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# BOSA

TRANSMISSION PROJECT

## APPENDIX 12

COMMUNITY & OCCUPATIONAL  
HEALTH AND SAFETY PLAN  
REVISION 1.0

# CONTENTS

CONTENTS	1
INTRODUCTORY NOTE	3
SECTION 1	4
1 Introduction	4
1.1 Background to the Project	4
1.2 Purpose and Scope	4
1.3 Objectives	4
1.4 Major sources of health and safety hazards	4
1.5 Legislative Framework	5
SECTION 2	7
2 Occupational Health and Safety	7
2.1 Health of the Workers	7
2.1.1 Prevention of disease	7
2.1.2 Hygiene	8
2.2 Safety of the Workers	8
2.2.1 Anticipated hazardous on site	8
2.2.2 Hazard management	9
2.3 Health and Safety Training	10
2.4 Protective Equipment	10
SECTION 3	11
3 Community Health and Safety	11
3.1 Health of the Public	11
3.1.1 Prevention of disease	11
3.1.2 Hygiene	11
3.1.3 Water quality and availability	11
3.1.4 Dust	11
3.2 Safety of the Public	12
3.2.1 Traffic safety	12
3.2.2 Structural safety	12
3.2.3 Fire safety	12
3.2.4 Transportation of hazardous material	12
SECTION 4	13
4 Emergency Response and Incident Management Procedure	13
4.1 Emergency Response Procedure	13
4.2 Incident Management Procedure	14
4.2.1 Potential incidents	14
4.2.2 Reporting and response plan	15
SECTION 5	17
5 Non-conformances	17
SECTION 6	19
6 Targets and Monitoring Requirements	19
6.1 Outcome targets	19
6.2 Monitoring, Reporting and Auditing Requirements	19

## List of Figures

Figure 1: Incident Management Process ..... 16

## List of Tables

Table 1: Applicable legislation ..... 5  
 Table 2: Safety hazards to be considered during construction and operation ..... 8  
 Table 3: List of potential incidents that may occur during construction and appropriate precautionary measures to mitigate the impacts..... 14

## List of Acronyms

<b>BOSA</b>	Botswana-South Africa	<b>IFC</b>	International Finance Corporation
<b>BPC</b>	Botswana Power Corporation	<b>DBSA</b>	Development Bank of Southern Africa
<b>DBSA</b>	Development Bank of Southern Africa	<b>NEM:AQA</b>	National Environmental Management: Air Quality Act 2008 (Act No. 39 of 2008)
<b>DEA</b>	Department of Environmental Affairs	<b>OHSA</b>	Occupational Health and Safety Act (Act No. 85 of 1993)
<b>EHS</b>	Environmental Health and Safety	<b>PPE</b>	Personal Protective Equipment
<b>ECO</b>	Environmental Control Officer	<b>SANS</b>	South African National Standards
<b>EO</b>	Environmental Officer	<b>SAPP</b>	Southern African Power Pool
<b>ESIA</b>	Environmental and Social Impact Assessment	<b>VCT</b>	Voluntary Counselling and Testing
<b>ESMP</b>	Environmental and Social Management Plan		

## Glossary of Terms

*Definition of terms provided in the Occupational Health and Safety Act (Act No. 85 of 1993)*

<b>Hazard</b>	means a source of or exposure to danger
<b>Risk</b>	means the probability that injury or damage will occur;
<b>Workplace</b>	means any premises or place where a person performs work in the course of his employment

## INTRODUCTORY NOTE

This plan has been prepared in terms of the requirements of the Department of Environmental Affairs (DEA) in their acceptance of the Final Scoping Report prepared for the proposed Botswana-South Africa (BOSA) Transmission Interconnection Project (the “Project”) to alleviate the current electricity supply constraints and contribute towards energy security of supply in the long run by enhancing the distribution of electricity in the region.

This Plan must be read in conjunction with the ESMP and should be implemented throughout the lifecycle of the project and/or where relevant. In terms of implementation, the Developer (Eskom or BPC) will be responsible for appointing a qualified Environmental Control Officer (ECO) to visit the site as stipulated in the ESMP to ensure implementation of this plan and other relevant authorisations and permits. A copy of this Plan must be maintained on site, and all the Contractor’s employees working at the site, including sub-contractors must be trained to ensure compliance with this Plan. Changes to the Plan must be approved by the ECO, and updates and reasons for the changes incorporated into the plan.

# SECTION 1

## 1 Introduction

### 1.1 Background to the Project

The Southern African Power Pool (SAPP) has identified the Botswana-South Africa (BOSA) Transmission Interconnection Project as one of the energy pool initiatives to alleviate the current electricity supply constraints and contribute towards energy security of supply in the long run between South African and Botswana. Given the transborder nature of the project, both Eskom of South Africa and the Botswana Power Corporation (BPC) will subsequently be the beneficiaries of the project. The proposed transmission line stretches between the Mafikeng area in South Africa and Gaborone in Botswana for approximately 210 km.

