

I. Rules of conduct in case of a violation of the occupational health and safety and fire protection provisions by the Contractor, his workers or Subcontractors.

1. If the Ordering Party's supervision finds the Contractor's failure to comply with the provisions contained in Guidelines No. 2 to the Safety Requirements in ORLEN SA, as well as a gross violation by the Contractor or persons working on its behalf of generally applicable provisions and internal regulations on occupational health and safety, fire protection, the Ordering Party reserves the right to:
 - a) prepare a protocol, constituting the basis for calculating additional fines according to the " Table of fines for failures, irregularities or non-compliance in the field of OHS and fire protection " and issue an accounting (debit) note. The Table and the protocol template are provided in sections II and III of this appendix respectively.
 - A. Additional Monetary Penalties – Qualified Violation:
 - Each repeated violation is treated as a qualified violation if it was committed by the Contractor or a person performing work on its behalf at ORLEN premises within 12 months from the last violation,
 - In the case of a qualified violation, a double maximum additional fine is imposed on the Contractor for the violation committed.
 - B. In the event of committing another violation within 12 months from a different scope of the catalogue of fines for failures, irregularities or non-compliance in the field of OHS and fire protection, the maximum additional fine is imposed for the committed violation, i.e. persistent violation of health and safety regulations and rules;
 - b) decide, on the request of the Head of the Occupational Safety and Health Office, to:
 - i) suspend works without the obligation to pay compensation in the event of a direct threat to human life or health, as well as finding of a persistent (3-fold) non-compliance with the provisions contained in the Safety Requirements to this Contract,
 - ii) imposing individual sanctions on the Contractor's or Subcontractor's employee who committed the violation. An individual sanction for a violation is deprivation of the right to enter the premises of ORLEN (withholding the access card temporarily or for an indefinite period). Each breach is considered a subsequent breach if committed by the same person within 12 months of the last breach
 - temporarily (up to 30 calendar days) or permanently suspend an employee's pass.
 - Referring an employee who has demonstrated insufficient knowledge in the field of occupational health and safety and fire protection for additional theoretical and practical verification at the Training Center in the scope of the SUBJECT OF THE AGREEMENT with the simultaneous revocation of his pass. The employee will be able to approach the verification at the Training Center only after the grace period imposed for the violation. The rules of additional verification are the same as the rules of subsequent correction verification described in the Regulations of the Training Center.

Individual sanctions for the Employee may be imposed regardless of the fine imposed on the Contractor.
2. The Contractor undertakes to pay an additional fine in the amount determined on the basis of the "Table of fines for failures, irregularities or non-compliance in the field of OHS and fire protection", within 14 days from the date of receiving an accounting (debit) note issued by authorized Ordering Party's services based on an approved protocol to penalize the Contractor with an additional financial penalty. In the event of non-payment of the additional payment in amount specified in the said note (debit), the additional penalty payment will be deducted from the payment resulting from the first VAT invoice issued by the Contractor to the Ordering Party for the performance of the Contract after the date of issuing an accounting note including the additional financial penalty.
3. Ordering Party's supervision, when carrying out the inspection is obliged to prepare the proper inspection report in accordance with internal requirements. If the report indicates the factual and legal grounds for: suspending work, referring the employee for additional verification at the Training Center, temporary or permanent suspension of the employee's pass, the inspection report will be forwarded to the Head of the Occupational Health and Safety Office, who in justified cases decides to refer appropriate application to the Ordering Party's services supervising the Contractor's work.
 - 3.1 Ordering Party or a person authorized by it, on the basis of the application mentioned in point 1.b), is to make a decision in writing regarding:
 - suspending works, in which he will indicate the factual and legal grounds for their suspension and the period for which these works will be suspended, or
 - refer the employee for additional theoretical and practical verification at the Training Center under the conditions described in the Training Center Regulations, with conditions fulfillment of which is the basis for resuming work and admitting an employee to work, and then passes it to the appropriate Contractor.

3.2 The temporal or permanent suspension of the employee's pass and re-issuing it will be carried out in accordance with the internal regulations of ORLEN S.A. in that regard.

4. Appeals of fines.

a) Reservations and Appeals:

- appeal applications regarding the cancellation or limitation of fines and individual sanctions may be submitted by the Contractor in writing to the Head of the OHS Office,
- the deadline for submitting applications may not be longer than 7 calendar days from the date of approval of the penal protocol,
- applications will be considered individually within 14 calendar days from the date of their receipt, and in cases requiring additional clarification activities, the time for considering objections may be extended.

b) Proceedings after serving individual sanctions.

