



NYRSTAR

Sites **BALEN/OVERPELT**

AH.01

Guidelines for **CONTRACTORS**

Revision 8 of December 5 2017

(changes compared with the previous revision are marked in blue)

[Changes compared with the previous revision are marked in blue](#)

[The following chapters were changed:](#)

[1.4 Distribution](#)

- [2.3.12 Medical follow up of contractors.....](#)**Error! Bookmark not defined.**4
- [2.4.1 Registration prior to the start of the works](#) **Error! Bookmark not defined.**5
- [3.2.1 Contractor site supervision](#)**Error! Bookmark not defined.**
- [3.2.8 Familiarity with safety regulations](#)**Error! Bookmark not defined.**0
- [3.3.1 Presence on the premises](#)**Error! Bookmark not defined.**1

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1 Introduction

1.1 Content

The Guidelines for Contractors consists of general applicable provisions. These are the minimum conditions that must be met in its entirety during the execution of work and/or services. For underlining this stipulation, a reference to these Guidelines or to individual provisions in the Guidelines for Contractors is put in the contracts. Additional stipulations, not present in this document and though applicable on the work, are communicated separately to Contractor in the contract or purchase order.

1.2 Objective

Inform the Contractors in a unambiguous uniform way about the conditions, provisions and guidelines that they have to take into account in the event of execution of works, directly or indirectly ordered by Nyrstar Belgium. At the issuing of quotations, the appliance of the provisions in the Guidelines for Contractors must be taken into account.

1.3 Changes

Contractors can submit proposals of change/improvement of a provision to the Superintendent Purchase of Nyrstar. The Superintendent Purchase takes care of the handling, the control and the authorisation, and the issue of the changes in consultation of the Preventive adviser, the Environmental co-ordinator, the Asset manager and the Coordinator management systems.

1.4 Distribution

The Co-ordinator management systems of Nyrstar takes care of the issue of the Guidelines for Contractors. The Superintendent Purchase of Nyrstar ensures that the Guidelines for Contractors together with the necessary attachments are discussed in advance with the contractor and that these are accepted by the contractor as being part of the order. [The declaration of acceptance \(AH.10\) must be signed and send back to Nyrstar.](#)

In the event of acceptance, the Co-ordinator Management Systems will register the Contractor in a distribution list.

1.5 Administration

The valid version of the Guidelines for Contractors and belonging documents will be made available by Nyrstar Communications on the Nyrstar Belgium website www.nyrstarbalenoverpelt.be under the heading *Info Aannemers en leveranciers*.

2 PRINCIPLES

2.1 Area of application

The provisions set out in these Guidelines for Contractors will apply to contractors and their staff. Within the framework of these guidelines (conform the Bill of Well-being), the following terms are defined :

“structure”: the geographical outlined area which is part of a company or institute, and that comes under the responsibility of the employer who himself employs employees.

contractor: each natural or legal person that performs activities during the execution stage of the realisation of a construction, regardless of being an employer or self-employed or a employer who works together with his employees on de construction site.

“subcontractor”: an external employer or self-employed who conducts activities within the framework of the under 2° mentioned contract in a structure of an employer on the basis of a contract made with this employer.

Self-employed: each natural person who carries out a professional activity for which he is not associated by a employment contract or for which his legal position is not regulated by the authorities.

Violence at work : each fact where an employee or another person is mentally or physically threatened or attacked during the execution of this work and where this chapter is applicable.

Harassment at work : several similar or various illegitimate behaviours, outside on inside the company, that take place during a well-defined period and that aim at or result in the affection of the personality, the dignity or the fysical or mental integrity of an employee or another person during the execution of his work, that endanger his employment or that creates a threatening, hostile, offensive, humiliating or hurting environment and that expresses itself in particular by words, threatenings, acts, gestures or one-sided writings. These behaviours can be related especially to religion or belief, handicap, age, sexual nature, gender, race or etnical origin.

Unwanted sexual behaviour at work : each kind of unwanted verbal, non-verbal or fysical behaviour with sexual connotation that aims at or results in the affection of the dignity of a person or where a threatening, hostile, offensive, humiliating or hurting environment is created.

Employees : a) persons that, other than by a professional contract, work on the authority of another person; b) persons who attend a professional training of which the training program provides a kind of work that is executed or not at a training institute; c) persons associated by a professional contract; d) trainees; e) scholars or students that are attending a discipline of which the training program provides in a kind of work at the training institute.

Employers : persons that employ employees as mentioned above

Client : each natural or legal person at the expense of whom a construction is realised.

Construction management in charge of the design : each natural of legal person who takes care on the account of the client of the design of the construction.

Construction management in charge of the realisation : each natural or legal person who takes care on the account of the client of the realisation of the construction.

Construction management in charge of the supervision of the realisation : each natural or legal person who takes care on the account of the client of the supervision of the construction realisation.

Requester : the Nyrstar user i.e; the Nyrstar Project responsible / technical contact person.

Co-ordinator Health and safety during the design stage of the construction : each person who is in charge on the account of the client or the construction management in charge of the design, of the ensurance of the co-ordination of Health and Safety during the design stage of the design of the construction.

Co-ordinator Health and safety during the realisation of the construction : each person who is in charge on the account of the client or the construction management in charge of the realisation or the construction management in charge of the supervision of the realisation, of the ensurance of the co-ordination of Health and Safety during the realisation of the construction.

Temporary or Mobile Construction Site : each construction site where cival-technical works or construction works are executed and that are on the list of the Royal Decree of Temporary or Mobile construction sites.

Work shop : each area where work is executed, regardless if it's located inside or outside the organisation and regardless if it's located in a closed or in an open space.

Conditions : regarding contractor's works and deliveries, executed on the account of NYRSTAR Belgium NV, the conditions of the General Conditions (see the back of page 1 of the order) are valid and also the other conditions mentioned in the order, with the exclusion of all conditions of the contractor, in particular those mentioned in quotations, letters, prizings, confirmations, invoices and all other documents that are not accepted by NYRSTAR Belgium NV in writing.