The subject of this Plan is **Community and Occupational Health and Safety** for the project.

### 1.2 Purpose and Scope

The purpose of the Plan is to identify and detail actions to be implemented should situations arise that cause, or have the potential to cause harm persons' health or safety.

### 1.3 Objectives

The objective of this Plan is to aid effectiveness of carrying out appropriate actions during a potential emergency situation or incident.

### 1.4 Major sources of health and safety hazards

Most occupational health and safety issues during construction, operation, maintenance and decommissioning of electric power distribution projects are common to those of large industrial facilities<sup>1</sup>.

The appointed Contractor will be responsible to identify potential hazards and risks associated with construction and operational activities of the project. Employees must also be trained to identify, control, and report potential or observed hazards in the workplace.

The impacts include among others: exposure to physical hazards from use of large industrial equipment, trip and fall hazards, falling objects and exposure to electrical hazards from the use of tools and machinery, spread of sexually transmitted diseases and poor hygienic conditions.

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<sup>1</sup> SRK, 2017. Environmental and Social Framework (ESMF) for the Southern African Power Pool (SAPP): Final. Report.

## 1.5 Legislative Framework

**Table 1: Applicable legislation**

LEGISLATION OR GUIDELINE	DESCRIPTION	APPLICABILITY TO THE PROJECT
<b>INTERNATIONAL</b>		
World Bank Group Environmental Health and Safety (EHS) Guidelines	The World Bank Group EHS Guidelines are referred to in Performance Standards 1 as the technical reference documents with general and industry-specific examples of good international industry practice, to be used as a technical source of information during project appraisal. The EHS Guidelines contain the performance levels and measures that are normally acceptable to the World Bank, the IFC and the DBSA, and that are generally considered to be achievable in new facilities at reasonable cost using existing technology. The EHS Guidelines establish performance indicators and provides performance levels and measures to be achieved in new facilities by existing technology at reasonable costs. The EHS Guidelines should be tailored to each project based on the outcomes of an environmental assessment. The requirements of these guidelines have to be accomplished during the different implementation phases of the project. If the host country has more stringent performance indicators then these must be guaranteed.	
<b>SOUTH AFRICA</b>		
Basic Conditions of Employment Act (Act No. 75 of 1997)	The objective of this is Act is to give effect and regulate the right to fair labour practices conferred by section 23(1) of the Constitution by enforcing basic conditions of employment and regulating the variation of basic conditions of employment.	Eskom and/or contractor will be responsible for ensuring there is a committee in place to enforce employment policies, practices and/or specifications relating to remuneration, training, leave, working hours and termination of employment.
Occupational Health and Safety Act (Act No. 85 of 1993)	Section 8 states that every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of the employees.	Eskom and/or contractor will be responsible for ensuring that the work environment is safe for workers and that applicable safety gear is provided during the construction, operational and decommissioning phases.
<b>BOTSWANA</b>		
Employment Act, 1992	This Act provides for the legal rights of the employer and employee's relations.	The contractor is bound by this Act to fairly treat his employees and the employees are also bound by the Act to abide by their contracts.
Public Health Act (Cap. 63:01 of 1981)	An Act to make the notification of certain diseases compulsory and to control such diseases; to make provision regarding diseases subject to the International Health Regulations; to prevent the spread of smallpox; to prevent the introduction of diseases into Botswana; to control advertisements and publications concerning venereal disease; to regulate sanitation and housing; to provide for the protection of foodstuffs and of water supplies; to	The Contractor should adhere to the requirements of the Act.

	regulate the use of cemeteries; and generally to make provision for public health.	
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## SECTION 2

### 2 Occupational Health and Safety

The Contractor is obliged to implement all practical precautionary measures to protect the health and safety of workers. This section provides guidance and examples of reasonable precautions to implement in managing primary risks to occupational health and safety. Although the focus is placed on the construction phase of project, the measures are also applicable to the operational phase.

#### 2.1 Health of the Workers

##### 2.1.1 Prevention of disease

The population influx of job seekers in the area could potentially contribute to alcoholism, drug abuse, prostitution and the spread of sexually transmitted diseases in the local population. This impact may be aggravated by the presence of a temporary construction workforce. With a predominantly male population, construction camps often become a focal point for promiscuous sexual activities. Furthermore, the transport of building materials via roads is expected to increase. Truck drivers are often associated with prostitution and this, together with the influx of new work seekers, increases the risk that the prevalence of HIV/ AIDS will increase. The same factors apply to TB and other communicable diseases. An influx of newcomers can overburden the health services and infrastructure, inadequate sewage and waste management and can increase some health risks<sup>2</sup>.

