**Eskom Holdings SOC Ltd**



**ESKOM JUST ENERGY TRANSITION PROJECT (P177398)**

**FINAL**

**ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)**

March 2023

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## Abbreviations

|  |  |
| --- | --- |
| **AEL** | Air Emissions License |
| **AIDS** | Acquired immune deficiency syndrome |
| **BAR** | Basic Assessment Report |
| **BUSA** | Business Unity South Africa |
| **COVID-19** | Coronavirus disease 19 |
| **DARDLEA** | Department of Agriculture, Rural Development, Land and Environmental Affairs (Mpumalanga) |
| **DFFE** | Department of Forestry, Fisheries and Environment |
| **DWS** | Department of Water and Sanitation |
| **EAP** | Environmental Assessment Practitioner |
| **ECD** | Early Child Development |
| **EIA** | Environmental Impact Assessment |
| **EJETP** | Eskom Just Energy Transition Project |
| **ERI** | Eskom Rotek Industry |
| **ESF** | Environmental and Social Framework |
| **ESI** | Energy Supply Industry |
| **ESIA** | Environmental and Social Impact Assessment |
| **ESMF** | Environmental and Social Management Framework |
| **ESMP** | Environmental and Social Management Plan |
| **ESS** | Environmental and Social Standard |
| **GBV** | Gender based violence |
| **GN** | Government Notice |
| **GRM** | Grievance Redress mechanism |
| **HIV** | Human immunodeficiency virus |
| **HR** | Human Resources |
| **IDP** | Integrated Development Plan |
| **IPF** | Investment Project Finance |
| **JET** | Just Energy Transition |
| **JETO** | Just Energy Transition Office |
| **KPS** | Komati Power Station |
| **KTF** | Komati Training Facility |
| **LM** | Local Municipality |
| **MEGDP** | Mpumalanga Economic Growth and Development Path |
| **MIDP** | Mpumalanga Industrial Development Plan |
| **MSA** | Municipal Systems Act |
| **MSDF** | Mpumalanga Spatial Development Framework |
| **NBI** | National Business Initiative |
| **NDP** | National Development Plan |
| **NEDLAC** | National Economic Development and Labour Council Act |
| **NEMA** | National Environmental Management Act |
| **NEMBA** | National Environmental Management: Biodiversity Act |
| **OHS** | Occupational Health and Safety |
| **PEPUDA** | Promotion of Equality and Prevention of Unfair Discrimination Act |
| **PPE** | Personal Protective Equipment |
| **SA** | South Africa |
| **SANBI** | South African National Biodiversity Institute |
| **SARETEC** | South African Renewable Energy Technology Center |
| **SEA** | Sexual exploitation and abuse |
| **SEP** | Stakeholder Engagement Plan |
| **SEP** | Stakeholder Engagement Plan |
| **SLP** | Social Labour Plan |
| **STD** | Sexually transmitted diseases |
| **TB** | Tuberculosis |
| **TIA** | Technical Innovation Agency |
| **TVET** | Technical Vocational and Education Training |
| **WHO** | World Health Organization |
| **WML** | Waste Management License |

# Executive Summary

This document provides the Environmental and Social Management Framework (ESMF) for the Eskom Just Energy Transition Project (the “Project”) financed through the Investment Project Financing (IPF) by the World Bank. The ESMF has been prepared by Eskom as part of complying with national environmental and social standards and to meet requirements of the World Bank’s Environmental and Social Framework (ESF).

The Project consists of three components, namely; Component A – Decommissioning of the Komati plant power station (i.e., shutdown, demolition, and rehabilitation); Component B: Repurposing of the Komati site with renewable energy technology options; and Component C: Transition for workers and communities.

Component C is aimed at supporting the transition opportunities for Eskom workers and communities. The transition of workers and communities is centred around three key pillars namely:

* Transition support for Komati permanent workers, suppliers, and contract workers.
* Community Development; and
* Stakeholder engagement.

The three focus areas under Component C, are to mitigate potential impacts associated with the transition of workers and communities through supporting local economic development by:

* Strengthening the livelihoods of affected communities.
* Reskilling and upskilling of community members; and
* Reinvesting in viable local area development projects, including through repurposing options that will generate jobs and economic opportunities in the area.

The pilot project (Agri-voltaic Plant, Microgrid Assembly and Fabrication Factory, and Komati Training Facility) which will be supported under Component C will take place within the existing Komati Power Station (KPS) footprint. The remainder of the sub-projects and activities supported under Component C, as listed below will be implemented within the greater Steve Tshwete Municipality within Mpumalanga province. The potential sub-projects which will take place outside of the KPS include amongst others:

* Agriculture (farming and gardens);
* Alien vegetation removal and beneficiation;
* Winter crop farming with mine affected water irrigation;
* Digital hubs and digital connection of communities;
* Upgrade/ expansion of sport and recreation facilities;
* Community support programs (ECD centres, health services, etc), and;
* Renovation/construction associated with the digital hub.

However, since the exact location and scope of activities under Component C, for those activities which will take place outside of the KPS are not going to be identified prior the appraisal, the appropriate instrument at this stage is an Environmental and Social Management Framework. The ESMF is an instrument that examines the risks and impacts when a project consists of a program and/or series of subprojects, and the risks and impacts cannot be determined until the program or subproject details have been identified.

This ESMF seeks to ensure that international environmental and social good practice is integrated into the development and operation of investments to be financed under the Project to ensure effective mitigation of potentially adverse impacts while enhancing accruing benefits. The purpose of the ESMF is:

* To provide as much information as possible about environmental and social impacts as possible in the current stage of Project preparation, including tentative land issues, construction related social impacts as well as labour management, community health and safety, stakeholder participation and grievance redress mechanisms,
* To inform the planning and design process through early screening for potential adverse risk and impacts,
* To describe procedures for subsequent assessment of impacts and development of appropriate impact management instruments when the details of the sub project investments become available.

The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social risks and impacts and contains measures and plans to reduce, mitigate and/or offset adverse risks and impacts, as well as institutional responsibilities and budget for implementation. The ESMF has been prepared in line with the World Bank’s Environmental and Social Framework as well as the appropriate Republic of South Africa’s policies, legal and institutional framework related to environmental and social assessment. The ESMF aligns with the existing management Eskom procedures such as procedures for occupational health and safety, human resources (HR) policies, including the policy on sexual harassment and other existing safety, health, environmental and quality management frameworks.

Implementation of the Component C sub-projects and activities will be led by the Just Energy Transition Office (JETO), who is responsible for the Eskom JET Strategy, advocacy, policy and programme integration at the Eskom level. The JETO Task Team Leader will establish working arrangements with other relevant units within Eskom for the implementation of specific business development opportunities and the associated stakeholder and community, staff and environmental and social related matters.

Stakeholder engagement is critical to the overall Project’s success. High expectations as to what support will be provided under Component C, may lead to frustration with project results. Eskom has therefore undertaken extensive engagements with several stakeholders to date and going forward the channels of communication will remain critical. Accordingly, a draft Stakeholder Engagement Plan (SEP) outlining a process for a robust stakeholder engagement, outreach to stakeholder and beneficiaries (including any vulnerable and/or disadvantaged groups), as well as a robust grievance redress mechanism (GRM) has been prepared.

## Environmental and Social Impacts and Mitigation

Component C of the EJETP is expected to have multiple significant positive social impacts through, supporting the transition opportunities for Eskom workers and communities and supporting economical growth and job creation in the Steve Tshwene Municipal area. Potential adverse environmental risks and impacts are mainly linked to minor civil works (such as laying pipes for irrigation of crops using mine water and renovation of training centres, upgrading of the sports and recreational facility and renovation or minor construction of the digital hub) to support the economical growth and employment and may include land pollution due to solid waste generation, liquid effluent and use of pesticides and herbicides for agricultural activities, dust, noise and vibration. However, the relevant mitigation measures, either through the adoption of existing procedures in Eskom or by developing management plans will be put in place to minimize environmental risks. Social risks and impacts are primarily linked to labour and working conditions, community health and safety in relation to engagement with the execution and operation of the sub-project activities.

Benefits, risks and impacts will be assessed for each specific sub-project proposed under the Component C in accordance with the ESMF to identify ways to enhance benefits and avoid, minimize and mitigate any identified adverse impacts. The identified adverse impacts will be managed through sub-project specific measures through standard procedures set out in the ESMF. Additionally, impacts will be managed through stakeholder engagement and training of workers or beneficiaries for applying good international practice. The ESMF also includes an “Ineligible Activities and No-go Areas” list, which includes types of projects and areas which could have a substantial environmental and social footprint and cannot be approved for support under Component C.

The ESMF and draft SEP are aligned with the existing environmental and social procedures for the Project and in Eskom. Eskom will maintain adequate capacity, within the JETO, to ensure the environmental and social due diligence of the project. Where specific sub-projects or activities require additional environmental and social attention the Eskom will identify the needs as part of the screening and costs will be covered under the activity, including as relevant by subsidiaries, beneficiaries and or contractors.

The following table is a synopsis of possible impacts and proposed mitigation measures, including roles and responsibilities and monitoring indicators. The mitigation measures or guidelines have been designed in order to avoid, minimize and reduce negative environmental and social impacts at the project level.

Summary of Standard Environmental and Social Management and Mitigation Measures

| **Impact issue** | **Proposed Mitigation measures** | **Implementation tool/ criteria** | **Monitoring indicators (Inputs)** | **Monitoring indicators (Outcomes)** | **Project stage** | **Responsibility** |
| --- | --- | --- | --- | --- | --- | --- |
| Waste management | Provide adequate waste reception facilities and containment  Dispose of waste at approved waste collection sites  Concrete and cement preparation activities shall not be permitted in any sensitive environments  It is illegal to bury any type of waste within sub-project boundaries will not be allowed  Hazardous waste including pesticides and herbicides need to be disposed of according to the Material Safety Data sheet | Waste management plan (method statement) | Number of waste bins on site  Waste disposal plan and training of workers  Waste disposal records  No sign of waste being buried or burned on site | Percentage of workers who follow the solid waste disposal plan including use of receptacles  Number of workers familiar and aware of the waste disposal plan  Availability of waste disposal records (100% available) | Construction[[1]](#footnote-2)  Operation | Implementing entity  JETO |
| Dust and air pollution | Operate well maintained vehicles, trucks and other equipment  Land clearing and tilling should ideally take place when wind conditions are favourable (low or no wind)  Implement dust suppression at activities which are to be implemented within established communities | Routine maintenance plan for machinery  Proper planning of preparation of agricultural lands  Water exposed surfaces several times a day to reduce dust at the site | Availability of equipment and machinery maintenance plan  Frequency of watering of surfaces to reduce dust related impacts  Number of complaints | Percentage of workers following the good practices for equipment and machinery maintenance  Number of complaints received from nearby communities (Target less than 3) | Construction  Operation | Implementing entity  JETO |
| Noise | Schedule of works is to be limited to daylight hours  Provision of PPE for workers for noise pollution  Train workers on the use of PPEs for noise mitigation and reprimand those not complying | ESMP | Recorded grievances  Number of PPE procured for noise mitigation | Number of workers correctly and frequently using PPEs  Number of noise complaints | Construction  Operation | Implementing entity  JETO |
| Soil and erosion | Preservation of topsoil  Storm water management  Implement erosion control measures | ESMP | Site management records | Incidents logged | Construction | Implementing entity  JETO |
| Water | All activities should be conducted at least 32m away from all watercourses  No garbage/refuse, oily wastes, fuels/waste oils should be discharged into drains or water bodies  Fuel storage tanks/sites should be properly secured  Maintenance and cleaning of vehicles, trucks and equipment should take place offsite.  Do not use harmful pesticides or herbicides within close proximity of water courses | Waste management plan  Spill prevention and control plan  Herbicide and Pesticide management plan  ESMP to provide measure for the quality of water including physical, chemical and biological where needed | Visibility of oil on water bodies  On site erosion observed  Proposed actions implemented  No of pollution incidences recorded  Training on safe herbicide and pesticide use  Number of complaints on pollution of water | Water quality not deteriorating within sub-project  No incidents related to pesticide and herbicide use reported  Training records on safe use available | Construction  Operation | Implementing entity  JETO |
| Impact on fauna and flora | Avoid access to sensitive habitat  Site specific ESMP will include assessment of sensitive flora/fauna in the sub-project area of impact and provide relevant mitigation measures  No plants outside the demarcated sub-project areas may be damaged | Awareness raising among contractor personnel  No damage to vegetation outside of sub-project area or accidental harm of animals | Incident records | Number of workers trained on the importance of conservation of flora and fauna  No incidents related to damage of sensitive habitats or killing of fauna | Construction  Operation | Implementing entity  JETO |
| Impacts on cultural heritage/ archaeological interest | Avoid areas with potential cultural heritage significant as part of sub-project implementation  Develop and implement a chance find procedure as part of the ESMP  Identify cultural heritage resources and existing ecologically sensitive areas as part of the screening | Prior to implementation of sub-project / Chance finds procedure  Plan for accidental Cultural Finds | Cultural/ archaeological resources/ existing infrastructure encounter  Incidence register | Number of workers familiar with the chance find procedures | Sub-project planning | Implementing entity  JETO |
| Occupational health & safety, staff management | Health and safety plan for sub-projects, including emergency procedures where relevant  Active construction areas to be marked with high-visibility tape  Provide adequate sanitary facilities, including drinking water, ablution facilities, and clean eating areas  Provide PPEs relevant to the activities to be undertaken for workers  Educate workers on health and safety precautions/regulation and hygiene and disease (HIV/AIDS) prevention | ESMP, including OHS obligations  Training in health and safety policy  Procurement of required PPE included in activity budget | Health and safety incident register  Grievance records  Number of trainings conducted  PPE procured | Percentage of incidents resolved  Percentage of grievances resolved  Inspection of site management  Training attendance records (100 percent)  Use of PPE | Full project cycle | Implementing entity  JETO |
| Sub-project management | Materials such as fertilizers, herbicides, tools etc to be used during implementation of sub-project activities must be stored at demarcated sites in accordance to the ESMP that will be developed  All vehicles and equipment must be maintained in a good condition in order to minimise the risk of leakage and possible contamination of the soil or storm water by fuels, oils and hydraulic fluids and to ensure it is in a roadworthy condition | ESMP | Incident records | Incidents logged | Operation | Implementing entity  JETO |
| Labour related impacts | Ensure that the local communities are given preferred employment opportunities employment and provided with training (skilled) to provide future labour in the project e.g. operation and maintenance. | Existing Eskom Human Resource Management procedures must be maintained and implemented. The HR procedures must reflect labour management and related GRM in accordance with ESS 2. | Number of local residents employed in sub projects | Percentage of community members engaged out of the total number of jobs created | Full project cycle | Implementing entity  JETO |
| Community health and safety (SEA/SH risks) | Make provision for responding to SEA/SH in the GRM,  Ensure signing codes of conduct by all workers  Establishing a response and accountability procedures for managing related grievances and supporting survivors. | GRM makes provision for SEA/SH responses  Code of Conducts signed  SEA/SH awareness training | Awareness training sessions  Incident/ Grievance records | Number of SEA/SH awareness training sessions  All workers signed Code of Conduct | Full project cycle | Implementing entity  JETO |

# Introduction

Eskom Holdings SOC (Ltd) is a South African utility that generates, transmits, and distributes about 95% of the country's electricity. Eskom’s 2035 strategy encompasses the journey that Eskom intends to take in response to the changing energy environment and the impact this has towards a sustainable power utility. This strategy is necessitated by the challenges that Eskom faces as a business as well as the global and local shifts occurring in the energy sector particularly with respect to environmental and climate change challenges, difficulties in accessing financing and changes to the macro industry environment significantly altering the Energy Supply Industry (ESI).