Conditions mentioned in the various descriptions of the order (long description, specific description, General conditions for works, Special conditions ...) have priority over and overrul our General conditions in case of conflict.

The valid Guidelines for Contractors is placed on the website of Nyrstar Belgium and can be downloaded from the website. See www.nyrstarbalenoverpelt.be under the heading *Info aannemers en leveranciers*. A reference to this website is delivered by the Nyrstar contact person to each new contract in written (letter/e-mail) at the price request.

The Guidelines for Contractors are part of the contracts. Contractors, registered in the list of accepted suppliers and that execute activities on which the Guidelines for contractors is applicable, are notified on revised versions by mail. The Purchase department of NYRSTAR takes care of the notification of changes towards the contractors registered in the list of of accepted suppliers.

The other documents that are mentioned in the Guidelines for Contractors, e.g. forms, instructions etc. are not attached. Upon simple request addressed to the NYRSTAR contact person, the contractor can have the valid documents at his disposal.

2.2 Scope and acceptance of works or services

The scope and acceptance of works or services will be set out in the contract or purchase order and the documents that form part thereof. If additional works or services which were not included in the original agreement are required during the performance of the contract, the contractor must agree these with the client prior to commencing such additional activities. Agreed adjustments must be defined in writing in an attachment of the contract or purchase order. Works or services to be accepted must be reported in full or in steps by the contractor to the client prior to completion of the contractually agreed works or services. The client must document in writing any shortcomings that are found upon acceptance of the works or services. The contractor must rectify the reported shortcomings within a reasonable period and report completion thereof to the client.

The way of acceptance of the work and services is defined in the contract or the purchase order and/or in documents that form part thereof.

2.3 Requirements on the contractor

2.3.1 Safety at work

NYRSTAR puts the care for safety, environment and health first. Taken legislation into account, several provisions have been drawn-up that are applicable on each person that enters the premises of NYRSTAR sites Balen/Overpelt.

Activities at NYRSTAR, executed by third parties, must be prepared and carried out in accordance with the European and Belgian laws in place, cfr :

EU Council Directive 89/391/EU

The ARAB and the Codex on the Well-being at Work and in particular :

The Bill on Well-Being (04/08/96) chapter IV and V;

EU Directive Temporary or mobil construction sites 92/57/EU and the RD dd. 25/1/2001 on the subject.

The RD work equipment dd 12/08/93

The AREI

VLAREM and VLAREMA

The own NYRTAR provisions

The general requirements that the contractor is obliged to meet in respect of risks to persons and equipment involved in the work have been laid down in these guidelines. They are obligatory and therefore are part of contractual agreements at a possible order.

Departures from the provisions on safety are granted only in writing by NYRSTAR IDPBW.

If the contractor doesn't comply with his obligations or the agreements or only partly, NYRSTAR itself will take the necessary measures.

NYRSTAR reserves the right to summon the contractor and take itself the necessary measures, to stop the works or to bar out the staff of the contractor of its site.

The consequences of this intervention regarding costs and timing, are on the account of the contractor.

Requirements on the safety at work, that are specific to the contract order, must be set out in writing by the client (e.g. in a separate order, guideline, health and safety plan or job order).

All statutory provisions and internal regulations that apply to the contract order must be complied with. The contractor will bear full responsibility for the welfare of his staff and subcontractors. The contractor must check whether his activities will not pose any risks to the employees of Evonik Degussa or other

contractors. The contractor will bear full responsibility for the safe use of all machinery and equipment used by him.

Nyrstar wants to encourage the notifications of risks and appreciates it at the most when the contractor notifies risks even when the contractor is not directly concerned party.

2.3.2 Environmental protection

The minimum requirements concerning environmental protection applicable to all contractors have been laid down in these guidelines. The contractor must comply with the applicable environmental laws, by-laws, decrees and regulations as well as internal regulations. The client will set out in writing any order-specific requirements that the contractor has to fulfil as regards risks to the environment that may occur during the work.

2.3.3 Fire safety

The contractor will be responsible for compliance with all laws and regulations pertaining to fire safety as well as for compliance with the specific fire prevention rules of NYRSTAR. The internal Company Fire Brigade must be consulted in good time concerning all aspects of fire safety and fire prevention.

When using fuels, the contractors must have the necessary extinguishers appropriate to the risk at his disposal.

2.3.4 Subcontractors

The contractor must ask written permission from the client to employ subcontractors. The client must specifically agree to this request. The client reserves the right to refuse any subcontractors proposed by the contractor.

The procedures the contractor uses to select and assess subcontractors must comply with the criteria laid down in the agreement that the contractor has concluded with the client. The works or services performed by a subcontractor, including the necessary instruction of his staff, will be treated in the same way as those performed directly by the contractor. Complaints about any aspects of the works or services performed by subcontractors will be addressed to the contractor. The client reserves the right to carry out spot checks on the work of subcontractors and to refuse subcontractors admittance to the site in the event of violations of these guidelines. The number of subcontractors a contractor may deploy or the ratio between employees of the contractor and subcontractors is bound by restrictions, which will be determined by the nature of the contract order. The contractor has to see to it that his subcontractors and self-employed persons know the "Guidelines for Contractors" and carry them out.

2.3.5 Agency staff

A contractor who uses agency staff will be fully responsible for their welfare while they work for him. The contractor must treat them in the same way as his own staff.

2.3.6 Non-Dutch speaking employees

When deploying employees who do not have a firm grasp of the Dutch language, the contractor must ensure that he can provide instructions concerning safety at work in a language that is understood by these employees. In addition, the contractor will ensure that each group of employees who jointly carry out a task includes at least one person with a sufficient command of the Dutch language as well as of the languages of the other employees in order to guarantee adequate communication. In order to check the knowledge and understanding of the general safety instructions, each employee of the Contractor must take an entrance test. This test requires a working knowledge of one of the following languages: Dutch, English, German or French. NYRSTAR reserves the right to carry out random checks of the knowledge of safety instructions among employees of contractors and to remove them from the premises if the knowledge is insufficient.