Measures to combat spread of diseases<sup>3</sup>:

- Implement HIV/ AIDS, alcohol abuse, drug abuse, and domestic violence prevention and awareness campaigns in the communities.
- The Contractor shall ensure that information posters on HIV/ AIDS, alcohol abuse, drug abuse, and domestic violence are displayed in the Contractor Camp area
- SAPP, ESKOM and BPC and the appointed construction contractor should ensure the health of its employees and their dependants by adopting rigorous health programmes, which should, at a minimum, include programmes to combat HIV/ AIDS and TB.
- The contractor should make HIV/ AIDS and STD awareness and prevention programmes a condition of contract for all suppliers and sub-contractors.
- The contractor should provide an adequate supply of free condoms to all workers. Condoms should be located in the bathrooms and other communal areas on the construction site.
- A Voluntary Counselling and Testing (VCT) programme should be introduced during the construction phase and continued during operations.
- The contractor should undertake a HIV/AIDS and STD prevalence survey amongst all workers on a regular basis. It will involve a voluntary test available to 100% of the workforce. The results of the survey will help to determine the HIV/ AIDS and STD strategy. When and if statistically representative results are obtained the results of the survey should be made available to management and workers at the same time. Results should be presented in statistical terms so as to ensure confidentiality.

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<sup>2, 2</sup> Aurecon, 2017. BOSA Transmission Interconnection Project: Draft Social Impact Assessment Report.

- SAPP, ESKOM and BPC and the appointed construction contractor should align awareness campaigns with those of other organisations in the area. These campaigns should use various common-practice methodologies in order to ensure social and cultural sensitivity.
- Access at the construction site and camp should be controlled to prevent sex workers from either visiting and/ or loitering at or near these locations.
- Provision of sufficient entertainment facilities in construction camps (e.g. lounge with TV, pool table, access to local soccer fields etc.).

### 2.1.2 Hygiene

- The Contractor shall provide adequate and well-maintained toilet facilities for all staff.
- The use of ablution facilities and or mobile toilets shall be used at all times and no indiscriminate use of the veld for the purposes of ablutions shall be permitted under any circumstances.
- Chemical toilets must be cleaned on a daily basis and EO must inspect them to ensure compliance to health standards.
- The toilets must also be serviced regularly by an approved / accredited service provider.
- Daily housekeeping is encouraged
- Potable clean drinking water must be provided to the workers.
- Ensure that potable water containers are clearly labelled.
- When working under dusty conditions, appropriate PPE must be provided to prevent any potential lung function impairment or lung disease.

## 2.2 Safety of the Workers

### 2.2.1 Anticipated hazardous on site

The table below details the occupational health and safety hazards specified to electrical power transmission and distribution projects as well as the measures to eliminate or minimise the exposure to such hazards:

**Table 2: Safety hazards to be considered during construction, maintenance and operation activities of the project<sup>4</sup>**

Aspect	Considerations
<p><b>Live power line</b></p> <p><i>Construction of a transmission line may expose the workers to occupational hazards from contact with live power during construction, maintenance, and operation activities.</i></p>	<ul style="list-style-type: none"> <li>• Only allowing trained and certified workers to install, maintain, or repair electrical equipment.</li> <li>• Deactivating and properly grounding live power distribution lines before work is performed on, or in close proximity, to the lines.</li> <li>• Ensuring that live-wire work is conducted by trained workers with strict adherence to specific safety and insulation standards.</li> <li>• Workers should not approach an exposed energized or conductive part even if properly trained unless the worker is properly insulated with glove r other approved insulation or if the energized part is properly insulated.</li> <li>• Workers not directly associated with power transmission and distribution activities who are operating around power lines should adhere to local</li> </ul>

<sup>4</sup> IFC, 2007. Environmental, Health and Safety Guidelines for Electric Power Transmission and Distribution.