Eskom Just Energy Transition Office (JETO) was established in 2020. The JETO developed the Just Energy Transition Project (EJETP). Within this project, “Transition” is described as a gradual movement towards lower carbon technologies, while “Just” qualifies that this transition will not negatively impact society, jobs and livelihoods (JETP, 2020). The road to 2035, includes the shutting down of several coal-fired Power stations by 2035, repurposing and repowering, delivering new clean energy generation projects, expanding the transmission grid, and rolling out micro grid solutions. Komati has been selected as a pilot project for the decommissioning and repurposing under the EJETP) (P177398) supported by the World Bank. The EJETPP consist of three components namely, Component A – Decommissioning: Component B – The Repurposing Complex and Component C – Opportunities for workers and communities, indicated in Figure 1 below. The ESMF was prepared to address potential environmental and social impacts and risks associated with sub-project activities under Component C of which the implementation locations and detail are currently not known.

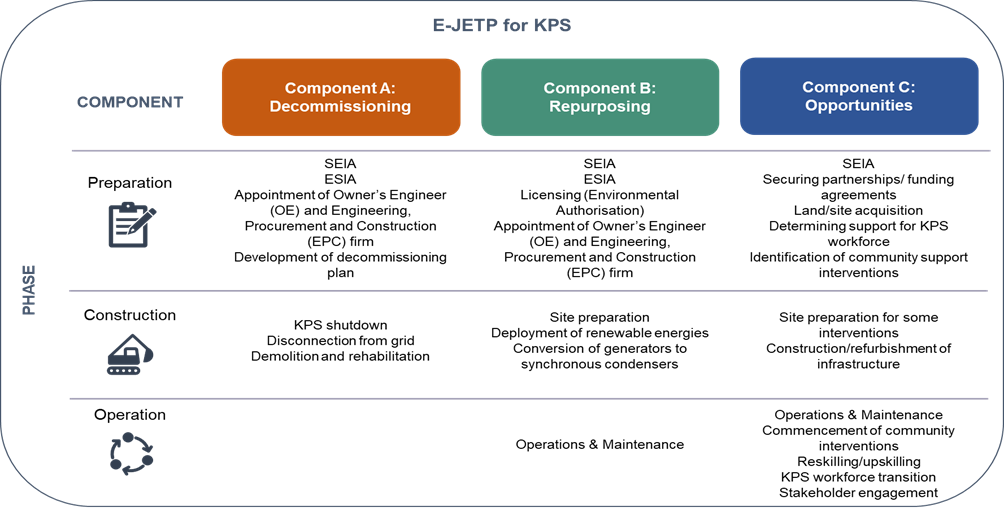


Figure : EJETPP description components A, B and C.

## Project Description

The geographical focus for the implementation of Component C is the Steve Tshwete Municipal area within Mpumalanga, South Africa (Figure 2).Component C will support, agriculture (farming and gardens), alien vegetation removal and beneficiation, winter crop farming with mine affected water irrigation; digital hubs and digital connection of communities; Upgrade/ expansion of sport and recreation facilities; community support programs (ECD centres, health services, etc), and renovation/construction associated with the digital hub among other.

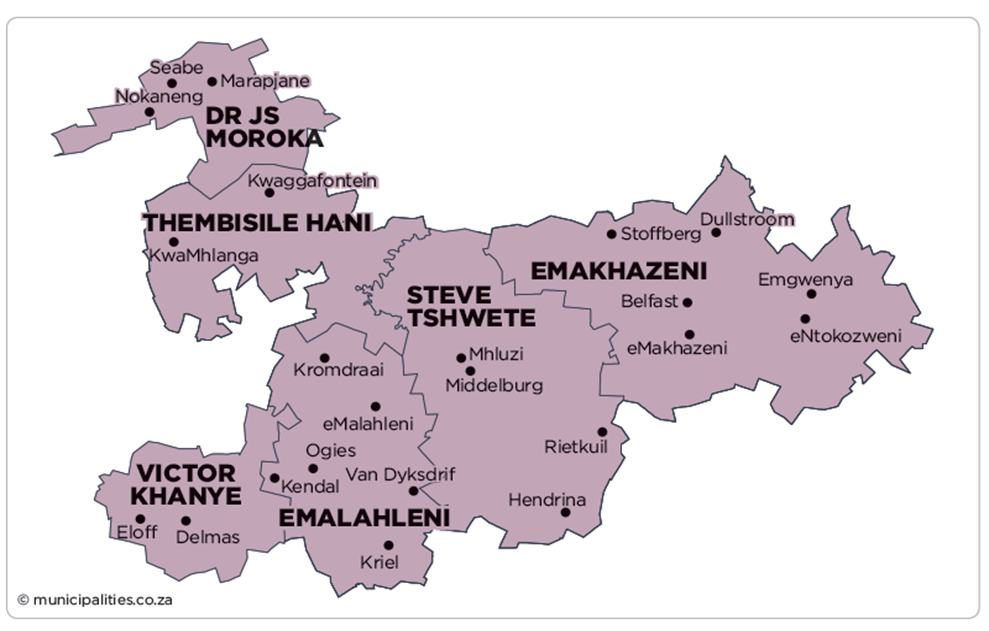


Figure : Steve Tshwete Municipal area

### Component C: Opportunities for workers and communities

The objectives of this component are to minimize the social and economic risks and impacts associated with the decommissioning and repurposing of the Komati power plant, including by enhancing opportunities for workers and communities during the transition process, and to engage and enable stakeholders and communities to participate in transition planning and decision-making. The component includes three sub-components:

*Subcomponent C.1: Transition Support to Komati Permanent Workers, Suppliers, and Contract Workers – (US$10 million)*

The closure of the Komati power plant (Component A) will directly affect the current workforce at Komati comprising 661 total employees (236 permanent Eskom workers, 292 contract workers and 133 employed with Eskom Rotek Industries (ERI) ), though at varying levels and degrees. Two-thirds of the employees are male, and one-third are female. The skills and education levels are highest among permanent Eskom employees and the lowest among the ERI employees. It is expected that approximately 100 new jobs will be created through repurposing (Component B) while an estimated 330 intermediate jobs will be retained at the power station during the transition period (e.g., security, water services, ash dam monitoring, among others) for up to five years. To address the impacts on the current Komati workers, this sub-component will focus on:

* Workforce transition of employees. Eskom permanent staff and ERI workers currently employed at Komati will be provided with four options: (i) transfers to the other Eskom-owned power stations; (ii) reskilling and upskilling for deployment to the repurposed renewables plants; (iii) secondments to other critical Eskom projects/operations; and (iv) other levers (such as voluntary separation packages). Consultations with employees and trade unions commenced in May 2022 to decide on the option for each employee, and the preferred options thus far seem to be transfers to other Eskom operations/sites and reskilling and upskilling for redeployment in the renewables. Further, sex-disaggregated data and analyses provided by Eskom as well as additional assessments carried out during implementation will be utilized to ensure that gender-specific aspects are fully considered to maximize benefits to women.
* Support to suppliers and contract workers. In support of Eskom’s localization framework developed to leverage its procurement spending and plant closure impacts on current suppliers and contract workers, the project will include: (i) assessment of potential contracts, supply requirements, workforce needs for the decommissioning and repurposing components; (ii) development of business plans for the localization of priority commodities (e.g., Li+ battery cells, steel structures, battery chemistries for BESS, PV panels, inverters, demolition and rehabilitation works, etc); and (iii) trainings and assistance for supplier development and entrepreneurial activities (to be implemented as part of Component C2).
* Establishment of Komati Training Facility (KTF). KTF will facilitate the reskilling/upskilling of Eskom employees, ERI workers, contract workers, local community members, and others through a specialized, industry-related, and accredited training program applicable to the renewable energy sector. The existing buildings and warehouses at Komati will be refurbished and repurposed to house the facility. KTF will be established in partnership with the South African Renewable Energy Technology Centre (SARETEC) and will initially function as a satellite SARETEC campus for a transitory period of 24 months. During this period, Eskom will acquire the necessary capacity, resources and accreditation through its Academy of Learning and Training of Trainers program. KTF will adopt the financial policy and selection process of SARETEC with selection criteria based on minimum competence requirements and options for both fee-paying and non-paying basis for enrolment and attendance. The admission criteria, fee structure, scholarship, and subsidy schemes, etc., will be finalized during project implementation. To maximize participation of women, youth and other marginalized groups, consideration will be made to the specific challenges (e.g., timing, household responsibilities, etc.) that these groups might face while participating in these different training programs.
* Linkages and partnerships with existing social protection programs. South Africa has one of the most comprehensive social protection and jobs systems in Sub-Saharan Africa, offering a variety of income support, labor intermediation, job preparation, skills development, and livelihoods training. The project will develop linkages and partnerships with these programs to support workers and others who will be indirectly affected by the closure. The experience from Komati will provide valuable lessons on how to leverage and formalize partnership arrangements with these existing and planned social protection programs, which will in turn help ensure that a comprehensive and sustainable support is in place for workers and communities affected by the future closure of power plants.

*Subcomponent C.2: Community Development and Economic Diversification – (US$34 million)*

Beyond the direct impacts on the current workforce, the closure of Komati will also have significant social and economic consequences to the local economy and those with indirect connections to the power plant and coal activity. This is especially the case since the Komati area is characterized as a ‘mono-industry’ area where the local economy and community identity are closely tied to the coal value chain. Managing the transition process will thus require investments in cleaner energy production while creating alternate livelihoods and job opportunities; diversification of the economic and skills base of local communities to reduce coal dependency; attending to the needs of women, youth and other marginalized groups whose alternative employment opportunities are particularly scarce; and lessening the fiscal burden and strengthening the capacity of the local municipality affected by the closure.

Managing these issues to ensure a successful just transition process will require engagement of multiple government agencies, civil society organizations, community groups, private sector, etc. While Eskom has some prior experience designing and supporting these community and economic development activities through its Eskom Development Foundation, the Communications and Stakeholder Management unit, and recently through the JETO, as an energy utility, some of these functions are beyond Eskom’s capacity and mandate. Accordingly, this sub-component will be managed and implemented by a competitively selected service provider in coordination and partnership with other relevant government and private sector organizations but under the guidance and oversight of the JETO. It is envisaged that by way of implementing this project, the service provider will also support the formalization of partnership and coordination arrangements with relevant government, civil society and private sector agencies to ensure sustainability of these initiatives for the future retirement of coal powered plants. The sub-component will support:

* Piloting/Scaling-up of innovative initiatives through the establishment of: (i) commercial agrivoltaics plant, including MushMag mushroom domes and gravel barrel aquaponics systems; and (ii) microgrid assembly and manufacturing facility at Komati. These initiatives have been designed to support sustainable agricultural production and access to self-sufficient energy systems; they should accelerate community uptake of renewable energy through part-ownership or rental schemes, thus contributing to jobs and livelihoods creation and inclusion. In partnership with the South African Technology Innovation Agency (TIA), demonstration plants/activities for these initiatives are already in place in the Komati site and have yielded support and interest from government representatives, investors, local labor unions and community representatives.
* Investments in commercially viable local area development initiatives that are aligned with community needs and with strategic priorities of local and provincial government and identified through participatory approaches. The purpose of these small-scale investments is to support the local communities and generate immediate economic benefits following the closure of the power plant. During the selection of these initiatives, priority will be given to activities that focus on addressing environmental and land degradation, safeguarding ecosystems and water reserves, protecting livelihoods, and ensuring equitable and inclusive benefits. Based on a review of local government priorities and objectives, baseline assessments and stakeholder consultations, an indicative list of intervention types includes alien vegetation removal and beneficiation, crop farming with mine water irrigation, and digital connection of communities. A final determination on specific activities will however be made during project implementation in consultation with municipal and provincial authorities, local communities, and other relevant stakeholders. Further, these initiatives will be carried out in partnership and collaboration with the private sector, where relevant, to achieve optimal benefits.
* Strengthening the livelihoods of affected communities by supporting the nascent entrepreneurial ecosystem in the Komati area with provision of integrated support for small, micro, and medium-sized enterprises (SMMEs). The focus of entrepreneurship development will be on: (i) developing local suppliers and contractors to participate in the procurement value chain for the decommissioning and repurposing components of EJETP; and (ii) local enterprise development to contribute to economic diversification and long-term sustainability of the local economy. Specific activities will include seed financing facility, incubation services, capacity development activities, and business development services, specifically targeting women- and youth-owned enterprises. The findings of the localization study for the decommissioning and repurposing processes (Component C1) will be used as the basis for determining the exact amounts of seed funds per grantee (currently, estimated at US$ 25,000).
* Reskilling and upskilling of community members to enhance their employability for the new and alternative development opportunities in the region following the transition from coal. Besides the reskilling opportunities provided through the KTF, the project will also support specific training modules that would be most relevant to the planned investments in Komati region through partnership with the technical training institutes and Technical Vocational and Education and Training (TVET) colleges in the Mpumalanga region. To create a demand-driven training program, the private sector will be engaged in the development of the training modules. Innovative delivery mechanisms, such as the use of digital platforms, will be utilized to the extent possible, while the content of the training program will focus on enhancing the employability of community members, including youth, women and other vulnerable groups, who experience particularly unfavorable conditions in the country’s labor market and in the energy value chain.
* Community support programs involving direct investments for improved support systems and greater community cohesion. These will include: (i) establishment/support to Early Childhood Development Centers (ECDs) that will among others enable women to join the workforce and engage in entrepreneurial activities; (ii) roll-out of community gardens while leveraging other interventions under the project (e.g., agri-voltaics) to support small-scale and emerging farmers as well as unemployed women and youths; (iii) community health and awareness programs that will be carried out in partnership with the provincial department of health to address high prevalence of respiratory issues, substance abuse, tuberculosis, sexually transmitted diseases, HIV and AIDs in the area; (iv) upgrading/expansion of sports and recreational facilities to engage youth while also providing a platform for communities to engage in social activities.

*Subcomponent C.3: Stakeholder Engagement and Community Empowerment – (US$3.5 million)*

This subcomponent seeks to strengthen engagement with various stakeholders and enable communities to participate in transition planning and decision-making. A stakeholder engagement plan (SEP) has been prepared and will be implemented to ensure that all stakeholders are informed about project developments, consulted on potential socio-economic mitigation strategies, and empowered to participate in transition planning. Mechanisms for engaging and empowering communities throughout the project cycle include:

* Eskom JET Stakeholder Engagement Platform with representation of Eskom, relevant government ministries and institutes, local government, labor unions, civil society organizations, community groups, and the private sector. The purpose of the platform is to establish a deliberative process for effective communication and decision-making between Eskom and the wider community on its coal transition strategy and JET framework based on lessons learnt from EJETP and other related initiatives. Specifically, it is expected that the platform will use the emergent lessons learnt from the project to guide decisions relating to EJETP implementation and leverage the same to support up-front planning and decision-making necessary for the planned retirement of additional coal-fired power plants. Further, the platform will also contribute to and build on other just transition structures and platforms in place such as the PCC, National Business Initiative (NBI), Business Unity South Africa (BUSA), and Mpumalanga Agency Cluster.
* EJETP Community Forum to establish a two-way communication channel to share relevant communication and get regular feedback from the workers, local communities and other project stakeholders, specifically on the EJETP. The project will organize orientation sessions, leadership trainings, and other soft skills development, to enable the local communities, especially women, youth and other vulnerable groups, to participate effectively and meaningfully in the forum. The project will also use digital platforms and other innovative mechanisms to strengthen communication and engagement channels; and
* EJETP Grievance Redress Mechanism that will provide an accessible and effective means for project affected persons and other interested parties to raise concerns and seek redress to their grievances.

## Purpose and Rationale of the ESMF

Even though the sub-projects under Component C focus enhances social impacts associated with the EJTEP; sub-project activities may induce unintended adverse environmental and social impacts on the population and the environment. Most of the potential impacts are expected to be of low to moderate significance and site-specific, such as environmental, occupational or community health and safety aspects.

The ESMF is not introducing a large set of new procedures in the Eskom as existing environmental and social management plans, occupational health and safety, HR policies, including policy on sexual harassment and other existing safety, health, environmental and quality management frameworks are regarded to be adequate at this stage.

In projects where the general types of planned activities are known prior to the start of implementation, but where locations and the detailed scope have not yet been identified and design information for the respective type of interventions has not yet been established, a framework approach is used to ensure the environmental and social sustainability is in compliance with the applicable requirements of the World Bank’s ESF as well as relevant South African laws. The ESF has ten associated Environmental and Standards (ESSs) that apply to World Bank supported projects. ESS1, Assessment and Management of Environmental and Social Risks and Impacts, provides overarching guidance to identify, evaluate and manage the environment and social risks and impacts of Project activities in a manner consistent with the ESF.