2.3.7 Maintenance of order within the company

In principle, it is not permitted on the premises of NYRSTAR to post notices, write on walls or affix advertisements to vehicles; to hand out pamphlets, leaflets or printed matter; to collect signatures; to sell or advertise goods or hold meetings

Any party-political activity that may disrupt or jeopardise order and peace in the company is prohibited. In addition, employees of the contractor will not be allowed to engage in non-political associations on the company's premises which are alien to the company if this can disrupt or jeopardise order and peace in the company. Permitted activities of trade unions do not come under the above-mentioned ban.

2.3.8 Rectification of shortcomings

If the contractor notices any shortcomings in the field of safety which are outside his powers, he must notify the client immediately so that they can be rectified quickly. If need be, the work must be stopped.

2.3.9 Liability and insurance

The contractor will hand over to NYRSTAR a copy of the following insurance certificates issued by a legal accredited insurance company.

- A current and valid insurance certificate that certifies that mixed physical and material damage caused to NYRSTAR or third party, to the staff of NYRSTAR or to the staff of third party by the contractor or his subcontractors or by the staff of the contractor or of his subcontractors is covered for the amount of EUR 2.500.000,- per case, while the mentioned amount does not imply a limitation on the general civil liability of the contractor.

- An insurance certificate that certifies that work in consignment or under construction in the installations of NYRSTAR until the date of risk transfer to NYRSTAR i.e. the date of acceptance, is insured against all hazards of fire, theft, damage etc, ... (this is an 'all building risk insurance' or a 'construction and test insurance') with renunciation of redress against NYRSTAR.

Moreover, the contractor, being Belgian or foreign, must in compliance of the current Belgian legislation, cover his staff by an insurance 'industrial accidents and road accidents'.

All potential cost for these insurances are at the expence of the contractor.

2.3.10 Confidentiality

The contractor and his staff undertake to keep strictly confidential any information concerning the operations of NYRSTAR (including know-how, secrets, designs, data, software, financial documents, etc.) as well as information obtained from other parties involved in the project, which was communicated to them within the framework of the agreement or which they may have obtained during the performance of the work and under no circumstance communicate, deliver or make such information available in any other way to any third party without prior written permission from NYRSTAR.

2.3.11 Safety system

The contractor must provide proof of the correct functioning of his safety systems. He may do this by presenting a VCA safety certificate. Foreign companies have to present a safety certificate that's similar to the VCA certificate.

In the case that the company doesn't possess a VCA certificate (or in case of foreign companies, a similar certificate), it has to obtain for works at Nyrstar a specific and in written exemption. This exemption can be obtained from the purchaser of Nyrstar who follows in this the according internal requirements and procedures. In the exemption will be determined how the missing of the safety certificate can be filled in.

In addition to the VCA requirement for the company, it is required that at the access to the site before starting the works, each person can present his personal VCA training certificate (see further Chapter 4 Company Security). No exceptions are made on this; people who don't possess (yet) a VCA training certificate because they are < 3 months employed by the contractor, will be refused access to the site.

Changes regarding the validity of the safety certificate have to be reported to the Purchasing Department.

2.3.12 Medical follow-up of the contractors

We expect that the employees of contractors are medically fit to execute their specific activities and that the contractors can demonstrate this by means of a document containing the health check-up.

Besides this, employees can be exposed to specific risks typical of the production conditions of Nyrstar Balen and Overpelt.

The follow-up of these specific risks is done by means of specific check-ups.

Contractors who are more than 5 days uninterrupted employed in Balen and/or Overpelt (in defined production departments) need to have a specific follow-up of lead and cadmium, more specific cadmium in the urine and lead in blood. **These examinations must be done by their own external medical department.**

In mutual consultation with the contractor, these check-ups can be done by their external medical department or by our internal medical department. In case the contractor chooses for his own external medical department, we expect that our internal medical department is posted on the results of the specific check-ups. The opposite is also applied. Our internal department will communicate the results to the medical officer of the external department. For evaluation of the results, the Nyrstar standard of biomonitoring is applied. **Lead in blood must be less than or equal to 20 microgram per deciliter blood.** External departments can request these at all times. For new employees, a 0-measuring (Lead in blood and spirometry) will be requested before commencement of the activities.

Specific for our industry is the fact that employees can be exposed to irritating gasses especially SO₂.

Here, we require that that the employees undergo a check-up for spirometry. People who are predisposed for asthma are not permitted in the production departments. These people react enormously vigorous on these gasses, even at very low concentrations. As TLV we ask a FEV1 (Forced Expiratory Volume per second) of 80 %. As the metal biomonitoring, Nyrstar and the contractor come to a agreement in mutual consultation who will perform the spirometry check-up.

N.B. in some cases, activities has to executed in confined spaces. For these kind of activities, the Nyrstar Balen/Overpelt specific heat stress procedure is applied. In case this occurs, this procedure is applied at hoc.

2.4 Transfer of information

2.4.1 Registration prior to the start of the works.

See paragraph 4.1.1. about the registration prior to the start of the works.

The contractor must instruct his own employees about the general, department and job specific risks and the control measures.