	legislation, standards, and guidelines relating to minimum approach distances for excavations, tools, vehicles, pruning, and other activities
<p><b>Working with height</b></p> <p><i>Working on poles and tall structures may expose the workers to occupational hazards during construction, maintenance, and operation activities.</i></p>	<ul style="list-style-type: none"> <li>• Inspecting or testing structures for integrity prior to undertaking work.</li> <li>• Hoisting equipment should be properly rated and maintained and hoist operators must be properly trained.</li> <li>• Provide a safe working platform with guardrails, toe boards etc., proper use of ladders, scaffolds and fall prevention devices. The fall protection system should be appropriate for the tower structure and necessary movements, including ascent, descent, and moving from point to point.</li> <li>• Fixtures must be installed on tower components to facilitate the use of fall protection system.</li> <li>• When operating power tools at height, workers should use a second (backup) safety strap.</li> <li>• Provide appropriate training to all staff working with height.</li> <li>• Develop rescue or emergency plan to facilitate the rescue of trapped or fallen worker.</li> <li>• Provide head protection.</li> <li>• Signs and other obstructions should be removed from poles or structures prior to undertaking work.</li> </ul>
<p><b>Exposure to electric and magnetic fields:</b></p> <p><i>Electric and magnetic fields are invisible lines of force emitted by and surrounding any electrical device.</i></p>	<ul style="list-style-type: none"> <li>• Evaluate and/or identify potential exposure levels in the workplace.</li> <li>• Train the workers to identify occupational electric and magnetic fields levels and hazards.</li> <li>• Limit site access to properly trained workers.</li> <li>• Establish safety zone to differentiate.</li> <li>• Provide head protection.</li> </ul>

### 2.2.2 Hazard management

The Contractor is responsible to ensure that the construction site is a safe environment for all the site personnel. Provisions shall be made to ensure:

- Key construction areas and equipment will be fenced off/enclosed at all times.
- Fences and security access will be maintained throughout the project.
- Personnel on site must have appropriate PPE gear.
- Hazardous substances will be isolated and protected.
- Location of signage around site perimeter is identified through risk assessment process.
- Clear and controlled site access procedures.
- Site induction is undertaken by every member of staff.
- Training and vetting of security personnel.
- Emergency preparedness and response plan will be implemented (refer to **Appendix 8: Material Management Plan**).

As part of managing safety hazards associated with the construction activities; it is important that the precautionary measures (site procedures and tools etc) in place are established based on the identified

risks on site. Therefore, the risk assessment must inform processes such as awareness management, inspection of tools and re-assessment of activities and tasks.<sup>5</sup>

## 2.3 Health and Safety Training

Training on health and safety issues is crucial for a constructive environment where the employees are constantly exposed to hazards associated with the activities on site. According to the OHSA, all employees have the right to be trained according to prescription of the employer. Necessary information, instructions must also be provided to employees.

Basic training and awareness programme required are detailed in the ESMP. The Contractor can however to come up with other innovative approaches or training methods to raise awareness or train the staff and sub-contractors.

The Contractor will appoint a qualified a health and safety representative(s) to train employees and manage health and safety matters during the construction phase of the project.

## 2.4 Protective Equipment

The Occupational Health and Safety Act (OHSA) requires that workers be provided with personal protective equipment (PPE) to eliminate or mitigate any potential hazard. Personal Protective Equipment (PPE) is last line of defence against workplace safety hazards. The PPE provided by the Contractor must meet criteria set by the Eskom and BPC and relevant OHSA requirements. This equipment must be appropriate for the parts of the body that need protection and the work performed.

The PPE include equipment for the eyes, face and head, protective clothing, respiratory devices, protective shields and barriers amongst others. It is the responsibility if the Contractor to provide all the workers on site with the appropriate PPE and ensure that they are worn at all times. The contractor will also need to train the workers about the use and importance of PPE on site as part of the induction training.

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<sup>5</sup> SRK, 2017. Environmental and Social Framework (ESMF) for the Southern African Power Pool (SAPP): Final. Report.

## SECTION 3

### 3 Community Health and Safety

During construction, some of project activities may take place outside of the project boundaries. The Contractor is therefore responsible for implementing all practical precautionary measures to protect the health and safety the public and/or affected communities. This section provides guidance and examples of reasonable precautions to implement in managing primary risks to the public.

#### 3.1 Health of the Public

##### 3.1.1 *Prevention of disease*

Health hazards associated with large development projects are those relating to poor sanitation and living conditions, sexual transmission diseases such as HIV/AIDS and vector-borne infections. Although there is no single measure that is likely to be effective in the long term, successful initiatives typically involve a combination of intervention strategies as detailed in **Section 2.1**.

##### 3.1.2 *Hygiene*

Environmental hygienic conditions on site and adjacent areas must be maintained. Waste (domestic and hazardous) on site must also be handled such that the residents nearby are exposed to pollution from site.

##### 3.1.3 *Water quality and availability*

Groundwater and surface water are usually the sources of domestic water in in rural areas where piped water supply may be limited or unavailable.

#### **Potential Impacts:**

Activities involving wastewater discharges, water abstraction and diversion or impoundment of groundwater and surface water resources

#### **Precautionary Measures:**

- No wastewater may be abstracted or discharged into the natural water resources without treatment and/or necessary permit and/ licence.
- Drinking water sources, whether public or private, should be protected at all times.
- If water abstraction is necessary for the project activities, necessary field tests and/or modelling assessments must be done.