All 10 standards may apply to this project, although by appraisal, both SA and the World Bank assessed seven of the ESSs to be relevant: ESS 1, 2, 3,4, 6, 8 and 10 – as detailed below. These eight ESSs apply to the sub-project activities in varying degrees to provide operational guidance for project preparation and implementation, proportional to the related anticipated risk and impacts of the proposed activities. The objectives of the relevant ESSs and policy application for Project activities are laid out section 4.6.

**World Bank Environmental and Social Standards**

* **ESS 1: Assessment and Management of Environmental and Social Risks and Impacts**
* **ESS 2: Labour and Working Conditions**
* **ESS 3: Resource Efficiency and Pollution Prevention and Management**
* **ESS 4: Community Health and Safety**
* ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
* **ESS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources**
* ESS 7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
* **ESS 8: Cultural Heritage**
* ESS 9: Financial Intermediaries
* **ESS 10: Stakeholder Engagement and Information Disclosure**

The ESF and South African environmental legislation are guided by the risk management and mitigation hierarchy (see Figure 3) in order to avoid, minimize and reduce, mitigate, and/or offset potential adverse environmental and social impacts. The ESMF is a safeguard instrument developed to support the assessment of risks and potential impacts resulting from sub-project activities by setting out the principles, guidelines, and procedures to anticipate and assess risks and impacts in accordance with the risk hierarchy and to enhance positive impacts and opportunities.



Figure : Risk Management and Mitigation Hierarchy

The ESMF supports the management of the environmental, occupational or community health and safety risks and potential impacts associated with activities that should be identified in accordance with the ESF’s Environmental and Social Standard 1 (ESS1) objectives with reference to ESS2, 3, 4 and 6.

In addition, the ESMF describes procedures and responsibilities necessary for its implementation as well as Project consultation, participation and disclosure process, including grievance redress in accordance with ESS10.

The objectives of the ESMF is to:

* Assess the potential environmental and social impacts of the proposed activities, whether positive or negative and propose mitigation measures, which will effectively address adverse impacts.
* Establish clear procedures for the environmental and social planning, review, approval and implementation of activities to be financed under the Project.
* Specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to activities.
* Consider different alternatives, options, and relevant mitigation measures during activity preparation and implementation.
* Address mechanisms for community participation and consultation, disclosure of project documents as well as redress of possible grievances.

It is necessary to identify potential environmental and social constraints early in the planning process to adequately mitigate associated adverse impacts as part of the development of the activity. The ESMF includes screening criteria to select eligible activities and identify potential issues for further assessment and provides practical tools for use during activity planning for assessing, evaluating, avoiding, reducing and mitigating any identified environmental and social impact and risk (Annex 1). Based on the screening, the ESMF provides guidance to determine level of risk and impact. Project impacts may be managed through site-specific Environmental and Social Management Plans (ESMPs), adoption of standard mitigation procedures for low risk projects or, for higher risk projects, full Environmental and Social Impact Assessment (ESIA)(unlikely given the low to moderate nature of proposed activities). Additionally, the ESMF includes an “Ineligible Activities and No-go Areas” list, which includes types projects and areas which could have a substantial environmental and social footprint and cannot be approved for financing.

In addition to this ESMF, the EJTEP has prepared a draft Stakeholder Engagement Plan (SEP). Both documents also provide specific precautions in relation to risk management during the COVID-19 pandemic. The Project will continue to update COVID-19 mitigation measures in accordance with South African government requirements and good international practice provided through the World Health Organisation (WHO).

## Methodology

Review of the existing baseline information and literature material was undertaken to gain a deeper understanding of the potential environmental and social risk and impacts which may be associated with the proposed sub-project activities under Component C. A desk review of the South Africa’s legal framework and policies was also conducted, and national policy and legal documents were reviewed. In addition, other relevant literature was collected to establish a general baseline for socio-economic and biophysical conditions in the Project area.

The ESMF will be disclosed to allow for stakeholder feedback and to ensure operational readiness. All necessary safeguard documents that will be locally disclosed will also be forwarded to the World Bank for disclosure at the official World Bank Website.

# Environmental and Social Context

Mpumalanga Province is located in the north-eastern part of South Africa. The province borders two of South Africa's neighbouring countries, Mozambique and Swaziland; and four other South African provinces, namely, Gauteng, Limpopo, KwaZulu-Natal and Free State Provinces (Figure 4). Mpumalanga is characterised by the high plateau grasslands of the Middleveld, which roll eastwards for hundreds of kilometres. It rises towards mountain peaks in the northeast and terminates in an immense escarpment.



Figure : South African regional map depicting the location of Mpumalanga province

## Environmental Context

### Climate

Steve Tshwete Municipality falls within the highveld area which is characterized by extreme varied climate. The summers are moderate and wet while the winters are harsh, cold and dry. Minimum long-term temperatures have been recorded from -1.8°C to 13.7°C with maximum temperatures ranging between 18.4°C and 27.1°C, Average daily temperatures are in the middle 20°C range in summer (October to March) and are lower than 15°C in winter (April to September). Winter minima fall below 0°C in June, July and August. The average total annual rainfall is approximately 735 mm with the rain falling mostly in the summer months (October to April). Peak rainfall occurs in January.

### Topography

The surface topography of the area is typical of the Mpumalanga Highveld, consisting in the main of a gently undulating plateau. The flood plains of the local streams are at an average elevation of approximately 1595 meters above mean sea level (mamsl).

### Hydrology

Rocks of the Karoo Supergroup are not known for the development of economic aquifers, although occasional, high-yielding boreholes may be encountered. Generally, two distinct aquifers occur, namely a shallow, weathered aquifer and a deeper fractured aquifer. The aquifer is often perched and due to the impermeable shale horizons, which restrict the downward filtration of rainwater into the aquifer, may even be artesian in places. The largest accumulation of water is normally confined to the contact between the weathered and “fresh” bedrock. Borehole yields in this aquifer are generally low due to the low transmissivity parameters of the aquifer material.

### Soils and Geology

The regional geology consists of various groups within the Karoo Supergroup as well as numerous dolerite intrusions. Dolerite dyke and sill intrusions are ubiquitous throughout the area although no formations are known to occur on the ash dam site. The Ecca group occurs extensively with the region and of the 16 formations, one, the Vryheid formation, dominates the immediate study area. The Vryheid formation comprises shale and sandstone elements interspersed with coal beds. These were laid down in a number of different cycles of deltaic and fluvial processes. Locally, siltstones and sandstones of the Vryheid Formation are encountered. These rock types weather to fine grained sands, silts and clays. In the lower terrain units a transported wet, clayey sand with occasional gravels overlies the residual profile. Land capability of the majority of the local region is classed as arable and agriculture is extensively practiced.

### Ecology

The proposed project area is situated in the Highveld Grasslands region and in the Eastern Highveld Grassland vegetation type. These short, dense grasslands are found on the gently undulating plains of the Highveld and include some low hills and pan depressions. The vegetation is dominated by the usual Highveld grass composition including *Aristida, Digitaria, Eragrostis, Themeda* and *Tristachya* spp. Occasional rocky outcrops occur with wiry, sour grasses and some woody species.

## Social Context

### Population and size

The STLM’s population increased to 278,749 between 2011 and 2016 which represents an increase of 21.3% over the five-year period. The growth rate was 4.3% over the same period. It is estimated that in 2030 the population of the municipality will be approximately 510,000.

The gender distribution of the municipality was almost equal with females representing 48% and males 52% of the population in 2011. People aged between 15 and 64 years old represent 70.7% of the population with 25% of the social context.

### Economic growth and setting

In 2020, the Nkangala DM economy was valued at R147.1 billion (in current prices) and grew at an average annual rate of 0.3% between 2010 and 2020. Between the same period, Steve Tshwete LM recorded a substantially higher average annual growth rate of 1.0% which showcases the LM’s importance as a key driver of economic growth in the district. Furthermore, Steve Tshwete LM was valued at R40.9 billion in 2020. Overall, growth in Steve Tshwete LM broadly followed that of NDM, with sizeable contractions recorded in both municipalities in 2020 because of the COVID-19 pandemic and lockdown measures to contain its spread.

### Education

Of the Nkangala DM and Steve Tshwete LM adult population (i.e., individuals over the age of 20), 10.6% and 7.2% respectively, had no schooling. Proportionately, Steve Tshwete LM had a larger percentage of individuals with Matric or other high education qualifications in 2020 when compared to Nkangala DM, while Nkangala DM had a larger proportion of individuals with some primary and secondary education. Given the education profiles of in terms of functional illiteracy (which is defined as an individual’s inability to use reading, writing and calculation skills as a contribution to their own or the community’s development), Nkangala DM recorded a functional illiteracy rate of 22.1% in 2020 while recording a functional literacy rate of 76.2% during the same year. The remaining 1.7% was unspecified. In Steve Tshwete LM, 16.6% of the adult population was considered as functionally illiterate in 2020, 80.4% functionally literate and the remaining 3.0% unspecified. However, an insufficient level of skills in Nkangala DM has been identified as a fundamental restraint to the exploitation of existing opportunities (Nkangala DM, 2020).

### Main economic activities in the area

The mining and quarrying sector was the largest contributor to the economies of Nkangala DM and Steve Tshwete LM at 34.6% and 34.9%, respectively, during the year 2020. This was followed by the finance, insurance, real estate and business services at 12.6% and 14.8%, respectively. The electricity, gas and water sector was the third largest contributor to the Nkangala DM economy (10.7%) and the fourth largest in the Steve Tshwete LM economy (10.0%).

Other notable contributors to both economies include the manufacturing; wholesale and retail trade, catering and accommodation; and community, social and personal services sectors. The smallest contributor to GVA in Nkangala DM and Steve Tshwete LM was the construction sector at 2.7% and 3.0%, respectively, in 2020.

### Poverty and income distribution

The Gini coefficient is used to measure income distribution or inequality, with a value of zero reflecting perfect income equality and one perfect income inequality. In 2019, the Gini coefficient of Nkangala DM and Steve Tshwete LM was measured at 0.70 and 0.73, respectively. During the same year, South Africa and Mpumalanga each recorded Gini coefficients of 0.68. As such, it is concluded that there exists a higher level of income inequality in Steve Tshwete LM when compared to Nkangala DM. Furthermore, income inequality in both municipalities exceeded that of the national and provincial levels. On average, households in Nkangala DM earned an income of R208 219.5 per annum in 2020, which is higher when compared to the other DMs that comprise Mpumalanga (R202 508.0 per annum in Gert Sibande DM and R196 348.4 per annum in Ehlanzeni). Steve Tshwete LM recorded an average household income of R299 101.5 per annum during the same year.

### Labour and employment

The working-age population of the Nkangala DM amounted to 1 100 881 individuals in 2020 and accounted for 68.4% of the NDM’s total population during the year. Of this total, 54.1% was classified as economically active during the year. The working-age population and economically active population (EAP) of Steve Tshwete LM was proportionately higher in 2020 when compared to Nkangala DM at 71.9% and 62.1%, respectively. As such, Steve Tshwete LM (23.8%) recorded a substantially lower unemployment rate in 2020 when compared to Nkangala DM (34.2%). However, employment and unemployment indicators should be considered against the changes in calculations by Statistics South Africa in 2020.

During the year, 12.2% of Steve Tshwete LM’s EAP was considered as skilled, higher when compared to the 9.5% recorded in the Nkangala DM. A significant difference in terms of semi-skilled individuals was recorded in 2020 at 26.7% and 33.4% in Nkangala DM and Steve Tshwete LM, respectively.

However, the distribution of unskilled individuals was comparatively similar during the year. 2020, the total number of households in Steve Tshwete LM amounted to 77 701 households, which signifies a contribution of 17.8% to the total number of households in Nkangala DM. The average household size in Steve Tshwete LM was recorded at 3.5 individuals in 2020.

### Access to water, electricity, sanitation and basic health care

Similar indicators for access to bulk services (i.e., water, electricity, sanitation and refuse removal) used in the evaluation of the provincial infrastructure profile is provided in the sections below.

#### Access to water

In 2020, 39% of households in Nkangala DM had access to be piped inside dwellings and 41.4% had access to water inside their yards. During the same year, 60.7% of households in Steve Tshwete LM had access to piped water inside their dwellings while 24.3% had access to piped water inside their yards. Despite the relatively high accessibility of piped water (either within dwellings or yards) in both Nkangala DM and Steve Tshwete LM, a sizeable proportion of households rely on sources of water within and beyond 200m of their dwellings. In 2020, 4.1% of households in Nkangala DM relied on water sources more than 200m from their dwellings. In Steve Tshwete LM, this figure stood at 5.0% in the same year. Furthermore, 7.1% and 1.4%.

#### Access to electricity

Access to electricity by households in Nkangala DM and Steve Tswete LM were higher when compared to the national average recorded in 2020. During the year, 85.3% of households in Nkangala DM had access to electricity. In Steve Tshwete LM, 90.5% of households had access to electricity in 2020, which is higher when compared national, provincial and district access. Between 2010 and 2020, access to electricity by households in Nkangala DM and Steve Tshwete LM grew at an average annual rate of 3.0% and 3.8%, respectively. These rates are higher when compared to the national and provincial annual increases of 2.7% and 2.9%, respectively, over the same period.

#### Access to Sanitation

Just over half (51.6%) of households in Nkangala DM had access to flush toilet facilities in 2020, while 43.1% of households utilised pit latrines. Unlike Nkangala DM, 84.2% of households in Steve Tshwete LM had access to flush toilet facilities in 2020 and only 9.3% made use of pit latrines. During the same year, Steve Tshwete LM performed significantly better than South Africa and Mpumalanga in terms of households’ access to flush toilet facilities (63.6% and 45.8%, respectively) and the use of pit latrines (27.3% and 45.4%, respectively).

### Info on GBV and HIV within the Project Area

An analysis of the social ills observed around KPS indicated that abuse of alcohol and drugs is very common among the communities, particularly the youth. It was suggested that the incidence of alcoholism and drug abuse is driven by lack of jobs, inadequate decent entertainment facilities, and overall frustration with the situations that people find themselves in that do not allow them to experience meaningful lives. In addition to alcohol and drug abuse, was negatively impacted by the prevalence of TB, STDs, HIV and AIDS, and dietary problems.

Given the prevalence of alcohol and drug abuse, the decline in the perceived prospects by community members is most likely to continue fuelling the current rate of alcohol and drug abuse. In addition, reduced income levels and poverty may trigger higher incidents of prostitution, which is already noted to be a problem in the area and could worsen the food insecurity in the area. Increased prostitution is expected to lead to the spread of STDs, while a lack of nourishing and adequate food will aggravate dietary issues. Gender based violence is likely to increase due to poor quality of life experienced.

The World Bank Project (2022) states that there are also risks associated with temporary labor influx, labor and working conditions, occupational health and safety, gender-based violence (GBV), Sexual Exploitation and Abuse (SEA), sexual harassment (SH) issues, and risks of forced labor associated with solar projects.

# Policies, Legal and Regulatory Framework

This section outlines and highlights the relevant institutional and legal as well as policy framework in South Africa that has a direct bearing on the Project. The chapter further highlights the World Bank ESSs applicable to the project including a comparative analysis and gaps existing between the ESSs and host country regulations and suggestions on bridging the gaps.