After the employee has fulfilled all the individual sanctions described in point 3, the access card may only be unlocked at the request of the Employer / Contractor.

II. Table of fines for failures, irregularities or non-compliance in the field of OHS and fire protection

No.	Violation	The amount of additional penalty payment in PLN
1.	Failure to provide a documented occupational risk assessment when performing the work; not familiarizing employees with the occupational risk that is associated with their work and the principles of protection against risks - confirmed by the employee's statement.	From 2000 zł to 3000 zł
2.	Staying on the premises of ORLEN SA under influence of alcohol, drugs or other intoxicants.	5500 zł (for each employee)
3.	Photographing and filming without special permission. Using a mobile phone in the normal version (not EX) in places marked with a ban on their use.	1500 zł
4.	Conducting work contrary to the CONTRACT and instructions of the OHS coordinator or persons supervising from the ORDERING PARTY. Conducting particularly dangerous work without a written permit issued in a proper manner at ORLEN S.A. or not in accordance with this permit. Unauthorized entry into apparatuses, tanks and other confined spaces. Presence of unauthorized persons in prohibited places and marked with an entry ban.	From 1500 zł to 2000 zł
5.	Not stopping works threatening health and life immediately, not securing work area and not informing the OHS coordinator or the OHS and fire services of the ORDERING PARTY in the case of unforeseen deterioration of work safety conditions, and in particular, the direct threat to the health or life of employees.	From 1500 zł to 2000 zł
6.	Not using personal protective equipment: protective helmets on the premises of ORLEN SA, protective goggles, anti-fall protection measures, hearing protection and other required personal protective equipment. Use of personal protective equipment not marked with the "CE" mark.	From 1500 zł to 2000 zł (for each employee)
7.	Intentional damage / removal of the LOTO lock, destruction / loss of the function key, damage / removal of the tag.	From 3500 zł to 5500 zł
8.	Not using protective clothing, protective footwear. Use of excessively soiled clothes. Wearing work clothes that are not clearly marked with the company name.	From 700 zł to 2000 zł (for each employee)
9.	Drivers non-compliance with road markings at ORLEN SA and designated routes. Non-abidance to the speed limit of 20 km / h in the area of works.	From 1500 zł to 2000 zł
10.	Parking CONTRACTOR's vehicles in places not assigned.	From 1300 zł to 1800 zł (For every vehicle)
11.	Failure to ensure proper order and tidiness in the workplace, and in particular failure to proper fence hazardous zones or zones for which the fencing is obligatory under the current regulations.	From 1500 zł to 2000 zł
12.	Not securing and marking in a visible and legible manner the places of works carried out.	From 1500 zł do 2000 zł (For every place)
13.	Using on the premises of ORLEN S.A. unmarked machines, devices, handheld firefighting equipment without the possibility of identifying them and identifying the owner as well as the date of the next technical inspection.	From 1000 zł to 2000 zł (For each machine, device, tool)
14.	Using damaged machines, devices and tools.	From 1500 zł to 2000 zł
15.	Using machines, devices and tools against their intended use. Violation of the ban on repairs: cars, heavy equipment, construction machines and other such vehicles.	From 1500 zł to 2000 zł (For each machine, device, tool)
16.	Not having your own ID on you (pass). Not showing the pass at the request of authorized persons.	From 1000 zł to 1300 zł (for each employee)
17.	Installation and exploitation of scaffoldings not in accordance with the manufacturer's documentation or individual project.	From 1500 zł to 2000 zł (for each scaffolding)
18.	Assembly or dismantling of scaffolding by employees who do not have the required qualifications for this work.	From 1500 zł to 2000 zł (for each employee)
19.	Using scaffolding without technical acceptance. Technical acceptance of the scaffolding by an unauthorized person.	From 1500 zł to 2000 zł (for each scaffolding)
20.	No scaffolding technical acceptance record in the construction registry or preparation of the scaffolding technical acceptance protocol.	From 1500 zł to 2000 zł (for each scaffolding)