Refer to **Appendix 4: Water Quality and Quantity Management Plan** for the detailed proposed mitigation measures associated with water impacts.

##### 3.1.4 *Dust*

#### **Potential Impacts:**

Dust generating activities during construction.

### **Precautionary Measures:**

- Exposed stockpiles and other dust generating items must be sprayed or covered.
- Dust complaints from the community must be recorded, promptly investigated and addressed in accordance with the Grievance Mechanism.

Refer to **Appendix 2: Air Quality Management Plan** for the detailed proposed mitigation measures associated with dust impacts.

## **3.2 Safety of the Public**

### *3.2.1 Traffic safety*

Traffic safety should be promoted by all project personnel during displacement to and from the workplace, on private or public roads. Prevention and control of traffic related injuries and fatalities should include the adoption of safety measures that are protective of project workers and of road users.<sup>6</sup>

Refer to **Appendix 10: Traffic Management Plan** for the detailed traffic control measures to be implemented during construction.

### *3.2.2 Structural safety*

Structural safety of the project infrastructure must be considered during the design and planning stages of the project. The layout of the construction site and camps must be designed such that the any infrastructure failure does not impact the public.

### *3.2.3 Fire safety*

Fire risks and/or ignition sources must be identified during pre-construction and measures needed to limit fast fire and smoke development. Manual fire protection installations (i.e. fire extinguishers) must be in place in case of a fire emergency incident.

### *3.2.4 Transportation of hazardous material*

Transportation of hazardous material or substance is a safety hazard to both workers in site and the public. Transportation and handling procedures must be implemented for preventing the consequences of catastrophic releases of hazardous material during transportation. Refer to a detailed **Material Management Plan** in **Appendix 8**.

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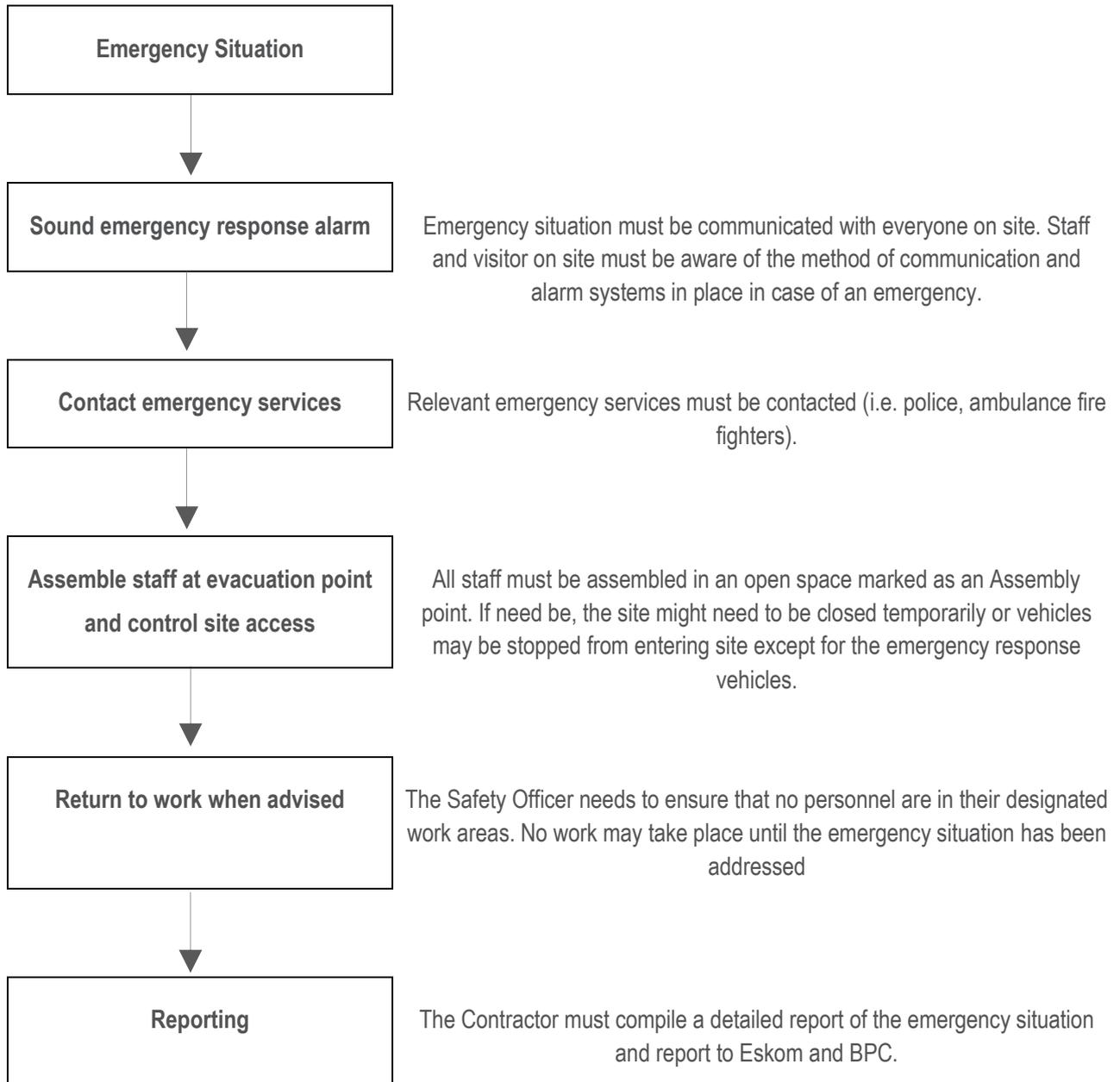
<sup>6</sup> World Bank Group EHS Guidelines.