## National Legislative Framework

| **Legislation** | **Description** |
| --- | --- |
| Constitution of the Republic of South Africa (108 of 1996) | Chapter 2 – Bill of Rights.  Section 24 – Environmental Rights. |
| National Environmental Management Act (Act No. 107 of 1998) | **Key sections:**   * Section 24 – Environmental Authorization (control of activities which may have a detrimental effect on the environment). * Section 28 – Duty of care and remediation of environmental damage. * Environmental management principles. * Authorization type – Environmental Authorization. The Project will require an EA for the listed activities triggered. * Authorities – Department of Forestry, Fisheries and the Environment (DFFE) (national) (competent authority for the Project) and the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (DARDLEA) (provincial). |
| EIA Regulations of 2014 (as amended) | Purpose – regulate the procedure and criteria as contemplated in Chapter 5 of NEMA relating to the preparation, evaluation, submission, processing and consideration of, and decision on, applications for environmental authorizations for the commencement of activities, subjected to EIA, in order to avoid or mitigate detrimental impacts on the environment, and to optimize positive environmental impacts, and for matters pertaining thereto. |
| National Water Act (Act No. 36 of 1998) | Sustainable and equitable management of water resources.  **Key sections:**   * Chapter 3 – Protection of water resources. * Section 19 – Prevention and remedying effects of pollution. * Section 20 – Control of emergency incidents. * Chapter 4 – Water use. * Authorization type – General Authorization or WUL. The conditions of the existing WUL for KPS related to decommissioning need to be satisfied. * Authority – Department of Water and Sanitation (DWS). |
| National Environmental Management: Waste Act (Act No. 59 of 2008) | Management of waste.  **Key sections:**   * Section 16 – General duty in respect of waste management. * Chapter 5 – licensing of waste management activities listed in Government Notice (GN) No. R. 921 of 29 November 2013 (as amended). * Authorization type – Waste Management License (WML). A WML will be required for the Project. * Authority – DFFE (national) and DARDLEA (provincial). |
| National Environmental Management Air Quality Act (Act No. 39 of 2004) | Air quality management.  **Key sections:**   * Section 32 – Dust control. * Section 34 – Noise control. * Authorization type – Atmospheric Emission License (AEL). An AEL is not required for the Project. Any conditions related to decommissioning in the AEL need to be adhered to. * Authority – DFFE (national), DARDLEA (provincial) and NDM. |
| National Forests Act (Act No. 84 of 1998) | Supports sustainable forest management and the restructuring of the forestry sector, as well as protection of indigenous trees in general.  Section 15 – Authorization required for impacts to protected trees.  Authorization type – License. It is not anticipated that a license under this Act will be required due to the transformed nature of the environment at KPS.  Authority – DFFE. |
| Conservation of Agricultural Resources Act (Act No. 43 of 1983) | Control measures for erosion.  Control measures for alien and invasive plant species.  Authority – DARDLEA. |
| Mpumalanga Nature Conservation Act (Act No. 10 of 1998) | Deals with matters related to nature conservation in Mpumalanga.  Authority – MTPA. |
| Occupational Health & Safety Act (Act No. 85 of 1993) | Provisions for Occupational Health & Safety (OHS).  Authority – Department of Employment and Labour (DEL).  Relevant regulations, such as Construction Regulations, etc. |
| Asbestos Abatement Regulations (GN No. R.11196 of 10 November 2020) | Requirements for occupational use and exposure to asbestos. |
| Hazardous Substances Act (No 15 of 1973) and Regulations | Provides for the control of substances which may cause injury or ill-health to or death of human beings by reason of their toxic, corrosive, irritant, strongly sensitizing or flammable nature or the generation of pressure thereby in certain circumstances, and for the control of certain electronic products  Provides for the division of such substances or products into groups in relation to the degree of danger.  Provides for the prohibition and control of the importation, manufacture, sale, use, operation, application, modification, disposal or dumping of such substances and products. |
| Regulations for Hazardous Chemical Agents (GN No. R.280 of 29 March 2021) | Requirements for protecting employees who work with hazardous chemical substances in the workplace. |
| The National Heritage Resource Act (Act No. 25 of 1999) (NHRA) serves to protect national and provincial heritage resources across South Africa. | The NHRA provides for the protection of all archaeological and palaeontological sites, the conservation and care of cemeteries and graves by the South African Heritage Resources Agency (SAHRA) and lists activities that require any person who intends to undertake to notify the responsible heritage resources agency and furnish details regarding the location, nature, and extent of the proposed development. |
| National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) | The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) was promulgated in June 2004 within the framework of NEMA to provide for the management and conservation of national biodiversity. The NEMBA’s primary aims are for the protection of species and ecosystems that warrant national protection, the sustainable use of indigenous biological resources, the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources. In addition, the NEMBA provides for the establishment and functions of a South African National Biodiversity Institute (SANBI). |
| National Economic Development and Labour Council Act, 1994 (Act No. 35 of 1994) | The National Economic Development and Labour Council Act (NEDLAC) aims to provide for the establishment of a national economic, development and labour council; to repeal certain provisions of the Labour Relations Act, 1959; and to provide for matters connected therewith. NEDLAC has published four codes of good practice: |
| Basic Conditions of Employment Act No. 75 of 1997 | The purpose of the Basic Conditions of Employment Act is to give effect to the right to fair labour practices, as referred to in Section 23 (1) of the Constitution, by establishing and providing for the regulation of basic conditions of employment. |
| Labour Relations Act 66 of 1995 | The purpose of the Labour Relations Act 66 of 1995 is to give effect to the public international law obligations of the Republic relating to labour relations; to amend and repeal certain laws relating to labour relations; and. to provide for incidental matters. |
| Employment Equity Act 55 of 1998 | The purpose of the Employment Equity Act 55 of 1998 is to remove discrimination, implement affirmative action and to promote equity, equality, opportunity, remuneration and development for all employees in the workplace. |
| Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 | The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (PEPUDA or the Equality Act, Act No. 4 of 2000) is a comprehensive South African anti-discrimination law. It prohibits unfair discrimination by the government and by private organizations and individuals and forbids hate speech and harassment. |
| Promotion of Access to Information Act 2000 | The Promotion of Access to Information Act 2 of 2000 intends: to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and. to provide for matters connected therewith. |
| National Development Plan | The National Development Plan (NDP) aims to eliminate poverty and reduce inequality by 2030. The NDP identifies a number of enabling milestones. Of relevance to the proposed development the NDP refers to the need to produce sufficient energy to support industry at competitive prices and ensure access for poor households, while reducing carbon emissions per unit of power by about one-third. Integrated Resource Plan 2010 – 2030. |
| New Growth Path | Government released the New Economic Growth Path Framework on 23 November 2010. The aim of the framework is to enhance growth, employment creation and equity. The policy’s principal target is to create five million jobs over the next 10 years and reflects government’s commitment to prioritizing employment creation in all economic policies. |
| National Infrastructure Plan | The South African Government adopted a National Infrastructure Plan (NIP) in 2012. The NIP aims to transform the South African economic landscape while simultaneously creating significant numbers of new jobs and strengthening the delivery of basic services. |
| Integrated Energy Plan | The development of a National IEP was envisaged in the White Paper on the Energy Policy of the Republic of South Africa of 1998 and, in terms of the National Energy Act, 2008 (Act No. 34 of 2008), the Minister of Energy is mandated to develop and, on an annual basis, review and publish the IEP in the Government Gazette. The purpose of the IEP is to provide a roadmap of the future energy landscape for South Africa which guides future energy infrastructure investments and policy development. |

## Provincial and Municipality Legal Framework

Table 8: Provincial and Municipality Legal Framework

|  |  |
| --- | --- |
| **Legislation/ Policy/ Plan** | **Description** |
| Mpumalanga Growth and Development Path | The primary objective of the Mpumalanga Economic Growth and Development Path (MEGDP) (2011) is to foster economic growth that creates jobs, reduce poverty and inequality in the province. |
| Mpumalanga Spatial Development Framework (MSDF) | MSDF (2019) identifies that tourism is an important economic sector and has emerged as a robust driver of growth for emerging economies. |
| Mpumalanga Industrial Development Plan | In terms of industry, the purpose of the Mpumalanga Industrial Development Plan (MIDP) (2015) is to promote the establishment of new industries and promote growth of existing industries in the province. It is however noted that the Msukaligwa Municipality (within which the project falls under) is not directly impacted by the 2025 MIDP and its proposed priority hubs. |
| Mpumalanga Conservation Act (No. 10 of 1998) | This Act provides for the sustainable utilization of wild animals, aquatic biota and plants; provides for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; provides for offences and penalties for contravention of the Act; provides for the appointment of nature conservators to implement the provisions of the Act; and provides for the issuing of permits and other authorizations. |
| Nkangala Municipality Integrated Development Plan | According to the Municipal Systems Act (Act 32 of 2000) (MSA), all municipalities have to undertake an Integrated Development Plan (IDP) process. The IDP is a legislative requirement thus it has legal status and supersedes all other plans that guide development at local government level. The Steve Tshwete Local Municipality aims to achieve economic growth and poverty alleviation by coordinating sustainable social and economic development programs. LED projects driven by the municipality. |

## International Environmental and Social Management Requirements

South Africa is a signatory to several international treaties and conventions that are relevant to the sectors that the proposed sub projects under the project. Conventions signed by South Africa which are relevant to this Project are outlined below:

* United Nations Convention on Biological Diversity (1995)
* Convention to Combat Desertification (1994)
* Convention on Biological Diversity (1994)
* United Nations Framework Convention on Climate Change (1992)
* United Nations on Combating Poverty (1997)
* United Nations Global Compact
* World Heritage Convention 1997
* Forced Labour Convention 1930
* Discrimination (Employment and Occupation) Convention 1958
* Minimum Age Convention 1973
* Worst Forms of Child Labour Convention 1999
* Equal Remuneration Convention 1951
* Africa Convention on Conservation of Nature and Natural Resources 2003

## World Bank Environmental & Social Standards

The World Bank Environmental and Social Standards (ESSs) constitute the requirements relating to the identification and assessment of environmental and social risks and impacts associated Project activities. ESS1, Assessment and Management of Environmental and Social Risks and Impacts, provides the overarching guidance to identify, evaluate and manage the environment and social risks and impacts of the activities in a manner consistent with the ESSs. ESS1 also sets out the principles for activities to be designed to avoid, minimize, reduce or mitigate the adverse environmental and social risks and impacts. The ten ESSs are:

* **ESS1: Assessment and Management of Environmental and Social Risks and Impacts**
* **ESS2: Labour and Working Conditions**
* **ESS3: Resource Efficiency and Pollution Prevention and Management**
* **ESS4: Community Health and Safety**
* ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement
* **ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources**
* ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities
* **ESS8: Cultural Heritage**
* ESS9: Financial Intermediaries
* **ESS10: Stakeholder Engagement and Information Disclosure**

The seven bolded ESSs—ESS1, 2, 3, 4, 6, 8 and 10—are currently deemed applicable to Project activities and are guiding implementation proportionally. The objectives of the relevant ESSs are laid out section 4.6 on Gap Assessment of International Objectives and National Requirements. In the event that ESS 5, 7 or 9 becomes relevant, the measures in both the South Africa laws and the provisions in ESS 5,7 or 9 will be adopted for this project.

### World Bank Group’s Environmental, Health and Safety Guidelines

The World Bank Group Environment, Health and Safety guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice. During the identification and evaluation of environment and social risks and impacts required in accordance with ESS1 and ESS2, there may be need to recommend alternative (higher or lower) levels or measures, which become sub-project specific requirements. If less stringent levels or measures than those provided in the Guidelines are appropriate, in view of specific circumstances, a full and detailed justification for any proposed alternatives is needed as part of the site-specific assessment. Where South Africa regulations differ from the levels and measures presented in the Guidelines, activities are expected to achieve whichever is more stringent.

The Project will apply the General Guidelines, which require (i) the early identification of potential activity hazards and risks informing the site selection and design of activities; (ii) an activity risk management strategy which reduces risks to human health and the environment by preventing irreversible and/or significant impacts, eliminating hazards, and reducing and minimizing remaining impacts; and (iii) the preparedness of workers and communities to deal with accidents. Specific guidelines may apply to activities and mitigation measures, as relevant are included in sub-project specific ESMPs.

## Gap Assessment of World Bank and National Requirements

The following table provides the overview, using the World Bank’s Environmental and Social Standards as the organizing principle to integrate the Project’s approach with the relevant laws and regulation.