21.	No information board on the scaffolding defining the Assembly Contractor with name and surname, telephone number and specifying permissible load on bridges and scaffolding structure.	From 1300 zł to 1500 zł (for each scaffolding)
22.	Failure to provide a SCAFFOLDING SPECIALIST during work using scaffoldings. Failure to keep a documented SCAFFOLDING REGISTER by the scaffolding company.	From 2000 zł to 3000 zł
23.	Not having the required E, D type qualification certificates by persons performing work on electrical power equipment.	From 1000 zł to 2000 zł (for each employee)
24.	Conducting work without a plan of safe execution of works or BIOZ plan - if it is necessary to prepare it and carrying out work contrary to these plans.	From 2000 zł to 3000 zł
25.	Irregularities in the use of handling equipment in particular: no instructions given by the rigger (hook operator) to the crane operator, crane operator's cargo transport operation without a rigger (hook operator) command or without an audible signal, non-use of directional lines to carry loads, carrying loads by hand by an employee.	From 1000 zł to 1500 zł (for each employee)
26.	Not having the appropriate qualifications by persons operating motor vehicles, work machines, devices.	From 2000 zł to 3000 zł (for each employee)
27.	Failure to ensure the required supervision of the health and safety service during the performance of works under the contract on the premises of the Employer and in the implementation of particularly hazardous work.	From 1500 zł to 2500 zł.
28.	Failure to provide the required supervision by the direct supervisor when performing particularly hazardous work.	From 1500 zł to 2000 zł.
29.	Leaving the workplace by a direct supervisor without stopping the particularly hazardous work and moving employees out of the place of work.	From 1500 zł to 2000 zł.
30.	No EXCAVATION CONTROL CARD at the site of earthworks, failure to carry out periodic inspections of the excavation, no visible information about the ban on using the excavation.	From 1300 zł to 1500 zł (for each excavation)
31.	Failure to comply with the obligation to provide information to the direct supervisor in cases of notice: of indisposition that could be caused by work injury, symptoms or a crisis in terms of safety regardless of their size for oneself or another employee	From 1500 zł to 2000 zł
32.	Failure to comply with the obligation: a / to undertake in cooperation with the EMPLOYER supervisors an effective protective and remedial measures in the event of an accident, breakdown or other crisis event occurring during the execution of works, which may have a negative impact on employees safety as well as own property and the CONTRACTOR, b / immediate notification of an accident at work and a near-miss to the OHS service of the ORDERING PARTY, his own health and safety service, safety coordinator, c / determine the circumstances and causes of accidents and providing photocopies of post-accident documentation to the EMPLOYER's OHS department.	From 2500 zł to 3500 zł
33.	Admitting an employee without valid OHS training certificate in relation to the work covered by the AGREEMENT.	From 2000 zł to 2500 zł. (for each employee)
34.	Failure to undergo verification at the ORLEN Training Center by persons obliged to do so, or performance of work at ORLEN facilities to the extent inconsistent with the specialty indicated in the Training Center.	From 1500 zł to 2000 zł
35.	Admitting an employee without valid medical certificate stating no contraindications to work in a specific position performed under the AGREEMENT.	From 2000 zł to 3500 zł. (for each employee)
36.	Blocking in any way communication routes and emergency exits. Blocking access to handheld firefighting equipment.	From 1300 zł to 1800 zł
37.	Using open fire and smoking in unauthorized places.	From 1500 zł to 2500 zł
38.	Lack of handheld firefighting equipment, efficient and with an valid period of legalization in areas requiring it's use. Leaving flammable materials unprotected.	From 1500 zł to 2000 zł
39.	Using electrical equipment and power tools without required valid testing. Use of technically faulty tools and devices.	From 1000 zł to 1500 zł
40.	Routing electrical wiring, gas hoses in a way that causes or is likely to damage them.	From 1000 zł to 1300 zł
41.	Obstructing the supervision and services of the ORDERING PARTY to carry out checks on compliance with generally applicable health and safety regulations, fire protection and also the requirements contained in the CONTRACT.	From 1300 zł to 2000 zł
42.	Not carrying out orders issued by supervisors in the field of OHS, fire protection in relation to the contracts being performed.	From 1500 zł to 2500 zł
43.	Not showing the required documents to the entitled persons during work carried out on the premises of ORLEN SA (ie documentation of occupational risk assessment and employee statements in this regard, list	From 2000 zł to 2500 zł