## SECTION 4

# 4 Emergency Response and Incident Management Procedure

## 4.1 Emergency Response Procedure

In case of an emergency on site the following procedures must be followed<sup>7</sup>:



In addition to the above procedure the Contractor needs to have emergency equipment on site (i.e. spillage kit, fire extinguisher, first aid kit): Procedures for using, inspecting, testing, and maintaining such response

<sup>7</sup> Laing O'Rourke 2012. Emergency Response and Incident Management Plan.

equipment must be in place. Workers should be aware of where such equipment are kept or the person responsible for keeping them. They must also be trained on how use the equipment.

## 4.2 Incident Management Procedure

The Occupational Health and Safety Act (OHSA) requires that workers be provided with personal protective equipment (PPE). The PPE is last line of defence against workplace safety hazards. The PPE provided by the Contractor must meet criteria set by the Eskom and BPC and relevant OHSA requirements. This equipment must

Section 24 (1) of the Occupational Health and Safety Act (85 of 1993) (OHSA) defines an ‘Incident as an unplanned occurrence at work or arising out of or in connection with the activities of persons at work, or in connection with the use of plant or machinery, in which, or in consequence of which –

(a) any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes too ill to such a degree that he is likely either to die or to suffer a permanent physical defect or likely to be unable for a period of at least 14 days either to work or to continue with the activity for which he was employed or is usually employed;

(b) a major incident occurred; or

(c) the health or safety of any person was endangered and where –

*(i) a dangerous substance was spilled;*

*(ii) the uncontrolled release of any substance under pressure took place;*

*(iii) machinery or any part thereof fractured or failed resulting in flying, falling or uncontrolled moving objects; or*

*(iv) machinery ran out of control, shall, within the prescribed period and in the prescribed manner, be reported to an inspector by the employer or the user of the plant or machinery concerned, as the case may be.*

Incidents must be prevented at all times. It is important that the contractor is aware of the potential incidents that may occur on site and ensure that all the precautionary measures are in place to avoid such incidents from happening.

### 4.2.1 Potential incidents

Below is the list of environmental incidents that may occur on site and can to some extent be avoided:

**Table 3: List of potential incidents that may occur during construction and appropriate precautionary measures to mitigate the impacts**

Potential Incident	Precautionary Measures
Loss of containment incidents or release of dangerous goods or hazardous substance (any volume or weight)	<ul style="list-style-type: none"> <li>Spillage kits must be readily available on site;</li> <li>Drip trays must be used at all times;</li> <li>Containers with hazardous substance must be clearly marked and closed when not used; and</li> <li>No hazardous substances must be stored close to any drainages or within 500m watercourses.</li> </ul>

Potential Incident	Precautionary Measures
Regulatory breaches or non-compliance, fines, breaches of license conditions	<ul style="list-style-type: none"> <li>All the copies of the project licenses and permits must be kept on site;</li> <li>Environmental audits must be undertaken on a monthly basis to monitor the activities on site and ensure that the contractor is complying with the ESMP and environmental regulations;</li> <li>Conditions of the licenses and permits must be communicated with the labourers through toolbox talk sessions</li> </ul>
Property damage or loss and any loss or damage to native vegetation that has not been previously approved	<ul style="list-style-type: none"> <li>Working site must be clearly demarcated;</li> <li>No go areas must be marked;</li> </ul>

#### 4.2.2 Reporting and response plan

The contractor shall as soon as reasonably practicable and in any event within at least 5 days after becoming aware of an incident/ accident, notify the implementing agent (Eskom and/or BPC). Especially the incidents expected to impact on the implementation or operation of the construction in compliance with the environmental and social requirements. These could include environmental and social claim, accidents, loss of life, material breach of law, or material effect on the social or natural environment.

