which may still be enforced at the time of implementation of this contract, and all relevant safety standards as outlined in Section 44 of the Occupational Health and Safety Act.

The Contractor hereby indemnifies the Company against any liability, loss, claim or proceedings whatsoever, whether arising in Common Law or by Statute; consequent personal injuries or the death of any person whomsoever (including claims by employees of the Contractor and their dependents); or consequent loss of or damage to any moveable or immoveable property arising out of or caused by or in connection with the execution of the Contractor's contract with the Company.

The contractor agrees:

- *To ensure all employees receive the necessary training before commencing work and carry such proof of training with them.*
- *To ensure provision of welfare facilities as per Construction Regulation 28.*
- *To provide the client with a fully documented Safety, Health and Environmental (SHE) plan and specifications.*
- *To provide risk assessments, safe work procedures and method statements.*
- *To provide first aid facilities and first aiders as per General Safety Regulations.*
- *To comply with the hazardous chemical substance regulations and where applicable lead and asbestos regulations.*
- *To comply with environmental requirements as per the environmental impact study and the environmental regulation for workplaces.*
- *To keep on site the written appointment for supervision of construction work.*
- *To provide written designation of health and safety representatives and minutes of all meetings, whether site or separate, regarding occupational health and safety.*
- *To provide all legal safety and health documents and registers as required by the Act and Regulations, including a copy of the Occupational Health and Safety Act.*
- *To comply with Construction Regulation 22, Electrical Machinery Regulations, and Electrical Installation Regulations regarding temporary electrical installations on site.*
- *To comply with Construction Regulations relating to construction vehicles.*
- *To prepare a fully documented fall protection plan.*
- *To comply with General Safety Regulation 2 regarding protective clothing and equipment.*
- *To report all incidents and accidents and occupational diseases as per Section 24 of the OHS Act and Regulation 6 of the General Administrative Regulations.*
- *To comply with the General Safety Regulations – Sections 5 and 9 – concerning confined spaces and welding, flame cutting and/or soldering.*
- *This should be read in conjunction with Construction Regulation 27 regarding the appropriate measures to be taken to avoid the risk of fire and explosion (see Construction Regulation 27).*
- *To ensure that when using or erecting support or form work, scaffolding and ladders, he complies with Construction Regulation 10 and others.*
- *That good housekeeping be done, including monitoring of stacking and storage and temporary storage of flammable materials as per Construction Regulations 25 and 26.*
- *That where explosive power tools are used, correct training is given, registers kept and precautions exercised.*
- *That excavation work is done in accordance with Construction Regulation 11.*
- *That blasting is done in accordance with the explosive regulations.*
- *That demolition work is done in accordance with Construction Regulation 12.*
- *That hoists, suspended platforms and boatswain's chairs comply with the Construction Regulation requirements.*
- *That when erecting or using scaffolding, in addition to the Construction Regulation requirements, SANS code 85 is complied with.*

The Contractor undertakes to carry out his obligations as required by law for the construction work to be carried out.

These regulations shall not be deemed to relieve Contractors of any other civil, legal or statutory liability or obligation, or to waive or modify such other liability or obligation.

Signed at _____ on _____.

Client's agent _____

Principal Contractor/Contractor