The contractor must himself take the initiative to request the NYRSTAR departmental specific risks, make himself the risk evaluation and informs himself about the measures regarding first aid, fire fighting, evacuation and possible additional medical tests. [In that respect the check list Start of the Works \(AH.09\) is a useful tool to run you through all relevant items.](#)

The provision of information on the site regarding the risks and measures on the well-being of the contractor and his staff, as stated in the bill of Well-being of the employees at work, takes place in three instruction stages :

1. During the first phase, each employee of the contractor will be shown a safety video followed by an entrance test during which the employee's knowledge of the NYRSTAR general safety regulations is checked. This test must be taken each year and after observation of behaviour that's in contrast with what is put forward in the video and in the test.
2. The second phase consists in some cases e.g. for complex orders or order with increased risks, of a meeting (Task Risk Analysis) where all general safety-technical requirements of the site, the company or of the construction area are being explained to the contractor. The contractor must instruct his own employees
3. In the third phase, specific safety-technical requirements of the workplace will be explained during a safety meeting. At this meeting all hazards - location-specific (buildings, roofs, scaffolds, etc.), work-specific (tools, means of transport, hot work, etc.) and product-specific hazards - will be discussed.

If the limited scale of the work does not warrant a safety meeting, the unit or department concerned will give an information session about specific local safety and environmental aspects before releasing the work and signing the work permit for acceptance of the safety regulations.

2.5 Violation of the terms of the contract

2.5.1 Violation of the Guidelines for Contractors

In the event that these guidelines are violated, the employees of the contractor who committed those violations must

be replaced by suitable staff. In addition, the following measures may be taken

- Interview with the management of the contractor
- Written notification of the objections and possible termination of the agreement
- Reimbursement of the expenses incurred for handling the investigation.

2.5.2 Violation of safety or environmental regulations

In the event that the safety or environmental regulations are violated, the following successive measures will be taken by NYRSTAR:

- Written documentation of violations (notice of objection).
- Instruction to suspend work until the existing shortcomings have been rectified
- Removal of the persons concerned from the premises.

However, very serious violations can result in an immediate bar out. The related costs will be borne by the contractor.

In addition, any violation may result in termination - without notice - of the contract for services, plus a work ban for the contractor. If the contractor is unable to rectify shortcomings relating to safety or environmental regulations within a reasonable period of time, NYRSTAR may decide to have this done in-house. The associated costs will be borne by the contractor.

2.5.3 Violation of quality requirements

In the event that the quality requirements are violated, the client must decide - depending on the seriousness of the quality non-conformances - whether the non-conforming work or service will be accepted, subject to a discount, must be corrected or will be rejected.

In accordance with contractual and statutory provisions, the contractor will be given the opportunity to correct any quality deviations at his own expense within a fixed period and without prejudice to the client's right to claim damages.

2.5.4 Violation of order and cleanliness regulations

In the event of violations of order and cleanliness regulations, the client can take the following successive measures:

- Verbal notification of the violation, with a deadline by which the shortcomings must have been rectified; Written documentation of the violation, stating a deadline for rectification;
- documentation of the violation, stating a deadline for rectification;
- Composition of a cleaning team consisting of staff of the contractor working on the construction site, at the expense of the contractor;
- Deployment of a cleaning team at the expense of the contractor, in the event of non-compliance with the specified deadline.

2.6 Assessment of the quality of the works or services

Nyrstar's assessment of the quality of the works or services performed by the contractor will be decisive for awarding any future contract orders. The quality of the works or services performed by the contractor will be determined on the basis of assessments by all NYRSTAR departments that are directly or indirectly involved in the completion of the contract order. In addition, NYRSTAR reserves the right to perform periodic technical quality assessments on the basis of inspections, checks, etc

3 DUTIES AND RESPONSIBILITIES

3.1 NYRSTAR's Responsibilities

3.1.1 Co-ordinatie and supervision of contractors

For each order, an organisation chart will be made up in which all actors will be mentioned.

In these, the tasks and responsibilities of all concerned parties will be defined.

For each order, NYRSTAR's responsables will be appointed. These responsables will be authorised to award works to third parties and exercise corrective supervision.

The said persons will be charged with instruction, co-ordination and supervision duties and have the corresponding powers.

A safety co-ordinator cfr. Royal Decree concerning Temporary or Mobile Construction Sites,, will be appointed for larger projects or stoppages. His duty is described in 2.4.

For more specific orders (working confined spaces) a trained safety officer (supervision) or an officer in charge of the possible rescue will be appointed. Both officers will be authorised to stop the employee(s) concerned from working in the event of unsafe activities or emergencies.

The authority of NYRSTAR appointed responsibilities to give orders regarding work safety does not release the contractor from his responsibility and liability for the safety of his staff. The contractor remains fully responsible for his staff, and have to exercise sufficient supervision.

The hierarchical line of NYSTAR, the project responsible, the project manager, the building- and construction leader and the specialists will take the necessary measures in the event that the construction and assembly supervisor of the contractor doesn't take any or insufficient measures on the safety of his staff that's working on the NYRSTAR premises.

3.1.2 Health, safety and environmental experts

The contractor is obliged to make his own safety, health and environmental experts available.

The safety, health and environmental experts of the contractor are obliged to co-operate with NYRSTAR's safety, health and environmental experts.

The following NYRSTAR staff or their deputies are appointed

- Prevention advisers (Interne Dienst Preventie en Bescherming op de Werkplaats),
- Fire officer (Internal fire brigade),
- Nurses and company doctor (Medical dept)
- Environmental co-ordinator
- Safety co-ordinator

to advise and support the construction and assembly supervisor at the preparation and execution of the special safety and environmental measures.

3.1.3 NYRSTAR (CAS) Construction and assembly supervisor

The CAS will be responsible for completion of projects and measures that must be reported throughout the construction/assembly of the construction site. Within the framework of the project, the construction/assembly supervisor will be given specific duties as regards instruction, co-ordination and supervision and the corresponding power of decision. His duties arise from statutory provisions and the internal transfer of responsibility of NYRSTAR.

The duties and responsibilities of the contractor will not be affected by the construction or assembly management of NYRSTAR.