Table 2: Gap Assessment of Environmental and Social Approaches

| **ESS Objectives** | **South African National Laws and Regulations** | **Project Approach to Align National and World Bank Requirements** | **Relevant Safeguard Instrument** |
| --- | --- | --- | --- |
| **ESS1: Assessment and Management of Environmental and Social Risks and Impacts** | | | |
| Identify, assess, evaluate, and manage environment and social risks and impacts. | NEMA requires mandatory review of environmental impact and mitigation plans if projects are assessed to have significant adverse impact. | The South African framework is extensive on environmental assessment and requires integration of social impact assessment. Through the screening approach the Project will rate the risk categorisation of low, moderate, substantial or high. Low risk projects due not require review under the South African EIA Regulations, while moderate risk projects require a Basic Assessment. Activities rated substantial or high will require development of ESIA. | **ESMF screening procedures** are aligned with national and international standards.  Monitoring and reporting of the Project’s environmental and social performance will be made in accordance with the Project’s Environmental and Social Commitment Plan. |
| Adopt a mitigation hierarchy:   * Anticipate and avoid risks and impacts * Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels * Once risks and impacts have been minimized or reduced, mitigate and * Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible | Mitigation required under NEMA which is, in the case of the Project, is reviewed by the DFFE or Provincial environmental authority. For any residual impacts DFFE or DARDLEA can issue licenses related to pollution control, waste management or hazardous waste management subject to environmental impact statements and mitigation plan approval. | South African law requires comprehensive mitigation plans in place to prevent, reduce and manage environmental impacts but is silent on social impact. The Component C sub-project approach will provide comprehensive mitigation of environmental and social risks, guided by the ESMF. | Participatory community engagement will contribute to identification of mitigation measures.  Standard mitigation measures are included in the **ESMF**.  Activities with moderate risk classification will require a site specific **ESMP**. Activities with substantial or high risks are subject to further review and if approved for funding, will require the development of an **ESIA**. |
| Adopt differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable | South African law has equal protections embedded in the country’s legal framework. |
| Utilize national environmental and social institutions, systems, laws, regulations and procedures where appropriate. | NEMA does not require monitoring of activities, which are considered low risk. | Where required, ESMPs and ESIAs, including Basic Assessment and Scoping Reports as required by NEMA will be shared with Provincial officials in Environmental Affairs for review and approval. | **Site specific ESMP, ESIA, Basic Assessment and Scoping Reports,** where needed. |
| Promote improved environmental and social performance, in ways which recognize and enhance Borrower capacity. | South African law requires equitable and sustainable use of resources. The South African Constitution sets out the right of all to an environment that is not harmful to their health or well-being and to have the environment protected for the benefit of present and future generations | Component C will promote efficiency and sustainability in environmental and social performance as a core principle embedded in sub-project design. | The principle is embedded in the ESMF approach to enhance local capacity. |
| **ESS2: Labour and Working Conditions** | | | |
| Promote safety and health at work. | The Occupational Health and Safety Act outlines requirements to ensure health and safety conditions in the workplace, and the related articles has broad provisions related to safety in construction as well as training related to occupational health and safety. | South African labour law outlines broad principles for safety and health that are consistent with ESS2, and the ILO Core Labour Standards. In addition, the World Bank Group Occupational Health and Safety Guidelines[[2]](#footnote-3) provide detailed guidance that will be referenced where relevant related to:   * General Facility Design and Operation (2.1) * Communication and Training (2.2) * Physical Hazards (2.3) * Chemical Hazards (2.4) * Personal Protective Equipment (2.7) * Monitoring (2.9) | During the scoping and screening of activities’ environment and social risks and impacts the Project will determine which of the standard mitigation measures in **ESMF** are proportional to health and safety and apply.  Where the risk of an activity is rated moderate, substantial or high there may be a need to include higher levels or measures to mitigate site-specific risks and impacts, which will be stipulated in associated **ESMPs and/or ESIAs**.  Implementing agencies including any contractors and sub-contractors engaged by the Project under Component C must maintain accurate records of occupational accidents, diseases, including environmental or social incidents. |
| Promote the fair treatment, non-discrimination, and equal opportunity of workers. | The Promotion of Equality and Prevention of Unfair Discrimination Act provides the right to equality, disbands discrimination and the Employment Equity Act promotes equity in the workplace. | The Project will, in accordance with ESS2 and National Laws, recruit a diverse workforce and ensure that contractors and sub-project workers have equal protections in place. The Project will provide oversight to ensure that there is no discrimination or harassment with respect to any aspects of the employment relationship, including recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, including based on gender, age, race or ability based. | Labour management procedures are provided in Section 6 of the ESMF and reflected in the standard mitigation measures in the ESMF. Recruitment of any Component C Project and sub-project related staff must promote non-discrimination, fair treatment and equal opportunity. |
| Protect workers, with emphasis on vulnerable workers. | The EJTEP will ensure that there is induction of all workers, whether directly employed or through contractors, and establish:   * Equal opportunities for employment * Contract rights and conditions, including salary, overtime, grievance * Workplace conduct/Code of Conduct * Register of all workers, including age and contract conditions * Worker grievance system * Health and safety policy based on WBG EHS guidelines, provision of PPE where needed * Health surveillance, record injuries and near misses | Incorporate labour management requirements in all **procurement documents** to require adequate records and training of all workers engaged and associated with the Component C project and sub-projects. Worker’s records will be subject to supervision by Eskom, JETO and/or the Bank. |
| Prevent the use of all forms of forced labour and child labour. | The South African Constitution states that no one may be subjected to slavery, servitude or forced labour. It further provides that children under 18 have a right to be protected from work that is exploitative, hazardous, inappropriate for their age, detrimental to their schooling, or detrimental to their social, physical, mental, spiritual, or moral development. The minimum age for work in South Africa is 15 years for non-hazardous engagement. | International and national labour protections are aligned in aspects related to child and forced labour. No one under the age of 18 may be engaged in any Project activities. | The initial **screening of risk and impact** must identify activities where anyone below the age of 18 may participate. All prospective persons employed under Component C must provide a copy of their National ID to verify age requirements.  Workers age, regardless of the type of labour contributed, must be recorded by the respective employer and is subject to review. |
| Support the principles of freedom of association and collective bargaining of workers in a manner consistent with national law. | The South African Constitution's Bill of Rights Section 18 establishes the right to freedom of association. | Worker organisations and/or unions and their representatives will be recognized through all employer/ employee relationship, as relevant. | Contract provisions and worker management must recognize the right to participate in and form worker associations. |
| Provide workers with accessible means to raise workplace concerns. | The South African Constitution provisions for the Public Service Commission to investigate grievances of employees in the Public Services. The Labour Relations Act, Section 185, provides the right to not be unfairly dismissed or be subjected to unfair labour practices and outlines mechanism for addressing disputes and grievances that cannot be resolved in the workplace. | The Project and Project contractors must have workplace procedures in place. Workers may appeal determinations in accordance with the South African Labour Relations Act. | **Contract provisions** should reflect grievance procedures in place by the contractor as measures in place to appear through the Project. These must be shared with workers at induction in workplace procedures. |
| **ESS3: Resource Efficiency and Pollution Prevention and Management** | | | |
| Promote the sustainable use of resources, including energy, water, and raw materials. | NEMA, Section 28, addresses duty of care and remediation of environmental damage, National Water Act specifically addresses the need to converse and manage water resources. | ESS3 has a wider reach than South African Law and will apply to the Project approach to ensuring resource efficiency and sustainable use of resource s required to implement activities. | The standard mitigation measures, part of the ESMF, incorporate resource efficiency and pollution prevention and management.  Where required, additional measures may be included in sub-project specific **ESMP or ESIA,** where needed, will be guided by these principles. |
| Avoid or minimize adverse impacts on human health and the environment caused by pollution from activities. | A primary purpose of the South African Constitution, Labour, Social and Environmental Law is to protect the health of humans and the environment. | ESS3 and South African Law concur on the purpose of efforts to avoid and minimize impacts, as well as enhance livelihoods through active management. |
| Avoid or minimize project-related emissions of short and long-lived climate pollutants. | South African law requires best practicable environmental options to be adoption in relation to discharges or emissions. | ESS3 and South African Environment Law are equivalent. |
| Avoid or minimize generation of hazardous and non-hazardous waste. | Where hazardous waste is kept or utilized, a project proponent must obtain permit through the Provincial environmental authority | ESS3 and South African Environment Law have the equivalent intent to avoid or minimize hazardous and non-hazardous waste. |
| Minimize and manage the risks and impacts associated with pesticide use. | DEFF regulates the manufacture, distribution, sales, use and advertisement of pesticides. It derives this mandate from the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947. | ESS3 and South African Law have the equivalent intent to avoid or minimize use of pesticides. | Where pesticide will be use as part of the agricultural activities; required for any activity a site-specific **ESMP or ESIA** will be developed. |
| **ESS4: Community Health and Safety** | | | |
| Anticipate or avoid adverse impacts on the health and safety of activity-affected communities during activity life-cycle from routine and non-routine circumstances. | The Constitution provides broad protection of people’s social rights and justice, including right to health care, food, water and social security. Labour Law provides protection for community health and safety through ensuring safe workplaces. | ESS4 and the South African legislative framework provide broad protections of community health and safety. The World Bank Occupational Health and Safety guidelines can be referenced for specific and operational guidance for community health and safety related to:   * Water Quality and Availability (3.1) * Structural Safety of Project Infrastructure (3.2) * Life and Fire Safety (3.3) * Traffic Safety (3.4) * Transport of Hazardous Materials (3.5) * Disease Prevention (3.6) * Emergency Preparedness and Response (3.7)   Standard HR procedures are in place in Eskom to prevent communicable disease and GBV/SEA, including procedures to handle grievance. | Potential for adverse risk and impact for community health and safety must be captured during screening of activities and mitigation reflected in **ESMP or ESIA** prior to commencement of activities.  Standards provision to integrated quality, safety and climate change considerations in design is contained in the ESMF. Where an activity is rated moderate, substantial or high risk additional measures will be reflected in the sub-project specific **ESMP or ESIA**. |
| Promote quality, safety, and climate change considerations in infrastructure design and construction, including dams. |
| Avoid or minimize community exposure to activity-related traffic and road safety risks, diseases and hazardous materials, and have in place effective measures to address emergency events. |
| Ensure that safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the activity-affected communities. |
| **ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources** | | | |
| Protect and conserve biodiversity and habitats. | The Biodiversity Act and the Protected Areas Act provides for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act. This includes the protection of species and ecosystems that warrant protection to ensure that there is no net loss as well as preventive measures to ensure that no species become critically endangered, the fair and equitable sharing of benefits arising from bio-prospecting involving indigenous biological resources, the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith. | ESS6 and the South African law on biodiversity conservation and sustainable management are equivalent.  Specialist will be consulted where necessary to assess biodiversity habitats potentially affected by sub-project activities | The standard mitigation measures, part of the ESMF, incorporate simple mitigation measures. However, where required, additional measures may be included in site specific **ESMP or ESIA,** where needed, will be guided by these principles. |
| Apply the mitigation hierarchy and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity. |
| Support livelihoods of local communities, including Indigenous Peoples, and inclusive economic development, through the adoption of practices that integrate conservation needs and development priorities. |
| **ESS8: Cultural Heritage** | | | |
| To protect cultural heritage from the adverse impacts of project activities and support its preservation | The National Heritage Resources Act serves to protect and promote good management of South Africa’s heritage resources. While the EIA regulations allow for meaningful consultation with stakeholders as part of the EIA process. | The National Heritage Resources Act promotes the protection of tangible and intangible (living heritage) cultural heritage | The standard mitigation measures, part of the ESMF, incorporate simple mitigation measures. However, where required, additional measures may be included in site specific **ESMP or ESIA**, where needed, will be guided by these principles. |
| To address cultural heritage as an integral aspect of sustainable development |
| To promote meaningful consultation with stakeholders regarding cultural heritage |
| To promote the equitable sharing of benefits from the use of cultural heritage |
| **ESS10: Stakeholder Engagement and Information Disclosure** | | | |
| Establish a systematic approach to stakeholder engagement that helps Borrowers identify stakeholders and maintain a constructive relationship with them. | South Africa has strict measures in regards to public participation, including through the Access to Information Act. For example, re. legislative initiatives: a law cannot be valid unless the public has been heard and consulted upon with the public. The EIA regulations specifically require that impacted and affected persons be consulted in regards to Project measures. ­­­­­­ | All environmental and social impact work will be conducted with involvement of impacted and affected persons. Project activities under Component C specifically respond to community need and interest wherefore community members will be closely involved in sub-project design and implementation, including identification of environmental and social risk and impact. Local and most predominant language, in the sub-project area will be used during community engagements | The ESMF is accompanied by the SEP, which is part of the Project design to ensure systematic stakeholder engagement, assessment of interests and on-going information sharing. |
| Assess stakeholder interest and support for the activity and enable stakeholders’ views to be taken into account in activity design. |
| Promote and provide means for effective and inclusive engagement with activity-affected parties throughout the activity life-cycle. |
| Ensure that appropriate information is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner. |
| To provide project-affected parties with accessible and inclusive means to raise issues and grievances and allow Borrowers to respond to and manage such grievances. |

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# Potential Environmental and Social Impacts and Mitigation

Overall Project implementation is expected to have an overall positive social impact. However, it is important to identify potential environmental and social risks early in preparation and design of the Component C sub-projects, both in terms of the Component Cs’ overall design and of the sub-project specific activities.

Expected activities relevant to environmental and social risk and impact include, and are primarily budgeted under Component C2 of the EJET Project:

* Agriculture (farming and gardens);
* Alien vegetation removal and beneficiation;
* Winter crop farming with mine affected water irrigation;
* Digital hubs and digital connection of communities;
* Upgrade/ expansion of sport and recreation facilities;
* Community support programs (ECD centres, health services, etc), and;
* Renovation/construction associated with the digital hub.

It is not foreseen that the activities are likely to have any significant adverse environmental and social impacts at this stage, however this will be re-assessed once more information on the scale and location of the sub-project activities becomes available.

## Expected Positive Impacts

The mobilize investments under Component C to support worker and community development and economic diversity within the Steve Tshwete Municipality area. Immediate benefits will be through full and part time job creation, economic stimulation in the area and up and reskilling of workers and community, in addition to providing improved access to health services and early childhood development. where recruitment of community members is prioritised. Workers and communities are expected to see tangible benefits from the implementation of the Component C sub-project and increase commitment for long-term socio-economical enhancement within the EJET Project area.

## Potential Negative Impacts

The potential adverse environmental and social impacts and risks of the activities to be undertaken as part of Component C is not regarded as significant at this stage. The ESMF highlights potential generic impacts which are broad and cut across most of the envisaged sub-projects.

In general, potential adverse risks and impacts on the environment are mainly linked to potential small scale civil works, which may be required during the upgrading and expansion of the sport and recreation facility, laying of the pipeline for crop irrigation and activities associated with the harvesting of alien invasive species and agricultural activities such as use of herbicides and pesticides, use of machinery for planting and harvesting of crops, among others, and may include environmental, health, and safety (EHS), occupational health and safety (OHS) and pollution due to use of pesticides and herbicides, clearing of vegetation which may lead to dust, solid waste generation, noise, vibration and soil and ground water pollution.

Potential social risks and impacts are primarily linked to community health and safety in relation to engagement in sub-project activities. The World Bank has also assessed that there may be a potential for sexual exploitation and abuse (SEA) and gender based violence (GBV) in relation the overall EJET Project. To address project induced SEA/SH risks and impacts, a GBV Risk Assessment and Action Plan will be prepared that will among others include SEA/SH responsive GRM, signing codes of conduct by workers, as well as establishing a response and accountability procedures for managing related grievances and supporting survivors.

The specific adverse impacts for each sub-project will be distinguished during the preparation of the specific ESIA/ESMP based on the outcome of the screening process once completed.

### Environmental

**Loss of flora** should be minimized in all activities. However, there will be some temporary vegetation loss during the small-scale civil works associated with the renovations, upgrading and construction of facilities and permanent vegetation loss during the preparation of lands for agricultural activities. The alien invasive species removal program may require bush clearing and use of herbicides which may affect other vegetation in the immediate area. These activities could expose the land to elements of erosion such as wind and water and could trigger the process of land degradation. Upon completion of the activity, the disturbed areas must be rehabilitated.

**Soil erosion** could occur during the agricultural activities and small-scale civil works as a result of the land clearing and tilling. The equipment and machines that shall be used in the agricultural activities will interfere with the soil structure making it loose hence liable to erosion.

**Water flow and quality.** There is risk of wastewater leakages and liquid effluent from machinery and equipment; risk of solid and liquid wastes and use of pesticides and herbicides from agricultural activities and other day-to-day operations of the sub-projects could affect the water quality especially where sub-projects are implemented relatively close to natural water bodies. Indiscriminate disposal of solid waste or badly designed boreholes could impact or restrict flow or natural courses of water bodies. Use of poorly treated mine water for irrigation purposes may impact on surface water and soil quality.

**Air quality.** Airborne dust will be caused by clearing and preparation of lands for agricultural activities, vehicle movement hence engine combustion and materials handling.

**Noise and vibration.** Construction activities could result in noise impacts especially where sub-projects renovation, upgrading and construction may take place within established community settings.

**Waste.** Solid waste issue is a potential adverse impact that will be as a result of generation of general waste during sub-project operations and potential small quantities of construction/ renovation building material waste.

**Worker health and safety.** The sub-projects are set to engage a large number of workers, therefore occupational health and safety for the workers is likely to be a concern, especially without appropriate protective equipment and training; and proper precautions or use of inadequate equipment and poorly maintained machines which could result in accidents that may result in loss of life, limbs, injuries among others. Poor worker conditions associated with air, solid and liquid pollution or long hours of work also pose a risk to health and safety. Furthermore, for the duration of the COVID-19 pandemic there is a risk that workers can spread the disease without adequate worksite precautions.

### Social

**Public and community health and safety.** There may be minor community health and safety related impacts associated with specific community investments, including risk of increased GBV and SEA. Specific risks of GBV/SEA will be considered in subsequent sub-project specific ESMPs and measures will be put in place to mitigate and manage any risks of incidents.

**Labour influx and conflict**. The increase in the number of people in a specific sub-project area or site, has the potential to lead to a number of negative socio-economic impacts, including increased insecurity and community conflicts, increased incidences of diseases; increased risk of accidents and occupational hazards; and immigration of workers and labour force management challenges. The purpose of the Component C sub-project activities is to provide job opportunities as such labour influx may be anticipated. All workers will be required to sign Code of Conducts to encourage respectful behaviour.

## Ineligible Activities and No-go Areas

Due to the adverse environmental and social impact associated with certain activities, the Project has determined that activities with the followed activities will be ineligible for Project funding.

**Involuntary land acquisition**

* Activities involving involuntary land acquisition as defined under ESS5.

**Labour**

* Activities involving use of child labour
* Activities involving use of forced labour

**Waste**

* Activities involving discharge of untreated wastes and effluents
* Activities involving mining of sands, rocks and other substrata materials

**Forests, Natural Habitats and Trees**

* Activities likely to cause significant damage to forests, nesting grounds or any other kind of identified/designated natural and critical habitat.
* Activities involving destruction/exploitation of any kind of wildlife

**Physical and cultural resources**

* Activities likely to cause damage to objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance, without obtaining a permit.
* Any subproject involving construction within 200 meters to historical monuments and within 100 meters to railways, highways, etc.

**Air, land and water resources**

* Activities connected with quarrying of sand in any area in a water course within a distance of five hundred metres from any dam, check dam, reservoir or any other structure or construction on or across such watercourse, owned or controlled or maintained by Government for the purpose of irrigation
* Any activity involving promotion, use, storage and distribution of pesticides that are banned or are included in classes Ia, Ib and II of the WHO classification (Refer to Annexure IX on WHO classification of pesticides)
* Any industrial and mining activity without obtaining necessary permits
* Any construction activity involving locating of the leach pit, soak pit, earth closet or septic tank within a distance of 7.5 m radius from existing well or 1.2 m from the plot boundary

All rivers and wetland areas are ‘no-go’ areas and no vehicles or persons may enter these areas during implementation of sub-project activities within close proximity of these Demarcation of other sensitive areas shall be made and must be respected. Fencing may be required to protect particular natural environment within close proximity of sub-projects which requires protection. Eskom JETO will determine any no-go areas prior to commencement of activities during preconstruction surveys.

