

Appendix No. 9

OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS

The Contractor will organize and perform work carried being the subject matter of the Contract in a manner ensuring safe and hygienic conditions of work and the Contractor: will provide the necessary resources and materials for safe performance of commissioned jobs (machinery and equipment, scaffolding, means of collective protection, personal protective equipment, etc.) .

The obligations specified for the Contractor refer to all persons employed by the Contractor to perform the Contract: subcontractors, further subcontractors, persons performing work for the Contractor based on an employment contract or a civil law contract, hereinafter referred to as employees. The appointment of an OHS Coordinator at the construction site does not relieve the Contractor of his legal responsibility for the safety of his employees.

1. The Contractor is obliged to cooperate with the Employer in the field of occupational health and safety in the process of preparation and implementation of the construction project, in particular:

- 1.1.** Meet the project OHS Coordinator and present the person to its employees, become familiar with the Health and Safety Plan (Plan BiOZ), hold written confirmations made by employees that they know the above as well as observe all the requirements and guidelines contained therein. Perform a professional risk assessment connected with the execution of the subject matter of the Contract, have OHS instructions in place, present to the Employer for its acceptance any required Instructions for Safe Work Execution (IBWR) compliant with the requirements contained in the Health and Safety Plan, taking into account any comments and recommendations made by the Employer.
- 1.3.** Ensure ongoing supervision of its employees and their work by a person having qualifications required by labour law regulations, trade regulations and having the knowledge and skills necessary for a safe organization and execution of the building work. If it is necessary to leave the place of work temporarily, the person responsible for supervising the works and employees is obliged to appoint a deputy for the period of his absence. Such a person must also have the required qualifications and training.
- 1.4.** Employ for the execution of the subject matter of the Contract only person having the necessary professional qualifications required by relevant regulations, current medical certificates and trained in the field of health and safety and fire protection regulations.
- 1.5.** Ensure for the period of execution of work permanent presence of persons appointed to provide first aid, extinguish fires and evacuate employees, and also provide any means necessary for taking the aforementioned actions, unless stated otherwise in the Health and Safety Plan.
- 1.6.** Provide, in accordance with the relevant regulations, trainings for employees to prepare them for work, confirmed by the following up-to-date documents:



- a) medical certificates stating that there are no contraindications to perform the commissioned work or a specific function issued by an occupational medicine physician,
- b) documents confirming validity of employee trainings in the field of Occupational Health and Safety and fire protection regulations, including an induction OHS training held before the commencement of work, workplace trainings, and for site operatives – running a periodic training at least once in a year,
- c) certificates and documents confirming additional qualifications necessary for the performance of entrusted work, operation of equipment or driving machines and vehicles,
- d) professional risk assessment cards with statements confirming that employees are aware of the risks described in professional risk assessment occurring in specific workplaces,
- e) employee acknowledgments of being familiar with instruction and maintenance manuals of machinery and other technical equipment,
- f) confirmations of performing periodic technical safety inspections of electrical equipment,
- g) lists of persons appointed and trained to provide first aid,
- h) lists of machinery, equipment and power tools used on the construction site.

The Contractor shall keep the aforementioned documents on the construction site and present them upon Employer's request.

- 1.7.** Provide machinery, equipment and equipment necessary to perform the works, meeting the requirements of safety regulations and standards. The Contractor is obliged to present to the Employer upon its request documentation confirming technical working order and safety of machinery, equipment and installations used in connection with the execution of the Contract.
- 1.8.** Immediately report to the Employer any incidents, accidents, near misses and any threats to the health and lives of people occurring on the construction site or in connection with the execution of work, and in the case when such a notification was made orally, to confirm it in writing not later than within 24 hours after such an occurrence.
- 1.9.** Ensure conduct of accident an investigation procedure in the case accidents involving employees and allow Employer's representative to participate in accident investigation and to provide the person with accident documentation.
- 1.10.** Provide hygienic, sanitary and welfare amenities and rooms as well as cleaning products for employees and people performing work for the Contractor in accordance with the requirements of the regulations and to take care of the safe and hygienic condition of these rooms.
- 1.11.** Provide work and protective clothing, work footwear and necessary personal protection equipment on the basis of a risk assessment carried out in accordance with the obligation set out in point. 1.2. Notwithstanding specific requirements, in each case, the Contractor shall provide employees with basic personal protective equipment, including: hard hat, safety goggles meeting the requirements specified for optical class 1, safety shoes, work clothing, a reflective vest or protective clothing that meets the requirements for reflectivity class 2.
- 1.12.** Plan, organize and perform work in accordance with the guidelines contained in the OHS Standardization Manual in force in Warbud S.A. Plan, organize and perform work in a way eliminating the use of ladders.