The Contractor is responsible for compiling a detailed Incident or accident report, specifying the nature of the incident / accident, or circumstance and the impact or effect arising or likely to arise there from, and the measures being taken, or plans to be taken, to address them and prevent any future similar event. The contractor will also need to keep the implementing agent informed on a regular basis of the on-going implementation of the measures as defined in the report.

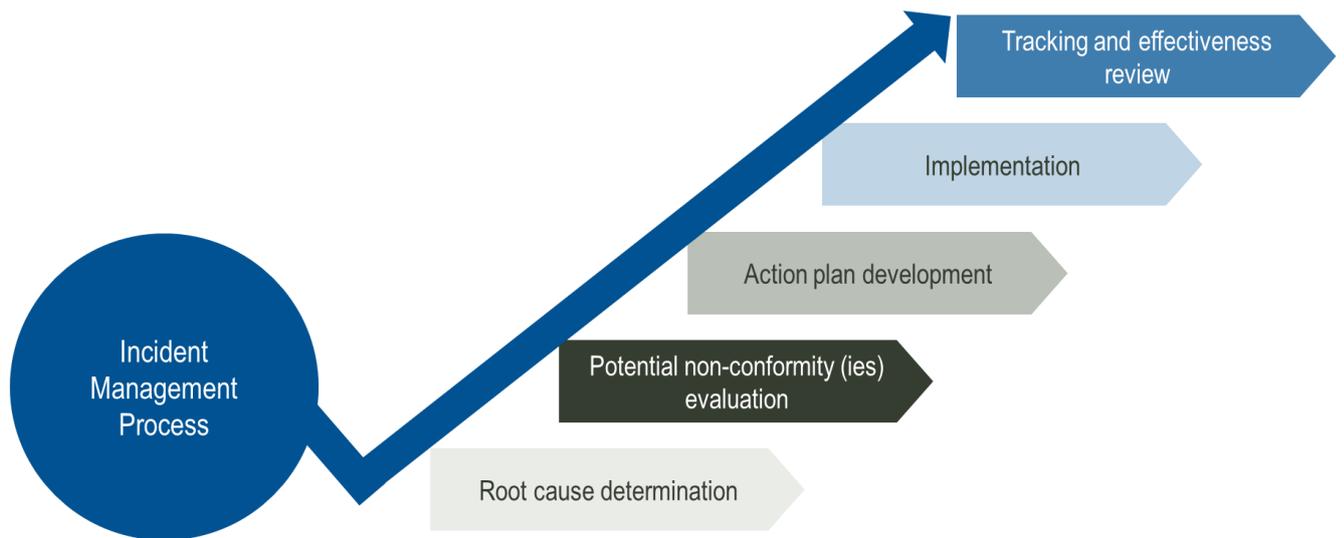
It is important that the Contractor also keeps a record of minor incidents (i.e. minor fuel spillage) that might not be reported to the implementing agent. Such environmental incidents must be recorded in the incident register. The details to put on the register must include the following:



The EO must sign-off all the incidents once they have been addressed according to the ESMP requirements.

The examples of reportable environmental incidents include the following:

- Spillage into a watercourse
- Fires
- Significant environmental breach of the ESMP or legislation.
- Damage to cultural or heritage resources without a permit.
- Spillage of a hydrocarbon or chemicals into the soil.



**Figure 1: Incident Management Process**

- **Root cause determination:** Once the incident has been reported, the cause of the incident must be investigated.
- **Potential non-conformity (ies) evaluation:** Sometimes incidents are caused by non-compliance practices on site, i.e. appropriate PPE not available on site.
- **Action plan development:** Action or remediation plan must be developed to mitigate the impacts of the incident. This plan must be in line with the ESMP requirements and application legislation.
- **Implementation:** Once the plan has been developed and approved by the engineer on site and project manager, the contractor must execute the plan.
- **Tracking and effectiveness review:** It is important to go back and see that the plan was effective, if not alternative solutions must be considered.

In conclusion, the revision of the emergency plan or incident management procedure may be required during the project lifecycle to reflect changing circumstances or identified opportunities for improvement. The revisions may result from the management review, audit (either internal or by external parties) and Client complaints or non-conformance reports. Revisions shall be reviewed and approved by the Project Manager prior to issue or implementation.<sup>8</sup>

<sup>8</sup> Laing O'Rourke 2012. Emergency Response and Incident Management Plan.