## Summary of Standard Environmental and Social Management and Mitigation Measures

The following table is a synopsis of possible impacts and proposed mitigation measures, including roles and responsibilities and monitoring indicators. The mitigation measures or guidelines have been designed in order to avoid, minimize and reduce negative environmental and social impacts at the project level.

| **Impact issue** | **Proposed Mitigation measures** | **Implementation tool/ criteria** | **Monitoring indicators (Inputs)** | **Monitoring indicators (Outcomes)** | **Project stage** | **Responsibility** |
| --- | --- | --- | --- | --- | --- | --- |
| Waste management | Provide adequate waste reception facilities and containment  Dispose of waste at approved waste collection sites  Concrete and cement preparation activities shall not be permitted in any sensitive environments  It is illegal to bury any type of waste within sub-project boundaries will not be allowed  Hazardous waste including pesticides and herbicides need to be disposed of according to the Material Safety Data sheet | Waste management plan (method statement) | Number of waste bins on site  Waste disposal plan and training of workers  Waste disposal records  No sign of waste being buried or burned on site | Percentage of workers who follow the solid waste disposal plan including use of receptacles  Number of workers familiar and aware of the waste disposal plan  Availability of waste disposal records (100% available) | Construction[[3]](#footnote-4)  Operation | Implementing entity  JETO |
| Dust and air pollution | Operate well maintained vehicles, trucks and other equipment  Land clearing and tilling should ideally take place when wind conditions are favourable (low or no wind)  Implement dust suppression at activities which are to be implemented within established communities | Routine maintenance plan for machinery  Proper planning of preparation of agricultural lands  Water exposed surfaces several times a day to reduce dust at the site | Availability of equipment and machinery maintenance plan  Frequency of watering of surfaces to reduce dust related impacts  Number of complaints | Percentage of workers following the good practices for equipment and machinery maintenance  Number of complaints received from nearby communities (Target less than 3) | Construction  Operation | Implementing entity  JETO |
| Noise | Schedule of works is to be limited to daylight hours  Provision of PPE for workers for noise pollution  Train workers on the use of PPEs for noise mitigation and reprimand those not complying | ESMP | Recorded grievances  Number of PPE procured for noise mitigation | Number of workers correctly and frequently using PPEs  Number of noise complaints | Construction  Operation | Implementing entity  JETO |
| Soil and erosion | Preservation of topsoil  Storm water management  Implement erosion control measures | ESMP | Site management records | Incidents logged | Construction | Implementing entity  JETO |
| Water | All activities should be conducted at least 32m away from all watercourses  No garbage/refuse, oily wastes, fuels/waste oils should be discharged into drains or water bodies  Fuel storage tanks/sites should be properly secured  Maintenance and cleaning of vehicles, trucks and equipment should take place offsite.  Do not use harmful pesticides or herbicides within close proximity of water courses | Waste management plan  Spill prevention and control plan  Herbicide and Pesticide management plan  ESMP to provide measure for the quality of water including physical, chemical and biological where needed | Visibility of oil on water bodies  On site erosion observed  Proposed actions implemented  No of pollution incidences recorded  Training on safe herbicide and pesticide use  Number of complaints on pollution of water | Water quality not deteriorating within sub-project  No incidents related to pesticide and herbicide use reported  Training records on safe use available | Construction  Operation | Implementing entity  JETO |
| Impact on fauna and flora | Avoid access to sensitive habitat  Site specific ESMP will include assessment of sensitive flora/fauna in the sub-project area of impact and provide relevant mitigation measures  No plants outside the demarcated sub-project areas may be damaged | Awareness raising among contractor personnel  No damage to vegetation outside of sub-project area or accidental harm of animals | Incident records | Number of workers trained on the importance of conservation of flora and fauna  No incidents related to damage of sensitive habitats or killing of fauna | Construction  Operation | Implementing entity  JETO |
| Impacts on cultural heritage/ archaeological interest | Avoid areas with potential cultural heritage significant as part of sub-project implementation  Develop and implement a chance find procedure as part of the ESMP  Identify cultural heritage resources and existing ecologically sensitive areas as part of the screening | Prior to implementation of sub-project / Chance finds procedure  Plan for accidental Cultural Finds | Cultural/ archaeological resources/ existing infrastructure encounter  Incidence register | Number of workers familiar with the chance find procedures | Sub-project planning | Implementing entity  JETO |
| Occupational health & safety, staff management | Health and safety plan for sub-projects, including emergency procedures where relevant  Active construction areas to be marked with high-visibility tape  Provide adequate sanitary facilities, including drinking water, ablution facilities, and clean eating areas  Provide PPEs relevant to the activities to be undertaken for workers  Educate workers on health and safety precautions/regulation and hygiene and disease (HIV/AIDS) prevention | ESMP, including OHS obligations  Training in health and safety policy  Procurement of required PPE included in activity budget | Health and safety incident register  Grievance records  Number of trainings conducted  PPE procured | Percentage of incidents resolved  Percentage of grievances resolved  Inspection of site management  Training attendance records (100 percent)  Use of PPE | Full project cycle | Implementing entity  JETO |
| Sub-project management | Materials such as fertilizers, herbicides, tools etc to be used during implementation of sub-project activities must be stored at demarcated sites in accordance to the ESMP that will be developed  All vehicles and equipment must be maintained in a good condition in order to minimise the risk of leakage and possible contamination of the soil or storm water by fuels, oils and hydraulic fluids and to ensure it is in a roadworthy condition | ESMP | Incident records | Incidents logged | Operation | Implementing entity  JETO |
| Labour related impacts | Ensure that the local communities are given preferred employment opportunities employment and provided with training (skilled) to provide future labour in the project e.g. operation and maintenance. | Existing Eskom Human Resource Management procedures must be maintained and implemented. The HR procedures must reflect labour management and related GRM in accordance with ESS 2. | Number of local residents employed in sub projects | Percentage of community members engaged out of the total number of jobs created | Full project cycle | Implementing entity  JETO |
| Community health and safety (SEA/SH risks) | Make provision for SEA/SH responses in GRM,  Ensure signing codes of conduct by all workers  Establishing a response and accountability procedures for managing related grievances and supporting survivors. | GRM makes provision for SEA/SH responses  Code of Conducts signed (Annex 3)  SEA/SH awareness training | Awareness training sessions  Incident/ Grievance records | Number of SEA/SH awareness training sessions  All workers signed Code of Conduct | Full project cycle | Implementing entity  JETO |

# Institutional Arrangements

Implementation of the Component C activities will be led by the Just Energy Transition Office (JETO). The JETO remains accountable for Eskom JET Strategy, advocacy, policy and programme integration at the Eskom level. The JETO Task Team Leader will establish working arrangements with other relevant units within Eskom for the implementation of specific business development opportunities and the associated stakeholder and community, staff and environmental and social related matters. Dedicated environmental, social and stakeholder engagement specialists will form part of the JETO, who will be responsible for overseeing the implementation of the Component C sub-project activities in line with the requirements as set out in this ESMF. The environmental, social and stakeholder specialist are yet to be allocated to the JETO.

At present, it is expected that Eskom and the JETO will need to implement activities require capacity building on the ESMF procedures and Environmental and Social Standards, especially for those staff who will be allocated to the JETO and may not be familiar with the ESS requirements. This ESMF proposes capacity building by way of awareness creation and sensitization, actual training through workshops and seminars as well as short courses. The training needs will be identified once the staff is onboard and will be arranged through the World Bank ESF team.

Eskom/ JETO will ensure that all staff assigned to environmental and social management of the EJTEP and especially Component C will receive the required training in a timely manner and recorded.

## Budget for ESMF Implementation

Eskom will maintain adequate capacity to ensure the environmental and social due diligence of the sub-project activities under Component C of the EJET project are done in a manner consistent with the ESF. The implementation of the sub-projects is funded under Component C of the greater EJET Project (Table 7‑1). Where specific activities require additional environmental and social attention Eskom will identify the needs as part of the screening and costs will be covered under the activity.

Table ‑: Component C Budget Provisions

|  |  |  |
| --- | --- | --- |
| Component | Sub-component | Costs (US$) |
| C: Opportunities for Workers/ Communities | Transition for Eskom Workers | 10,000,000 |
| Economic Diversification | 34,000,000 |
| Stakeholder Engagement | 3,000,000 |
| **TOTAL EJETP (Component C)** |  | 47,000,000 |

# Stakeholder Consultations and Grievance Procedures

A comprehensive draft stakeholder engagement plan (SEP) was prepared for the greater EJTEP of which Component C forms part of. The SEP will therefore apply during the implementation of Component C, to ensure that all stakeholders are informed about sub-project development/progress, consulted on the potential socio-economic mitigation strategies, and empowered to participate in transition planning and initiatives. The objective of the SEP is to establish a systematic approach to stakeholder engagement through the identification of stakeholders and parties affected by the project’s implementation. The purpose thereof is to ensure a collaborative approach to stakeholder management and to maintain constructive relationships. Mechanisms for engaging and empowering communities throughout the project cycle include:

* Eskom Just Transition Task Force: with representation of Eskom, relevant government ministries and institutes, local government, labor unions, civil society organizations, community groups, private sector and local communities to support decision-making relating to Eskom’s JET framework as well as project preparation and implementation.
* EJETP Stakeholder Engagement Platform: to share relevant communication to stakeholders as well as get regular feedback at the national, provincial, local and project levels. The project will use digital platforms and other innovative mechanisms to strengthen communication and engagement channels.
* EJETP Grievance Redress Mechanism: that will provide an accessible and effective means for project affected persons and other interested parties to raise concerns and seek redress to their grievances.

The Stakeholder engage plan outlines engagements that have to take place to date for Component A, B and C (Table 8‑1) and how communication will continue across the life cycle of the EJETP and per key milestones/activities. The table below sets out

Table ‑: Stakeholder consultations on the Greater EJETP To Date

| **Date** | **Stakeholder group** | **Type** | **Stakeholders** | **Purpose of engagement** |
| --- | --- | --- | --- | --- |
| **Phase 1** | | | | |
| 4 August 2020 | Local government | Directly affected parties | Steve Tshwete LM | During the first phase of the Urban-Econ (2022) study, engagements with various stakeholders were focused on obtaining information to inform the socio-economic impacts associated with the shutdown of KPS, the identification of possible areas of collaboration in the proposed mitigation measures, and information on projects implemented by local government entities. These included:   * Engagements with local government (Steve Tshwete LM and Nkangala DM) were centred around the acquisition of information relating to projects implemented by each municipality. These projects were noted as possible mitigation measures for the shutdown of KPS. * Engagements with community members, ward committee members, CBOs, PBOs, NGOs, farmers, small businesses, and KPS contractors/suppliers were undertaken in various forms to inform the socio-economic impacts associated with the shutdown of KPS on the respective stakeholder groups. * Organised businesses and NPOs were engaged to inform possible areas of collaboration in the proposed mitigation interventions. * Other entities, such as national government (DFFE) and DFIs (DBSA) were engaged to obtain their views on the shutdown of KPS. |
| 15-16 September 2020 | Community members | Various community members surveyed |
| 15-16 September 2020 | Farmers | Farmers surrounding KPS |
| 16 September 2020 | Ward Committee | Other interested parties | Ward 4 committee member |
| 16-17 September 2020 | Local NGOs, PBOs or CBOs | Directly affected parties | Farm Belt Community Economic Development Structure, JOG Church |
| 1-2 October 2020 | Local small businesses | Small businesses in the local area surveyed |
| 29 October 2020 | Local government | Nkangala DM |
| 12 Nov 2020 | KPS contractors/suppliers | Contractors/suppliers of KPS surveyed |
| 10 November 2020 – 13 April 2021 | Organised business | Other interested parties | Middelburg Chamber of Commerce and Industry (MCCI), Mine Water Coordinating Body (MWCB), Minerals Council South Africa (MCSA) |
| 11 December 2020 and 8 March 2021 | Development Finance Institute (DFI) | Development Bank of Southern Africa (DBSA) |
| 22 February 2021 | NPO | GreenCape |
| 2 March 2021 | National government | DFFE |
| **Phase 2** | | | | |
| 8 March 2022 | Local government | Directly affected parties | Nkangala DM | The purpose of this engagement was to obtain an update on the Nkangala DM Anchor Projects and to incorporate any changes thereof in the implementation plan for the KPS shutdown. |
| 10 March 2022 | NPO | Other interested parties | The Impact Catalyst | Engagements undertaken with The Impact Catalyst were focused on obtaining an update on their projects in/around the KPS area and exploring possible areas of collaboration. |
| 10 March 2022 | Local government | Directly affected parties | Steve Tshwete LM | The engagement with Steve Tshwete LM was focused on obtaining an update on local economic development projects being undertaken by the municipality for inclusion in the implementation plan for KPS. |
| 17 March 2022 | NPO | Other interested parties | GreenCape | The focus of this engagement was on the Alternative Service Delivery Unit implemented by GreenCape. |
| 12 April 2022 | Community members | Directly affected parties | Residents of local community | Consultations with community members, ward councillor/committee members, small business representatives, NGOs, CBOs, PBOs and farmers were to obtain feedback and inputs into the outcomes of the socio-economic impact study of KPS. The respective stakeholders were provided with an overview of the Urban-Econ (2022) study, including its purpose, methodology, identified economic and employment impacts associated with KPS’s shutdown, and the interventions included as part of the implementation plan to mitigate the adverse impact.  The respective stakeholders were provided with an opportunity to raise their concerns, ask questions on aspects related to the study, provide their views on the study outcomes, and methods of communication (including a dedicated WhatsApp number and email address). |
| 12 April 2022 | Ward councillor/committee member | Other interested parties | Ward 4 Councillor and committee members |
| 12 April 2022 | Local small business | Directly affected parties | Small businesses in the surrounding area |
| 12 April 2022 | Local NGOs, PBOs or CBOs | Farm Belt Community Economic Development Structure, religious representatives, community leaders |
| 5 May 2022 | Farmers | Farmers surrounding KPS |
| 9 and 24 May 2022 | Mining houses | Thungela Resources | Thungela Resources, owner of the Goedehoop mine, was engaged to obtain an update on the mine’s social and labour plan (SLP) and explore possible areas of collaboration in the proposed interventions. |

The process for ongoing stakeholder engagement during the implementation of the EJETP including Component C is described in further details in the draft SEP.

The World Bank ESS10 require that this ESMF and ESIA reports for sub projects are made available to project affected groups, local NGOs, and the public at large. Public disclosure of ESIA documents is also a requirement in South Africa legislation and related environmental and social procedures. Eskom will make available copies of the ESMF, SEP and any required site specific ESMPs or ESIAs on the respective websites and offices.

## Grievance Redress Mechanism and Stakeholder Feedback

A Grievance Redress Mechanism (GRM) dedicated to the project is to be established per the World Bank’s ESS10 by using existing Eskom mechanisms relevant to stakeholder management or channels dedicated to the raising of concerns by stakeholders.

The central purpose or objective of the GRM is to provide a method for project-affected stakeholders to raise concerns and grievances while allowing implementing authorities to respond. Crucially, the GRM allows for a timely, effective and efficient manner of resolving concerns and grievances in such a way that is acceptable to all involved parties. Furthermore, the GRM also allows for the establishment of trust and cooperation, which is considered an integral component of broader community participation.

More specifically, the objectives of the GRM are to:

* Provide affected stakeholders with a method of lodging complaints and for implementing authorities to resolve such complaints that may arise during the project’s implementation.
* Ensure that the appropriate and acceptable redress actions are determined and implemented to the satisfaction of complainants.
* Avoid the escalation of concerns or grievances.

The GRM is to be established through the use of existing Eskom mechanisms, in addition to those specifically related to or devised for KPS. A dedicated stakeholder manager/management team at KPS is to be responsible for the broader SEP, in addition to the GRM. Support for the dedicated KPS stakeholder team is to be provided by Eskom’s Gx (i.e., the Stakeholder and Communication Manager as per the advisory services outlined in an agreed-upon service level agreement and Mpumalanga stability teams or community structures). It is recommended that a designated representative(s) from the KPS stakeholder management team is appointed to manage the GRM. The GRM and resolution framework are further explained and set out in the draft SEP.