3.1.4 Safety-Technical instruction

The safety-technical instruction for the contractor's site supervisor will be provided by NYRSTAR's representative during the second instruction phase (see section 1.4). During the safety-technical instruction, the general, location-specific and internal or project-related SHE requirements and dangers will be made known, and measures and rules of conduct outlined. The safety-technical instruction must be documented in appropriate form and confirmed by the signature of the participants (document AH-09). Where available, the client will provide the contractor's site supervisor with relevant information and training material (e.g. safety rules and regulations, health and safety plan, information leaflets) for subsequent training of the contractor's staff. The safety-technical instruction will not release the client from his supervisory obligation in relation to the contractor. The client will ensure that the safety-related rules of conduct are observed by all staff involved in the performance of the work.

3.1.5 Contract order or project-related safety instructions

The client must define order-related safety instructions as well as the necessary health, safety and environmental measures. Pursuant to the Royal Decree concerning Temporary or Mobile Construction Sites, the safety co-ordinator must draw up a health and safety plan. The health and safety plan must be available before commencement of any construction or assembly work, so that the relevant safety aspects can be taken into account when awarding the contract order. In addition to measures aimed to reduce risks, the following must be defined:

- Arrangements for obtaining work permits and definition of areas where these work permits are required (e.g. hot work permit);
- General references to existing regulations, guidelines, order and cleanliness

3.2 Contractor's responsibility

3.2.1 Contractors site supervisor (CSS)

The contractor must guarantee the deployment of sufficient and qualified managerial staff. The contractor has to appoint in writing a responsible, authorised executive staff member as site supervisor to supervise the performance of the contracted work. Also possible deputies has to be appointed in writing.

The CSS has to be known by the Construction and assembly supervisor of Nyrstar (CAS). [These need to be written down on the check list start of the works \(AH.09\).](#)

The site supervisor must be familiar with the current Belgian legislation pertaining to health and safety and regulations to prevent accidents. He must ensure that the work is carried out safely and on time. The site supervisor will be responsible for the staff; he will have power of decision as regards the appointment and performance of the staff deployed. The site supervisor or his deputy must be available as a contact

throughout the performance of the contract. The site supervisor or his deputy will be obliged to take part in any safety meetings and site inspections organised by Evonik Degussa.

3.2.2 Prevention adviser

Pursuant to the Royal Decree concerning the Internal Department for Prevention and Protection at Work, the contractor must have the required number of prevention advisers at his disposal. These advisers have to account for their activities on the construction site, e.g. by means of inspection reports. These inspection reports have to be submitted to the prevention adviser of Nyrstar prior to the start of the works.

3.2.3 Safety supervisors

The contractor must appoint safety supervisors to the construction/assembly site and notify the CAS. Ideally, this should be the same person as the site supervisor. Nyrstar safety co-ordinator must be informed of the names of the contractor's safety supervisors, appointed within the framework of the Royal Decree concerning Temporary or Mobile Construction sites. In the event of any problems concerning safety or environmental aspects during the work, the safety experts must immediately notify the CAS, possibly the safety co-ordinator or the IDPBW and/or the Environmental Department of these problems

3.2.4 Contractor's visitors

Visitors of the contractor must report to the Security Department for Balen and to the service O&V for Overpelt and state the name of their contact. The porter will inform the contractor's contact; in the meantime, the visitor will be shown a safety video (at his first visit) and can perform the test. Entrance without taking the test is permitted only if the visitor is accompanied continuously by a Nyrstar person. If the contractor's contact cannot be reached, the visitor will not be admitted to the site.

3.2.5 Staff qualification and other requirements

The contractor must ensure that his staff are technically and personally qualified to perform the contracted works. The minimum age for staff deployed on the site is 18 years.

3.2.6 Health

The contractor must ensure that the health of his staff is checked in accordance with the statutory regulations. NYRSTAR must inform the contractor of any specific health assessments applicable to the awarding of the contract order. The contractor will be obliged to order the required medical examinations to be conducted and to provide proof of the suitability of his staff prior to commencing any special activities (e.g. working with compressed air equipment).

3.2.7 Provision of personal protective equipment (PPE)

The contractor must provide his staff with the required personal protective equipment. This includes at least hard hats, safety footwear, gloves, safety spectacles, faceshields, neck protection, dust masks, fall protection, ear defenders, protective clothing, etc. The contractor must ensure that the protective equipment is always in good condition and that his staff uses it as and when required. Respirators (face mask including filter, escape mask) can be provided by NYRSTAR if explicitly mentioned in the contract. They are provided by the CAS of Nyrstar.. Other company-specific protective equipment will be provided by the company unless other contract stipulations. All Nyrstar protective equipment must be returned upon completion of the work/contract. Any equipment that is lost or damaged will be charged to the contractor.

3.2.8 Familiarity with safety regulations

The contractor will be responsible for informing his staff and any subcontractors of the contractually agreed safety regulations. [In that respect the check list start of the works \(AH.09\) should be used.](#) The contractor will be obliged to inform his staff in detail of all potential hazards and safety measures and to demand strict

observance of these measures before commencing the work. He must also inform his staff about the location and use of the available safety installations such as fire detectors, alarm installation, emergency showers, eye wash stations, escape routes and assembly points. The contractor has to repeat these procedures whenever he deploys new staff on the site. He will also be obliged to provide this information to any subcontractors or agency staff.

The contractor must provide his staff with regular training - in case of long-term work on one specific site at least once a year, in case of large projects once a month. The contractor must check whether the content of the training is understood by his staff. He must keep a record of the content and the participants of training sessions. He must present these records upon request to the client or the IDPBW. The site supervisor must keep a copy of all relevant safety guidelines of NYRSTAR that have been made available to the contractor for inspection by his staff. Every contractor with an operational base in the contractor's park must organise a safety training session (toolbox meeting) at least once every month in which one topic from the "Guidelines for Contractors" will be discussed. The contractor must send a report of these toolbox meetings to the IDPBW. For projects, these toolbox meetings will be held weekly and deal with topics that are related to the project

3.2.9 Safety of the infrastructure

The contractor's site supervisor will be responsible for the safe use of equipment, roads on the site, scaffolding and safety devices. Proof of inspections must be available on site and/or permanently and visibly attached to the equipment.