## SECTION 5

### 5 Non-conformances

As discussed in the subsequent sections, the occupational health and safety matters are governed by the OHSA. This Plan must therefore be read in conjunction with the OHSA. It is the responsibility of the Contractor to be aware of the provisions made in the OHSA that might not be clearly explained this Plan.

According to Section 38 of the OHSA, the following are considered to be offensive and the Contractor can be penalised should they fail to comply:

1) Any person who –

(a) contravenes or fails to comply with a provision of section 7, 8, 9, 10(1), (2) or (3), 12, 13, 14, 15, 16(1) or (2), 17(1), (2) or (5), 18(3), 19(1), 20(2) or (4), 22, 23, 24(1) or (2), 25, 26, 29(3), 30(2) or (6), 34 or 36;

(b) contravenes or fails to comply with a direction or notice under section 17(6), 19(4) or (7), 21(1) or 30(1)(a), (b) or (c) or (3), (4) or (6);

(c) contravenes or fails to comply with a condition of an exemption under section 40 (1);

(d) in any record, application, statement or other document referred to in this Act wilfully furnishes information or makes a statement which is false in any material respect;

(e) hinders or obstructs an inspector in the performance of his functions;

(f) refuses or fails to comply to the best of his ability with any requirement or request made by an inspector in the performance of his functions;

(g) refuses or fails to answer to the best of his ability and question which an inspector in the performance of his functions has put to him;

(h) wilfully furnishes to an inspector information which is false or misleading;

(i) gives himself out as an inspector;

(j) having been subpoenaed under section 32 to appear before an inspector, without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend on the day and at the place specified in the subpoena, or fails to remain in attendance until the inspector has excused him from further attendance;

(k) having been called under section 32, without sufficient cause (the onus of proof whereof shall rest upon him) ....;

(l) tampers with or discourages, threatens, deceives or in any way unduly influences any person with regard to evidence to be given or with regard to a book, document or thing to be produced by such a person before an inspector under section 32;

(m) prejudice, influence or anticipates the proceedings or findings of an inquiry under section 32 or 33;

(n) tampers with or misuses any safety equipment installed or provided to any person by an employer or user;

(o) fails to use any safety equipment at a workplace or in the course of his employment or in connection with the use of plant or machinery, which was provided to him by an employer or such a user;

(p) wilfully or recklessly does anything at a workplace or in connection with the use of plant or machinery which threatens the health or safety of any person, shall be guilty of an offence and on conviction be liable

*to a fine not exceeding R50 000,00 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment*

*2) Any employer who does or omits to do an act, thereby causing any person to be injured at a workplace, or, in the case of a person employed by him, to be injured at any place in the course of his employment, or any user who does or omits to do an act in connection with the use of plant or machinery, thereby causing any person to be injured, shall be guilty of an offence if that employer or user, as the case may be, would in respect of that act or omission have been guilty of the offence of culpable homicide had that act or omission caused the death of the said person, irrespective of whether or not the injury could have led to the death of such person, and on conviction of liable to a fine not exceeding R100 000.00 or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.*

*3) Whenever a person is convicted of an offence consisting of a failure to comply with a provision of this Act or of any direction or notice issued thereunder, the court convicting him may, in addition to any punishment imposed on him in respect of that offence, issue an order requiring him to comply with the said provision within a period determined by the court.*

*4) Whenever an employer is convicted of an offence consisting a contravention of a provision of section 23, the court convicting him shall inquire into and determine the amount which contrary to the said provision was deducted from the remuneration of the employee concerned or recovered from him and shall the act with respect to the said amount mutatis mutandis in accordance with section 28 and 29 of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983), as if such amount is an amount underpaid within the meaning of those sections.*

## SECTION 6

# 6 Targets and Monitoring Requirements

## 6.1 Outcome targets

An effective Health and Safety Plan should result in:

- Incidents and emergency occurrences reported and attended to on timeously.
- Minimised risks of being exposed to health and safety hazards (for both workers and local residents).

## 6.2 Monitoring, Reporting and Auditing Requirements

- **Monitoring:** Working areas are to be monitored on a daily basis prior to daily construction activities to ensure the workers and residents are not exposed to any health and safety risks.
- **Reporting:** Incidents and emergency occurrences are to be reported immediately as per the Emergency Response Procedure.
- **Auditing:**
  - (i) Implementation of this Plan shall be audited at the commencement of works and on a quarterly basis throughout construction works.
  - (ii) An independent ECO must be appointed to undertake site verification audits/ inspections on a monthly basis. Audit reports will be submitted to the client and relevant Competent Authority as and when required.
- **Training:** The Contractor must ensure that all personnel are trained about the requirements of this Plan and they are competent to identify, prevent and respond to health and safety hazards. *(Refer to **Section 5** of the ESMP for the detailed information on the training programmes and requirements).*