# Environmental and Social Management Process

A key principle of good environmental and social management is the incorporation of the risk mitigation principles in the activity design – i.e., anticipate and avoid, minimise or reduce, mitigation, and management of residual impact. The following key principles guides the environmental and social approach that will be followed during the implementation of Component C of the EJET Project:

* Ensure strong community engagement throughout the Project cycle, including awareness of the environmental and social management and access to grievance procedure.
* Once activities are identified and approved for funding, the detailed design must apply the impact mitigation hierarchy to continue to anticipate and avoid, minimise or reduce, and finally mitigate and manage residual impact of any adverse environmental and social impacts.
* Ensure that no ineligible activities are part of Project investments.
* Actively manage any residual social and environmental risk and impact throughout the implementation in accordance with the ESMP or ESIA (as applicable).
* Integrate ESMP or ESIA (as applicable) in all procurement procedures related of contractors and service providers. Embed key environmental and social requirements on contracts.

### Project Screening

Screening of activities will commence right at the inception phase as soon as the specific sub-project details are known including nature and scope, proposed location and area among other parameters. Screening is expected to happen concurrently with other specific feasibility studies (if relevant) in order to identify any potential impacts that may be avoided or minimised before further assessments are conducted to ensure that the environmental and social design is optimal.

The Project’s assigned EAP, whether existing staff or an expert procured for the specific activity, will conduct the screening of activities to determine the scope of impact of proportional environmental and social risk mitigation measures to engage. Activities that are ineligible should not be endorsed by the EAP, but where such investments are initially proposed for Project investments, as part of the scoping, the EAP will reject the proposal or require appropriate redesign to reconsider the activity under the Project.

Once the eligibility of a proposed activity is established, the EAP will establish the basic details related to environmental and social impact and determine the risk classification through the environmental and social scoping using the forms set out in Annex 1.

Figure 5: Screening and risk assessment

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### Risk Classification

Based on the screening of impact, the following risk categorisation will be used to guide next steps:

* Low risk activities can be managed through application of the standard procedures for all activities outlined in the ESMF. Low risk activities do not require assessment under South African legislation.
* Moderate risk activities require development of an ESMP, under South African legislation, a Basic Assessment. All activities that appear in Listing Notice 1(GN No. R. 386 of 21 April 2006) require a Basic Assessment.
* Substantial or high-risk activities require further scoping and development of an ESIA. All activities that appear in Listing Notice 2 (GN No. R. 387 of 21 April 2006) will be considered substantial or high-risk activities.

Risk classification is outlined in the table below but is also guided by South African legislation as noted in the above.

Table ‑: Risk Classification

|  |  |  |
| --- | --- | --- |
| **Risk** | **Definition** | **Description** |
| Low | The impact has low significant risk to the people and the environment either short term or long term | Negligible or very little adverse impacts on communities, individuals, and/or environment. |
| Moderate | The impact is short term and cause limited risk to the people and the environment | Limited impacts in terms of magnitude (e.g. small affected area, low number of people affected) and duration (short) that may be easily avoided, managed, mitigated with best practice techniques. |
| Substantial | Impacts give rise to substantial concern, may cause long term social and environmental problems | Adverse impacts on people and/or environment of significant magnitude, spatial extent and duration, (but still mostly temporary, reversible). |
| High | Impact is long term, large scale, irreversible, diverse and unprecedented | Highly significant adverse impacts on human populations and/or environment. Adverse impacts high in magnitude and/or spatial extent (e.g. large geographic area, large number of people, transboundary impacts, cumulative impacts) and duration (e.g. long-term, permanent and/or irreversible); areas impacted include areas of high value and sensitivity (e.g. valuable ecosystems, critical habitats); adverse impacts to rights, lands, resources and territories of indigenous peoples; involve significant displacement (economic and/or physical). |

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Figure 6: World Bank and South Africa Assessment Process Aligned

### Environmental and Social Assessment

The requirement to obtain environmental authorization for certain development proposals or projects is legislated in NEMA. The EIA Regulations make provision for two types or levels of assessment, namely Basic Assessment and Scoping and EIA. These requirements have been aligned with the World Bank requirements and illustrated in Figure 6. Accordingly, all activities which are rated moderate, substantial or high risk will require application to either the DFFE or the Provincial environmental authority as well as review by the World Bank. The level of assessment which must be carried out will be proportional to the risk and impacts identified.

Where an activity is rated moderate or higher risk, the assessment process, whether it is a Basic Assessment/ESMP or Scoping and ESIA will be done through preparation of a notification form (in the case of Basic Assessment) or an application form (in the case of scoping and ESIA) for submission to the DFFE or Provincial environmental authority activity investment. See Annex 2 for a Terms of Reference and ESMP template.

In terms of Section 22(b) of the EIA Regulations, environmental authorization may be refused after consideration if:

* The proposed activity is in conflict with a prohibition contained in legislation; or
* The ESMP or ESIA does not substantially comply with the content requirements of the Regulations, and the applicant is unwilling or unable to ensure compliance with these requirements within the prescribed timeframe.

### Stakeholder Engagement

Any activity with moderate or higher risk must involve interested and affected parties in the review of the draft ESMP or ESIA. Minimum requirements for public participation are prescribed by Regulations 39 to 44 in the EIA Regulations and Section 24 (4) (a) (v) of the National Environmental Management Act, 1998 (Act 107 of 1998) and additional stakeholder engagement is reflected in the Project’s SEP.

The draft and final ESMP or ESIA must be made available to potential or registered interested and affected parties[[4]](#footnote-5) including government departments that administer laws relating to the environment. Subsequent to comment, the ESMP or ESIA will then be revised to include all responses to the comments received during the commenting period. Minimum requirements for public participation are prescribed by Regulations 39 to 44 in the EIA Regulations and Section 24 (4) (a) (v) of the National Environmental Management Act, 1998 (Act 107 of 1998). Revised ESMP or ESIA report will include all responses to what was presented in the previous report.

Prior to commencement of activity implementation, it is also required that no objection is obtained by the World Bank and that the relevant documents have been disclosed appropriately.

### Implementation of Impact and Risk Management

The cost of implementing ESIA or ESMP measures must be integral to the activity cost. Where activities include engagement of contractors, the relevant ESIA or ESMP measures must be incorporated in procurement procedures for bids to reflect cost of environmental and social requirements, including labour management measures related to COVID-19 and related reporting.

### Monitoring and Reporting

The aim of monitoring is to measure the success rate of the project, determine whether interventions have resulted in dealing with negative impacts, whether further interventions are needed, or monitoring is to be extended in some areas. Monitoring indicators and reporting requirements and format will be dependent on specific activity context.

### Incident Reporting and Management

The existing Eskom incident reporting and management procedures will be implemented. In terms of the Eskom procedures incidents must be reported within the same shift to Eskom/ JETO. Eskom will notify the Bank promptly (within xx hours) of any incident or accident relating to the project which has or is likely to have a significant adverse effect on the environment, the affected communities, the public or works. The initial notification must provide sufficient details regarding such incident or accident, including any fatalities or serious injuries.

To establish the relationship of an incident with the project, and to identify the actions required to prevent recurrence, an investigation of the incident may be needed. The level of the investigation and the method for analysis will be dependent on the type of incident to adequately establish/ understand the cause of the incident. Incidents will be investigated following the Eskom incident reporting and management procedure as well as the guidance received from the Bank. An incident investigation report within the prescribed format will be submitted to the Bank for review and consideration within 10 days from the day of the incident. Following the investigation, a corrective action plan (CAR) will be developed and agreed with the Bank and regular feedback on the close-out and monitoring of the CAR will be submitted to the Bank.

List of reportable incidents for with an Environmental and Social Incident Report will be generated for the Bank.

|  |  |  |
| --- | --- | --- |
| **Occupational Health and Safety** | **Environmental** | **Social** |
| Fatalities | Unexpected impacts on Biodiversity resources | Acts of violence/protest |
| Lost time injuries (3 or more days off work | Environmental pollution incidents – exceedance of emissions standards to land, water or air that have persisted for more than 24 hours or have resulted in harm to the environment | Displacement without due process |
| Disease outbreak |  | Child or Forced labor |
| Dam failure |  | Unexpected impact on heritage resources |
| Medical treatment cases |  | Violence on the basis of SOGI |
|  |  | Discrimination on the basis of SOGI |
|  |  | Sexual Exploitation, abuse or harassment |

# Labour Management Procedures

The procedures provided in this section reflect labour management procedures that comply with national legislation and standards. These procedures may be enhanced further, based on sub-project-specific assessments, where activities require either sub-project specific ESMPs or ESIAs. Where no additional sub-project specific environmental and social planning is required, this procedures in additional to the national legislation will guide implementation of activities funded under Component C.

As part of the Labour Management Procedures and contractor engagement, the related management objectives for the EJETP/ Eskom will be followed. The South African legislative framework and regulation provide protections for workers which is equivalent to protections required in World Bank funded projects in accordance ESS2 – Labour and Working Conditions. The key relevant aspects to the Project are:

* **Occupational Health and Safety** to ensure health and safety conditions in the workplace, including adequate training and protective measures such as Personal Protective Equipment (PPE).
* **Equality, equity and fair treatment** is strongly legislated in South Africa to address past inequality and affirmative action is required in accordance with the Black Economic Empowerment Act (BEE) and the associated BEE Codes, as well as protection against discrimination based on gender, age or ability.
* **Prevention of forced and child labour.** The minimum age for non-hazardous work in South Africa in 15 years and the Constitution states that no one may be subjected to slavery, servitude or forced labour.
* **Freedom of association** is guaranteed under Bill of Rights. However, persons in government management are not permitted to unionise.
* **Workers grievances** is protected under the South African Constitution.

Eskom will primarily rely on existing staff as part of the JETO to oversee and management activities under Component C. However, additional staff may be required at a later stage. These new hires will be directly employed by Eskom/ JETO using existing Human Resources contract provisions.

An unknown number of contracted workers will be engaged by either contractors for small civil works and preparation and implementation of the sub-project activities.

The key labour risks under Component C is related to OHS, including the risk associated with using pesticides, small scale civil works, and use of electrical equipment and machinery.

## Policies and Procedures

Regardless of the status of workers engaged under or associated with the Project, clear terms and conditions must be shared prior to engagement to assure clear understanding of all persons engaged. Introduction will include terms and conditions, risks and OHS mitigation measures, as well as the general HR policies including access to submit concerns.

### Occupational Health and Safety

According to the national laws regular assessments must be undertaken to identify, control, reduce or minimise OHS risks. OHS must be overseen by dedicated OHS personnel. In addition, a health and safety committee must be established, where dictated by law and monthly meetings to review OHS issues, including incidents, investigations and complaint must be held.

OHS policies, must be establish which stipulates that every individual engaged has the duty to:

* Uphold health and safety in the premises and outside of the sub-project.
* Take care of their own health and safety and that of other persons who might be affected by their acts or omissions.
* Comply with all the health and safety rules, instructions, training, supervision and all the safety systems provided through the program.
* Attend health and safety training sessions.
* Use personal protective equipment (PPE) provided by the employer.
* Refrain from damaging, misusing or interfering with anything that has been provided for health and safety reasons.
* Inform the safety representatives, safety committees and any health and safety organ of any situation that may be considered to be threatening the health and safety or any shortcomings in the safety program.
* Undertake only those tasks that they are trained and authorized to undertake.

Each sub-project is required to ensure the availability of health and safety policies and guidelines, alert employees to potential hazards, retain updated risk assessments and post risk profiles, have clear health surveillance arrangements, provided adequate PPE and maintain clear accident and emergency procedures.

Safety induction should be undertaken for sub-projects to inform employees of work/activity related OHS hazards and risks. Training, including refresher courses, must be provided to ensure that all employees have instructions proportionally to their assigned tasks and responsibilities. Persons who are required to use PPE must receive proper training in use. Registers will be kept of training and acceptance of PPE.

Every sub-project must have a train first aider and for large scale activities at least one of every 50 employees must have first aid training. These first aid representatives must retain a valid certificate of competence. First aid boxes are posted in accessible and well known locations in the work locations and content must be replenished upon use. Any incidents requiring first aid are recorded; in case of serious incidents the heads of departments must be notified.

Emergency and fire preventive measures must be implemented as part of the sub-projects and regular emergency and fire drills, inspect escape routes, and maintains of emergency and fire warning systems and equipment must be undertaken.

### Age of Employment

The minimum age for engagement in the Project is 18.

Sub-project activities may not engage child labour, defined as any person below 18 years of age. Implementing agencies, contractors and sub-contractors are therefore required to retain records of anyone engaged in activities funded by the sub-project and verify age through details obtained from the South African National Identify Card.

Should implementing entities, contractor or sub-contractor be found to be in violation of this policy they will be suspended pending further investigation and may face government prosecution.

### Terms and Conditions

The employer will obtain a signed agreement with the following details when a worker is engaged. The information captured shall be readily available during inspection of by Eskom/JETO and during World Bank supervision missions. The agreement, as applicable to the type of engagement, should be jointly signed by worker and employer.

* Name of employer(s)
* Job description
* Employee details
  + South African National Identify Card
  + Name
  + Date of Birth
  + Contact details/address
* Date of employment commencement
* Wage agreement:
  + Remuneration
  + Frequency of payment
  + Method of payment
  + Mandatory deductions, as relevant (taxes, other)

The employer must keep a signed record that affirms that the following information has been provided to the worker and associated induction training records:

* Collective agreement, if applicable
* Hours of work
* Probation period
* Notice period
* Acknowledgement of knowledge of access to grievances related to Project and/or employment (signature)
* Leave entitlements
* Code of Conduct (see following section)
* Other benefits, as relevant (Pension, Transport, Housing, Holiday, Education, Health)

### Code of Conduct

Strict policy to prevent sexual harassment as well as procedures for settling complaints or grievances are in place in Eskom. To reflect these procedures, and associated GBV or SEA, as well as procedures required to adhere to good procedures for OHS, all persons engaged under the sub-project must adhere to standard principles reflected in the Code of Conduct (to be established for Component C) related to promote exemplary conduct in the workplace.

Implementing entities, contractor and sub-contractor’s personnel procured for works may submit their existing Codes of Conduct for review of equivalence in response to request for proposals or adopt Code of Conduct from the World Bank’s Standard Procurement Document, which is provided in Annex 3. This document, or the Contractors approved Code of Conduct, must be signed by the worker engaged and maintained as part of the labour management procedure.

### Worker Grievance

In accordance with national legislation employees have the right to raise issues without fear of victimisation. Issues should be raised with the immediate management if possible and be sought resolved at the lowest level possible. The aim is to resolve issues expeditiously and not cause unreasonable delays. If the grievance is not resolved the employee should use the EJET Project grievance form and management will subsequently investigate.

## Contractor Management

Any implementing entity, contractors or sub-contractors engaged under Component C are required to adhere to the national standards and the provisions specified in this ESMF. The implementing entity, contractors and subcontractors must provide a declaration of eligibility and qualification which includes any prior suspensions, terminations and/or where performance guarantees have been called by an employer related to non-compliance of any environmental, social, health or safety requirement in the past five years.

Small scale civil contractors engaged under Component C are required to identify OHS representatives and management plans in place for OHS, which may form part of the ESMP. The OHS representative of the contractor will be responsible for providing and keeping records of OHS trainings and oversee work related incidents. Where OHS risks are identified during the screening as a key risk, the Project must ensure that an OHS representative is part of the key personnel identified during procurement.