	of persons employed in the execution of works, machinery list, BIOZ plan or safe work execution plan, statements of the contractor that he familiarized employees with these plans, medical certificates of preventive examinations of employees involved for the implementation of the CONTRACT, documents confirming qualifications to perform specialist work, certificates, if the possession of such certificates is required, photocopies of machine manuals, devices, UDT decisions allowing exploitation, maintenance books with the current entry confirming the validity of technical inspections).	
44.	Failure to ensure law and order in the social, storage and workshop facilities located on the premises of the Ordering Party, failure to clearly mark the facilities, lack of data to the person responsible for the facility, 24-hour telephone number to the responsible person, failure to provide the required fire protection measures in the facility misuse of the facility..	From 1500 zł to 2000 zł (for each facility).
45.	Not including clauses in the scope of safe execution of works in contracts with SUBCONTRACTORS.	From 3500 zł to 5500 zł
46.	Lack of personal list of employees as well as subcontractors and other persons who are involved in performing works under the contract containing: name of the entrepreneur / employer, status of the person, ie whether it is an employee (person employed under a contract of employment), or person employed in other than the employment relationship (contract of mandate, contract work, etc.). Not showing documents confirming the employment status of listed persons (ie copies of employment contracts, civil law contracts or declarations of those persons in which the employment relationship with the contractor or subcontractors remains).	From 1500 zł to 2500 zł. (for each person)

III. Template protocol for punishing the Contractor with a fine for failures, irregularities or non-compliance in the field of health and safety and fire protection.

Protocol no. /

I. Based on: art./annex no.....of the Agreement no.

datedregarding.....

(scope of the agreement/ task)

On the..... an inspection in the field of health and safety and fire protection was carried out

(date)

on the premises of ORLEN S.A. at:.....

(Installation/ Fuel Terminal/ Petrol Station)

General Contractor

(name of the Company)

Employee of the OHS and fire protection service, carrying out inspection:

.....
.....

(first name, surname, position, unit)

Inspection was carried out in connection with OHS / fire safety supervision when conducting:

☐ investment/ divestment, ☐ renovation/ service works in the presence of:

☐ General Contractor representative, ☐ Subcontractor's representative

1.

(name of the inspected Company)

2.

(first name, surname of the Company's representative, position)

II. The following irregularities, deficiencies and non-conformities were found:

Description of irregularity (in the case of handwriting, supplement legibly)	No. from the „ Table of fines for failures, irregularities or non- compliance in the field of OHS and fire protection”
1.....
2.....
3.....
4.....
5.....

ATTENTION: in the absence of space attach a description as above on a separate page as an attachment to this protocol. The final amount of financial penalties is determined by the Head of the Occupational Health and Safety

Office of ORLEN S.A. based on the tariff. Any irregularities, deficiencies and non-conformities found will be the basis for calculating additional fines in accordance with the „Table of Additional Fines“. The sum of the total amount of the additional fine will be placed in the accounting (debit) note.

III. Confirmation on becoming acquainted with the irregularities, deficiencies and non-conformities mentioned in point II by the Company under inspection and its remarks.

Remarks to the Protocol (by the Company under inspection) ☐ submitted, ☐ not submitted,

.....
.....
.....

.....
(first name, surname of the Company's representative, position)

.....
(date and signature)

Note! In the case of refusal to sign the Protocol by the Company under inspection, one should place a record saying:

„Mr(s). has refused to sign the protocol“.
(first name, surname of the Contractor's Representative)

IV. Inspector's response to the remarks in point III ☐ submitted, ☐ not submitted

.....
.....
.....

Protocol prepared by:

.....
(First name, surname, position)

.....
(date, signature)

V. Proposed amount of financial penalties for the irregularities from point II in accordance with the Table:
(filled by an employee of the Occupational Health and Safety Office of ORLEN S.A)

1. For irregularity no.1 I propose a fine of zł,
2. for irregularity no.2 I propose a fine of zł,
3. for irregularity no.3 I propose a fine of zł,
4. for irregularity no.4 I propose a fine of zł,
5. for irregularity no.5 I propose a fine of zł,

.....
(Stamp and signature of the Occupational Health and Safety Office's Employee)

VI. Approval of the protocol

.....
(Date, First name, surname of the Person approving the protocol)

Attention! In the event of refusal to approve the report, please give reasons and further course of action.

VII. Attachments (e.g. photos, sketches, copies of documents, additional list with irregularities (cont. of point II)

1.
2.
3.
4.

Distributor:

1. General Contractor

2. Inspector
3. Occupational Health and Safety Office of ORLEN S.A.
4. Department issuing an accounting (debit) note