- 1.15. Keep the workplaces and their surroundings tidy and clean, ensure good technical state of machinery and equipment and the collective protection equipment in connection with the execution of the subject matter of the Contract.
- 1.16. Ensure that employees observe occupational health and safety regulations including those contained in the Health and Safety Plan, OHS instructions and Method Statements (IBWR) drawn up for the purpose of Contract execution.
- 1.17. Participate in meetings, checks and inspections organized by the Employer regarding occupational health and safety and coordination of work.
- 1.17. Implement without delay all recommendations from OHS and fire inspections.
- 1.18. Submit without delay all information subject to reporting in accordance with the requirements specified in the Health and Safety Plan.

2. The Contractor is entitled to:

- 2.1. Have access upon every request to the Health and Safety Plan.
- 2.2. Submit remarks and conclusions and coordinate work in the field of occupational health and safety.
- 2.3. Suspend work upon disclosure of a situation threatening health and life and immediately notify the Employer of such a situation.

3. The Employer is entitled to:

- 3.1. Perform inspections of the workplaces and sanitary and welfare facilities prepared on the construction site by the Contractor in connection with the execution of the Contract.
- 3.2. Issuing recommendations for the removal of deficiencies and irregularities in the field of occupational health and safety and check their implementation. Requests for temporary or permanent removal from the construction site of the Contractor's employees, grossly violating duties in the field of occupational health and safety.
- 3.3. Issue instructions to perform activities ensuring the observance of health and safety rules and regulations in connection with the coordination of construction work.
- 3.4. Suspend work upon disclosure of a situation threatening health and life. In this case the Employer shall not be liable for any losses or expenses borne by the Contractor as a result of such a situation. The above losses or expenses shall not constitute a basis for justifying any possible delays.
- 3.5. Equip employees and persons performing work for the Contractor with working clothes and personal protection equipment, if the Contractor fails to do so. The Contractor shall cover documented costs of such items.
- 3.6. In a situation when Contractor's workplaces are not kept clean and tidy and when such a situation may cause a direct hazard to health or life, the Employer hereby reserves the right to clean such workplaces at the expense of the Contractor.
- 3.7. Charge contractual penalties to the Contractor in the case when:
 - a) there are missing equipment items or when employees or persons performing work for the Contractor do not use personal protective equipment and work clothing and footwear – a penalty of PLN 100 for each disclosed case;



- b) the workplaces organized by the Contractor in connection with execution of the Contract and their surroundings are not kept tidy and clean – a penalty in the amount of PLN 500 for each disclosed case;
- c) the Contractor has failed to observe safety rules including those specified in the Health and Safety Plan, Method Statements (IBWR) or OHS instruction – a penalty in the amount of PLN 500 for each disclosed case;
- d) there are employees on the construction site under the influence of alcohol, drugs or other intoxicating substances – a penalty in the amount of PLN 1000 payable to the Employer for each such disclosed case and a permanent prohibition to enter the construction site by those employees;
- e) persons are admitted to work without the required supervision of a manager – a penalty in the amount of PLN 1000 for each such disclosed case;
- f) a person is admitted to work requiring additional qualifications who does not have applicable qualifications confirmed by documents – a penalty in the amount of PLN 1000 for each such disclosed case.
- g) ladders are used on the construction site – a penalty in the amount of PLN 1000. for each disclosed case.

3.8. In the event when during a subsequent inspection any irregularities referred to in item 3.7 are revealed, the penalty for each revealed case shall be applied by increasing by 50% the penalty previously applied for such a breach.

The Employer reserved the right to impose additional requirements regarding occupational health and safety in situations when specific hazards may occur which require application of separate preventive measures. Any requirements to observe such additional requirements will be effective only when the Employer notifies the Contractor of such requirements in writing in at least 5 days before the commencement of such work or before the estimated time in which such hazards may occur.

Employer

Contractor