## Annex 1: Environmental and Social Screening Checklist

Activity name:

Activity type:

Location:

Activity has been screening for ineligible activities (ref. ESMF):

* Yes
* No

Activity includes ineligible activities (ref. ESMF):

* Yes
* No

| No. | Questions considered | Yes/  No | Characteristics of risk and impact? | Is the effect likely to be significant? Why? |
| --- | --- | --- | --- | --- |
| 1.0 Will the project involve any actions during construction, operation or decommissioning which would create changes in the locality as a result of the nature, scale, form or purpose of the new development? | | | | |
| 1.1 | Permanent or temporary change in land use, land cover or topography including increases in intensity of land use? |  |  |  |
| 1.2 | Clearance of existing land, vegetation and buildings? |  |  |  |
| 1.3 | Creation of new land uses? |  |  |  |
| 1.4 | Pre-construction investigations e.g. boreholes, soil testing? |  |  |  |
| 1.5 | Temporary sites used for construction works or housing of construction workers? |  |  |  |
| 1.6 | Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations? |  |  |  |
| 1.7 | Dredging? |  |  |  |
| 1.8 | Facilities for storage of goods or materials? |  |  |  |
| 1.9 | Facilities for treatment or disposal of solid wastes or liquid effluents? |  |  |  |
| 1.10 | New road, altered routes, traffic during construction or operation? |  |  |  |
| 1.11 | Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements? |  |  |  |
| 1.12 | New or diverted transmission lines or pipelines? |  |  |  |
| 1.13 | Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers? |  |  |  |
| 1.14 | Stream crossings? |  |  |  |
| 1.15 | Abstraction or transfers of water from ground or surface waters? |  |  |  |
| 1.16 | Changes in water bodies or the land surface affecting drainage or run-off? |  |  |  |
| 1.17 | Long-term dismantling, decommissioning or restoration works? |  |  |  |
| 1.18 | Ongoing activity during decommissioning which could have an impact on the environment? |  |  |  |
| 1.19 | Influx of people to the area either temporarily or permanently? |  |  |  |
| 1.20 | Introduction of alien species? |  |  |  |
| 1.21 | Loss of native species or genetic diversity? |  |  |  |
| 1.22 | Any other actions? |  |  |  |
| 2. Will the project use any natural resources, especially any resources which are non-renewable or in short supply? | | | | |
| 2.1 | Land especially undeveloped or agricultural land? |  |  |  |
| 2.2 | Water? |  |  |  |
| 2.3 | Minerals? |  |  |  |
| 2.4 | Aggregates? |  |  |  |
| 2.5 | Forests and timber? |  |  |  |
| 2.6 | Energy including electricity and fuels? |  |  |  |
| 2.7 | Any other resources? |  |  |  |
| 3.0 Will the project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health? | | | | |
| 3.1 | Are there especially vulnerable groups of people who could be affected by the project e.g. hospital patients, the elderly? |  |  |  |
| 3.2 | Will the project result in changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)? |  |  |  |
| 3.3 | Will the project affect the welfare of people e.g. by changing living conditions? |  |  |  |
| 3.4 | Any other causes? |  |  |  |
| 4.0 Will the Project produce solid wastes during construction or operation or decommissioning? | | | | |
| 4.1 | Spoil or overburden? |  |  |  |
| 4.2 | Municipal waste (household and or commercial wastes)? |  |  |  |
| 4.3 | Hazardous or toxic wastes (including radioactive wastes)? |  |  |  |
| 4.4 | Sewage sludge? |  |  |  |
| 4.5 | Construction or demolition wastes? |  |  |  |
| 4.6 | Redundant machinery or equipment? |  |  |  |
| 4.7 | Contaminated soils or other material? |  |  |  |
| 4.8 | Agricultural wastes? |  |  |  |
| 1.9 | Any other solid wastes? |  |  |  |
| 5.0 Will the Project release pollutants or any hazardous, toxic or noxious substances to air? | | | | |
| 5.1 | Emissions from combustion of fossil fuels from stationary or mobile sources? |  |  |  |
| 5.2 | Emissions from materials handling including storage or transport? |  |  |  |
| 5.3 | Emissions from construction activities including plant and equipment? |  |  |  |
| 5.4 | Dust or odours from handling of materials including construction materials, sewage and waste? |  |  |  |
| 5.5 | Emissions from any other sources? |  |  |  |
| 6.0 Will the Project cause noise and vibration or release of light, heat energy or electromagnetic radiation? | | | | |
| 6.1 | From operation of equipment? |  |  |  |
| 6.2 | From blasting or piling? |  |  |  |
| 6.3 | From construction or operational traffic? |  |  |  |
| 6.4 | From lighting or cooling systems? |  |  |  |
| 6.7 | From any other sources? |  |  |  |
| 7.0 Will the Project lead to risks of contamination of land or water from releases of pollutants onto the ground or into sewers, surface waters, or groundwater? | | | | |
| 7.1 | From handling, storage, use or spillage of hazardous or toxic materials? |  |  |  |
| 7.2 | From discharge of sewage or other effluents (whether treated or untreated) to water or the land? |  |  |  |
| 7.3 | By deposition of pollutants emitted to air, onto the land or into water? |  |  |  |
| 7.4 | From any other sources? |  |  |  |
| 7.5 | Is there a risk of long-term build-up of pollutants in the environment from these sources? |  |  |  |
| 8.0 Will there be any risk of accidents during construction or operation of the Project that could affect human health or the environment? | | | | |
| 8.1 | From explosions, spillages, fires etc. from storage, handling, use or production of hazardous or toxic substances? |  |  |  |
| 8.2 | From events beyond the limits of normal environmental protection e.g. failure of pollution controls systems? |  |  |  |
| 8.3 | From any other causes? |  |  |  |
| 8.4 | Could the project be affected by natural disasters causing environmental damage (e.g.floods, earthquakes, landslip, etc.)? |  |  |  |
| 9.0 Will the Project result in social changes, for example, in demography, traditional lifestyles, employment? | | | | |
| 9.1 | Changes in population size, age, structure, social groups etc.? |  |  |  |
| 9.2 | By resettlement of people or demolition of homes or communities or community facilities e.g. schools, hospitals, social facilities? |  |  |  |
| 9.3 | Through in-migration of new residents or creation of new communities? |  |  |  |
| 9.4 | By placing increased demands on local facilities or services e.g. housing, education, health? |  |  |  |
| 9.5 | By creating jobs during project implementation or causing the loss of jobs with effects on unemployment and the economy? |  |  |  |
| 9.6 | Increase the cases of GBV or SEA? |  |  |  |
| 9.7 | Increase the risk of increasing COVID-19 infections? |  |  |  |
| 9.8 | Any other causes? |  |  |  |
| 10.0 Are there any other factors, which should be considered such as consequential development which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality? | | | | |
| 10.1 | Will the project lead to pressure for consequential development which could have significant impact on the environment e.g. more housing, new roads, new supporting industries or utilities, etc.? |  |  |  |
| 10.2 | Will the project lead to development of supporting facilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:   * supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) * housing development * extractive industries * supply industries other? |  |  |  |
| 10.3 | Is there a risk that persons under the age of 18 may provide labour towards the Project or associated facilities? |  |  |  |
| 10.4 | Will the project lead to after-use of the site that could have an impact on the environment? |  |  |  |
| 10.5 | Will the project set a precedent for later developments? |  |  |  |
| 10.6 | Will the project have cumulative effects due to proximity to other existing or planned projects with similar effects? |  |  |  |

|  |
| --- |
| If you have answered Yes to any of the above and the effect is likely to be significant, please describe the measures that the project will take to avoid or mitigate environmental and social impacts |
|  |
| What measures will the project take to ensure that it is technically and financially sustainable? |
|  |

Note: Attach photographs of the screened site

## Annex 2: Generic Terms of Reference for Preparation of ESMP

1. Provide a full description of the nature of the project with respect to the name of the proponent, the spatial location of the potential site for the project, the estimated cost of the project, and size of land for the project site, including water reticulation, waste disposal and access roads.
2. Provide a site-specific map of the area (Scale 1:50,000) showing the proposed project site and existing establishments in the area and surrounding areas. A site plan for the project should also be provided. Include the reasons for selecting the proposed site, and any alternative sites considered.
3. Examine the existing conditions of the proposed site identifying and analysing:

* Geological and soil conditions of the area;
* The scope of vegetative resources of the area;
* Existing land uses within the area and within adjacent villages;
* Ecologically important or sensitive habitats and resources e.g. water resources, biodiversity elements; and
* Suitability of the site for the proposed development.

1. Describe the major activities to be undertaken for the construction and operation of infrastructure services. This should include the size and type of infrastructure, the type of equipment to be used, the method and duration of construction, nature and quantity of wastes to be generated, the facilities for appropriate disposal and management of waste, number of people to be employed.
2. Provide an account of all statutory and regulatory licenses and approvals obtained for the project to ensure that they are in line with sound environmental management practices and compliance with all relevant existing legislation. Reference should be made, but not limited to the Environment Management Act and other relevant and other relevant legislation.
3. Predict the major short and long-term environmental impact of the project. Examine both the positive and negative impact as well as impact on the biophysical, social, economic and cultural components of the environment.
4. Propose an Environmental and Social Management Plan (ESMP) in tabular form by which all of the mitigation/enhancement measures prescribed will be carried out, specifying who will be responsible for implementing these measures and the schedule for implementation, cost of implementing the measures and the source of funding. An environmental monitoring plan should also be prepared including the indicators to be used for monitoring the impact and responsible persons and institutions that will conduct the monitoring.
5. Undertake public consultations to ensure that all interested and affected parties are involved in and incorporate their views into the ESMP. Evidence of consultation should be provided in the report. This activity should use the SEP prepared under the project.
6. Identify the institutional needs to implement the environmental and social assessment recommendations by reviewing the institutional mandates and capability of implementing institutions at local/district and national levels and recommend steps to strengthen
7. Prepare an Environmental and Social Monitoring Plan; which will include monitoring measures for the Environmental and Social Monitoring Plan including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, and definition of thresholds that will signal the need for corrective actions as well as deliver a monitoring and reporting procedure. The monitoring program would enable verification and would provide a basis for determination of any remedial measures or adjustments to management aspects if required. This should include a time frame and implementation mechanism, staffing requirements, training and cost outlays.

**Template for Environmental & Social Management Plan**

The ESMP should be formulated in such a way that it is easy to use. References within the plan should be clearly and readily identifiable. Also, the main text of the ESMP needs to be kept as clear and concise as possible, with detailed information relegated to annexes. The ESMP should identify linkages to other relevant plans relating to the Project, such as plans to deal with resettlement issues. The following aspects should typically be addressed within ESMPs.

**Summary of impacts and risks:** The predicted adverse environmental and social impacts and risks for which mitigation is required should be identified and briefly summarized.

**Description of mitigation measures:** The ESMP identifies feasible and cost-effective measures to reduce potentially significant adverse environmental and social impacts to acceptable levels. Each mitigation measure should be briefly described with reference to the impact to which it relates and the conditions under which it is required (for example, continuously or in the event of contingencies). These should be accompanied by, or referenced to, designs, equipment descriptions, and operating procedures which elaborate on the technical aspects of implementing the various measures. Where the mitigation measures may result in secondary impacts, their significance should be evaluated.

**Description of monitoring program:** Environmental performance monitoring should be designed to ensure that mitigation measures are implemented, have the intended result, and that remedial measures are undertaken if mitigation measures are inadequate. It should also assess compliance with national standards and World Bank requirements or guidelines.

The monitoring program should clearly indicate the linkages between impacts identified (where relevant in the associated ESIA), establishment of baselines for indicators to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions, and so forth. Although not essential to have complete details of monitoring in the ESMP, it should describe the means by which final monitoring arrangements will be agreed.

**Institutional arrangements:** Responsibilities for mitigation and monitoring should be clearly defined. The ESMP should identify arrangements for coordination between the various actors responsible for mitigation.

**Budget:** Outline the estimated costs for implementation of the mitigation and monitoring measures.

The mitigation and monitoring should, at a minimum, include the measures set out in the tables below.

**Mitigation**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Project Activity** | **Potential Environmental and Social Impacts** | **Proposed Mitigation Measures**  (Incl. legislation & regulations) | **Responsibilities** | **Cost Estimates** | **Comments** (e.g. secondary impacts) |
| Pre-Construction Phase |  |  |  |  |  |
| Construction Phase |  |  |  |  |  |
| Operation and Maintenance Phase |  |  |  |  |  |

**Monitoring**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Proposed Mitigation Measure | **Parameters** to be monitored | **Location** | **Measurements** (incl. methods & equipment) | **Frequency** | **Responsibilities** (Incl. review and reporting) | **Cost** (equipment &  Individuals) |
| Pre-Construction Phase |  |  |  |  |  |  |
| Construction Phase |  |  |  |  |  |  |
| Operation and Maintenance Phase |  |  |  |  |  |  |
| Total Cost for all Phases |  |  |  |  |  |  |

## Annex 3: Code of Conduct for Contractor’s Personnel

[Adopted from World Bank Standard Procurement Document with minor modifications]

**Code of Conduct for Contractor’s Personnel**

We are the Contractor, [*enter name of Contractor*]. We have signed a contract with [*enter name of Employer*] for [*enter description of the Works*]. These Works will be carried out at [*enter the Site and other locations where the Works will be carried out*]. Our contract requires us to implement measures to address environmental and social risks related to the Works, including the risks of sexual exploitation, sexual abuse and sexual harassment.

**Note to the Bidder**:

**The minimum content of the** **Code of Conduct form as set out by the Employer shall not be substantially modified**. However, the Bidder may add requirements as appropriate, including to take into account Contract-specific issues/risks.

The Bidder shall initial and submit the Code of Conduct form as part of its bid.

This Code of Conduct is part of our measures to deal with environmental and social risks related to the Works. It applies to all our staff, labourers and other employees at the Works Site or other places where the Works are being carried out. It also applies to the personnel of each subcontractor and any other personnel assisting us in the execution of the Works. All such persons are referred to as “**Contractor’s Personnel”** and are subject to this Code of Conduct.

This Code of Conduct identifies the behaviour that we require from all Contractor’s Personnel.

Our workplace is an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

**Required Conduct**

Contractor’s Personnel shall:

1. Carry out his/her duties competently and diligently;
2. Comply with this Code of Conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other Contractor’s Personnel and any other person;
3. Maintain a safe working environment including by:
   1. Ensuring that workplaces, machinery, equipment and processes under each person’s control are safe and without risk to health;
   2. Wearing required personal protective equipment;
   3. Using appropriate measures relating to chemical, physical and biological substances and agents; and
   4. Following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health;
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers or children;
6. Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature with other Contractor’s or Employer’s Personnel;
7. Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;
8. Not engage in Sexual Abuse, which means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;
9. Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage;
10. Complete relevant training courses that will be provided related to the environmental and social aspects of the Contract, including on health and safety matters, Sexual Exploitation and Abuse (SEA), and Sexual Harassment (SH);
11. Report violations of this Code of Conduct; and
12. Not retaliate against any person who reports violations of this Code of Conduct, whether to the Employer, or us or who makes use of the grievance mechanism for Contractor’s Personnel or the project’s Grievance Redress Mechanism.

**Raising Concerns**

If any person observes behaviour that he/she believes may represent a violation of this Code of Conduct, or that otherwise concerns him/her, he/she should raise the issue promptly to Eskom or JETO.

The Project will require the name of the complainant in order to provide follow up and resolutions. The Project will assure that the person’s identity will be kept confidential. However, anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. We take seriously all reports of possible misconduct and will investigate and take appropriate action.

There will be no retaliation against any person who raises a concern in good faith about any behaviour prohibited by this Code of Conduct. Such retaliation would be a violation of this Code of Conduct.

**Consequences of Violating the Code of Conduct**

Any violation of this Code of Conduct by Contractor’s Personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

**For Contractor’s Personnel:**

I have received a copy of this Code of Conduct written in a language that I comprehend. I understand that if I have any questions about this Code of Conduct, I can contact [*enter name of Contractor’s contact person(s) with relevant experience*] requesting an explanation.

Name of Contractor’s Personnel: [insert name]

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date (day month year): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Countersignature of authorized representative of the Contractor:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date (day month year): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Construction in this instance refers to small scale civil works which may be required during the renovation, expansion and upgrading of facilities, including the preparation of lands for agriculture [↑](#footnote-ref-2)
2. [↑](#footnote-ref-3)
3. Construction in this instance refers to small scale civil works which may be required during the renovation, expansion and upgrading of facilities, including the preparation of lands for agriculture [↑](#footnote-ref-4)
4. To register, the person must either be an organ of state, request to be placed on the register by the EAP, or submit comments, or attend a meeting with the EAP and applicant. [↑](#footnote-ref-5)