3.2.10 Handling provided materials and equipment

Through his acceptance and use of materials and/of equipment the contractor acknowledges that these have been received in perfect condition and that he has been informed about the correct use of these in accordance with the NYRSTAR instructions. Materials provided by NYRSTAR do not release the contractor from this guarantee. If the contractor has any reservations about the materials and components provided by NYRSTAR he must notify the Construction and assembly supervisor of NYRSTAR immediately in writing of such issues.

3.2.11 Order and cleanliness of the construction area or work place

It's the contractor's duty to supervise the order and cleanliness of the construction area. Especially he will supervise the clean up of the site at the termination of the works and that no rest materials are left behind.

3.3 Organisation of collaboration

3.3.1 Presence on the premises

At the first entrance, contractor's staff have to present themselves at the Security Department in Balen or at O&V in Overpelt. An access badge will be handed over to the employee, after having fulfilled the entrance requirements. The first duty of the works, he will be picked up [by the person responsible for the job at NYRSTAR](#).

Prior to the commencement of the works [the check list Start of the Works](#), will be read over and if necessary completed with additional info.

You can find this checklist on the website www.nyrstarbalenoverpelt.be

Staff of contractors will in principle be allowed to access only those areas of the premises where they have to carry out work or where they have an express duty, with the exception of public site facilities (e.g. canteen). A longer stay on the site will be permitted for official purposes only

3.3.2 Entering and driving in the work area

The work area may be entered only for the performance of contractual duties. Access outside working hours is prohibited. Operational facilities outside the work area may not be entered.

3.3.3 Working hours

Working hours and breaks must be agreed with NYRSTAR. The contractor will be responsible for compliance with the Working Hours Decree.

In general, the contractor must perform the work on NYRSTAR's premises during office hours.

Overtime, night work, work on Saturdays, Sundays and public holidays, must be agreed with NYRSTAR.

Any work outside office hours will be paid only when it is carried out on the express request of NYRSTAR.

3.3.4 Details of staff employment

The details of staff to be deployed with mentioning of their names must be recorded by the site supervisor prior to commencement of the work and in consultation with NYRSTAR. This list must be updated daily and must be presented to the client at agreed times. Separate lists must be kept for staff of subcontractors.

3.3.5 Co-ordination with NYRSTAR

Prior to commencement of the work, the contractor's authorised representative and NYRSTAR will make agreements about the nature and scope of the work to be performed and the safety requirement. The contractor will be informed of the physical, time and location requirements concerning the performance of the work. The contractor will perform the work correctly and within the stipulated time, under his own direction and responsibility. The contractor may not modify, remove, commission or decommission machinery and equipment without NYRSTAR's permission.

The contractor will ensure that the commissioned work is performed only by suitable employees. Training, instruction and supervision of the staff employed is the contractor's responsibility. Arrangements which will affect the work flows between different contractors must be agreed with NYRSTAR.

3.3.6 Compliance with safety regulations

The safety regulations of NYRSTAR must be observed, and their observance must be ensured by the contractor's site supervisor.

The contractor must take the corrective instructions of Nyrstar construction and assembly supervisor into account. This can never cause extra costs for NYRSTAR or can never be used as justification for non compliance on the timing.

In the event that several contractors are working on the same construction site, a NYRSTAR co-ordinator will be appointed.

3.3.7 Obtaining work permits

The contractor's site supervisor will be responsible for obtaining the necessary permits prior to the commencement of any work on the site. The provisions laid down in permits or job orders must be strictly complied with. The work permit must be showed at all times on request.

3.3.8 . Signing in and out at production units

There is a general obligation to sign in and out: in production units, including warehouses, pipe bridges and workplaces. Every day staff must sign in and out at the control room.

Signing in and out is required even for short absences from the unit. The project manager will determine the procedure for signing in and out (e.g. attendance list) in respect of construction sites/stoppages.

3.3.9 Inspection visits to the contractor

The authorised representatives of NYRSTAR are authorised to inspect the equipment of the contractor, for example to check compliance with these guidelines. The contractor's site supervisor may be asked to take part in such inspections.

3.4 Safety Co-ordinators cfr. R.D. concerning Temporary or Mobile Construction Sites

The fundamental obligation to co-ordinate work in which employees of several employers are involved or in which particular hazards have to be taken into account, have been described in the Welfare at Work Act. Safety co-ordination on construction sites has been regulated by the Royal Decree pertaining to Temporary or Mobile Construction Sites. Both the deployment of a safety co-ordinator and the documents he must use in the execution of his duties are laid down in this Decree. The safety co-ordinator has an advisory role in relation to the client. His advisory duties include: ensuring that employees do not endanger each other by planning the work in such a way that compliance with all required measures for avoiding mutual risks is guaranteed at all times.

NYRSTAR determines, cfr the current legal rules, whether the activities come under the Royal Decree concerning Temporary or Mobile Construction Sites and also the modalities to meet this legislation.

3.4.1 Co-ordination obligation

Prior to commencing the work, the contractor will be obliged to make arrangements with NYRSTAR and with subcontractors or other contractors operating on the site in order to avoid reciprocal hazards to different groups of companies employees working on the existing machinery and equipment of NYRSTAR work communities.

Arrangements between two and more external companies that may affect the work flow must be discussed with NYRSTAR. This obligation exists independently of the appointment of safety co-ordinators.

3.4.2 Appointment of safety co-ordinators

NYRSTAR will appoint a Safety Co-ordinator - Design and a Safety Co-ordinator - Realisation for construction sites where

- construction or civil engineering works have to be carried out and which fall within the scope of the Royal Decree concerning Temporary or Mobile Construction Sites.
- works have to be carried out that are considered by NYRSTAR as appropriate for implementation of the same procedure.

The Safety Co-ordinator can be an employee of NYRSTAR or an external safety co-ordinator. The appointment forms part of the contractual arrangements. The appointment of a Safety Co-ordinator for each project will be confirmed when the health and safety plan is signed.

3.4.3 Co-ordination and collaboration by the contractor

Within the framework of the Royal Decree concerning Temporary or Mobile Construction Sites, the contractor will be obliged to: provide Evonik Degussa with the necessary information about the typical hazards of the work, assist in the co-ordination and collaboration.

3.4.4 Authority of the safety co-ordinators

All employees working on the site, including the contractor, his employees and executive staff will be subjected to the authority of the safety co-ordinators. The safety co-ordinators can order work to be stopped on the grounds of safety violations.

3.4.5 Guidelines of the client

In the event of danger to staff, the environment and/or equipment, the contractor's staff must follow the instructions of the client without delay.

3.4.6 Contractor's responsibility

The responsibility of the contractor and his site supervisor concerning compliance with the contractual obligations, management functions and safety will not be affected in any way by the activities of a safety co-ordinator

4 SITE FACILITIES

4.1 Use of infrastructure

4.1.1 Infrastructure facilities

Infrastructure facilities that can be made available to contractors in order to perform their work for NYRSTAR are e.g. dressing rooms, canteens, site offices

In principle, NYRSTAR will make areas within the fenced-off site available to the contractor. NYRSTAR can terminate the use of these areas subject to the contractually agreed terms. Unless otherwise agreed, the contractor will be responsible for maintaining the areas and facilities made available. Shared use of NYRSTAR facilities without prior authorisation by NYRSTAR will not be permitted.

4.1.2 Leases

If leases have been concluded for the use of areas by the contractor, the permitted use must be described, the lease price determined and the liability regulated. Provisions that are specific to NYRSTAR must be complied with.

4.1.3 Use of roads

Measures obstructing traffic, e.g. road blocks, may be implemented only after prior consultation with NYRSTAR. These measures must be implemented and signposted in accordance with public traffic regulations.

4.2 Scope of the site facilities

4.2.1 Installation of site facilities

See Safety Rule (Dutch) VV 24 “plaatsen van een keet” on the website www.nyrstarbalenoverpelt.be
The contractor must have received a written permission for the placement of an site container, see form “permission for placing a site container” XF-438-FREQ-0-00001.

4.2.2 Management of site facilities

All facilities (tools, equipment, scaffolds, assembly aids, containers, staff accommodation, warehouses, material stores, vehicles, etc.) must conform to the scope of the work to be performed and the statutory provisions. Construction facilities will be associated with the premises of NYRSTAR on a temporary basis only and do not form part of or belong to these premises. NYRSTAR reserves the right to carry out inspections. Site containers, assembly workshops and storage areas must be provided with a permanent label of the contractor. Site accommodation must be equipped with properly protected heaters in accordance with the regulations. Every three months the contractor will conduct a safety inspection of his site huts. A report of this inspection must be sent to NYRSTAR IDPBW. The contractor must take appropriate measures to prevent damage, e.g. due to theft or fire. In case new access roads are required, in addition to existing or planned site roads, the contractor may construct these roads at his own expense and after having obtained permission from the Asset Management Dept. The contractor must remove such additional roads upon completion of the work upon request.

4.2.3 Fire protection

The contractor will be responsible for taking fire prevention measures in accordance with the instructions

Described in the VV 24 “plaatsen van aan keet” You find this document on the website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

of the Internal Company Fire Brigade.

The contractor will be responsible for inspecting and keeping such installations in perfect condition. Fire extinguishers and first-aid equipment in particular must be kept accessible and ready for use in the necessary quantities. Employees must be familiarised with and trained in the use of fire extinguishers. Fire-fighting equipment, such as hydrants, fire extinguishers, rising fire mains, wall hydrants and warning signs, must not be moved, covered, damaged or otherwise rendered unusable, and must be accessible at all times. Any damage to this equipment must be reported to the Company Fire Brigade without delay.

4.2.4 Communication facilities

Each contractor can apply to the Asset Management dept for official connections for telephone equipment and fax machines. When using radio equipment and similar equipment, only the official frequencies may be used. The use of these frequencies must be agreed with the Asset Management Dept.

4.2.5 Staff accommodation

Accommodation for the contractor's staff must comply with the statutory provisions. Vehicles cannot be used as a canteen unless they are especially equipped for this.

Staff members are not permitted to stay overnight on the company premises or the staff car park

Staff members may not use the NYRSTAR facilities unless is in agreed in the contract.

Staff members may not use the repose rooms in the departments.

4.2.6 Sanitary facilities

The contractor is not allowed to use the Nyrstar facilities unless it is agreed in the contract.

The contractor's staff is not allowed to use the pause rooms of the departments.

4.2.7 Work shops

All workshops of the contractor must comply with the statutory provisions. An extraction installation must be provided when carrying out welding work or work using oxyacetylene burners. This will be at the expense of the contractor. If the contractor wishes to use NYRSTAR workshops, this must be agreed in advance with the client.

4.2.8 Storage of ancillary materials, equipment and materials

The contractor will be responsible for the storage of ancillary materials, equipment and materials as well as for their protection from weather influences. Storage will be at the contractor's own risk. Prior to bring the materials to the site, the contractor will present a list of them to the medical department for evaluation and approval. The medical department uses the information Sheet "Potential purchase dangerous goods" ([XF-446-FREQ-0-00024](#))

The contractor will be responsible for identifying any hazardous substances used by him. Facilities used for storing flammable substances must be provided with "No Smoking" symbols. The regulations concerning the combined storage of hazardous substances must be complied with. Hazardous products may be stored only on an impermeable surface with facilities for collecting any leakages so as to prevent soil contamination. The Environmental Department must be contacted in case of doubt. Combustible waste, oil rags and combustible materials or flammable objects may be stored only in facilities provided for this purpose. These facilities must be indicated as such locally. Protection zones must be marked and the statutory provisions observed when storing and handling highly flammable liquids. Areas where fire and sparks may occur must be kept free of any flammable materials.

4.3 Supply of work areas

4.3.1 Provision of energy

The available types of energy will be made available by the client for the execution of the work only. Unless otherwise agreed, the provision of energy will be free of charge. No guarantee is given in respect of uninterrupted energy supply (electricity, water, steam and compressed air). NYRSTAR reserves the right to restrict the quantity or the times at which energy can be used in order to avoid malfunctions. NYRSTAR has the right to inspect any connected equipment and energy consumers of the contractor and to suspend the supply in the event of damage to this equipment or in the event of misuse of the energy supplied. Supply voltages of 230 V and 400 V (50 Hz) are available on the site.

4.3.2 Connection points for energy and communications

The connection points to NYRSTAR energy and communications supplies are situated up to 100 m away from the site, the site containers or from the distributor or the contractor's connection distribution cabinet. The contractor's responsibility begins at the connection point. He will be liable for damage caused to the main distribution point by his equipment or by its use.

4.3.3 Connections to the energy supplies

Connections to the energy supplies will require prior permission from NYRSTAR. The contractor will not be allowed to carry out any modifications or repairs on the equipment installed by NYRSTAR. Work caused as a result of actions of the contractor will be carried out at his expense. All connections and pipelines from the main distribution point to the contractor's installations must be installed by the latter at his own expense. The installation of the necessary connection points and laying of the lines will require prior permission.

4.3.4 Consumption meters

Consumption meters will be installed, where necessary and useful, at the contractor's expense. Such work will require a contract with NYRSTAR.

4.3.5 Electrical supply points

Supply points are interfaces between the supply network and the electrical installation of the construction site. When selecting, operating, maintaining and repairing supply points, the AREI regulations (general regulations concerning electrical installations) must be complied with. It is important to use only approved supply points to supply electrical installations or equipment, such as: □□Site current distributors in conformity with AREI, Articles 5, 7 and 258 □□Branches from permanent electrical installations destined for the construction site, □□Emergency electric power generators in conformity with AREI, articles 5 and 7 and the CE label, and □□Transformers with separate coils (isolating transformers). The contractor may only use service sockets to supply individual equipment (e.g. welding apparatus, pumps, extension cables) following inspection and approval by NYRSTAR.

Electrical distribution boards must have a certificate not older than 1 year and issued by an accredited organisme prior to connection to the NYRSTAR net. NYRSTAR takes care of the connection unless otherwise stipulated in the contract. The voltage distribution is done by an IT net : 380 V without distributed null. So the used plugs exists out of 3 pins + 1 earth connection pin – 63 A.

4.3.6 Earthing of terminals

NYRSTAR will provide earthing of a sufficiently low resistance at the terminal. The contractor may create earth connections within the site only in consultation with NYRSTAR.

4.3.7 Connection of site current distributors

The contractor's current distributors must be installed in conformity with AREI (art. 5, 7, 252 and 258) and they must be inspected daily by the contractor. All electrical connections must be carried out by qualified electricians and in accordance with the AREI regulations.

4.3.8 Transformers

Transformers required for voltage adjustment must be provided by the contractor. The transformers (no autotransformers) must be fitted with fully loadable star point on the secondary side, suitable for 100% asymmetrical loading. A safety transformer will be required for working in tanks. The use of transformers that contain polychlorinated biphenylene (PCB) or polychlorinated terphenylene (PCT) is prohibited.

4.3.9 Electrical installations

The contractor's electrical installations from the point of connection must comply with and be operated in accordance with the provisions of AREI (art. 268) and additional provisions.

The use of differential current switches in conformity with AREI art. 85 for all current consumers is compulsory.

As protection for all current consumers, a differential current switch in conformity of AREI art. 82 is compulsory at TN or TT net, continuous isolation control conform AREI art. 82 at IT net. For protection, protection measures have to be taken according the choozen NET. AREI art. 80, 81, 82.

4.3.10 Workplace lighting

The contractor must ensure adequate workplace lighting in accordance with the statutory provisions.

Inspection lamps must be feeded with low voltage. For use in a conducting confined space, the inspection lamps must have double insulation and be operated via safety transformers or on very low voltage (AREI art.94)..

4.3.11 Areas where there is risk of explosion

Electrical devices must be tested and approved before commissioning. These devices will be commissioned in consultation with NYRSTAR. Equipment that is installed or used in areas where there is a risk of explosion must comply with ATEX 94/9/EG and ATEX 137/10/EC. Any defects occurring during the works must be reported immediately.

4.3.12 Equipment and tools

Each contractor provide his own equipment, tools and protective equipment unless stipulated otherwise in the contract.

Under exceptional circumstances and in mutual consent with NYRSTAR, engines as lift trucks with driver can be made available at preliminary defined NYRSTAR charges.

This has always be agreed with the Construction and assembly supervisor of Nyrstar. Communication concerning work resources is always done by the CAS and NEVER directly with other personnel of NYRSTAR.

In case the contractor has to use tools or resources of NYRSTAR because of negligence, this will be justed as negative during the evaluation.

5 COMPANY SECURITY

5.1 Access to the company

5.1.1 Registration of the contractor

Before the commencement of the works, the contractor must provide in writing at the NYRSTAR requester (contact person) the data on his employees he wants to employ at the site. This has to be done by completing AH.07 "Registration Form Contractor".

You find this document on the website www.nyrstarbalenoverpelt.be

5.1.2 Statutory and social obligations

The contractor or his subcontractors undertake to appoint staff with due observance of all Belgian statutory and social obligations (e.g. respecting the minimum wages, regulations regarding the reduction in working hours, stipulations concerning health, safety and hygiene).

5.1.3 General safety guidelines

NYRSTAR's general safety regulations will be communicated to the contractor's staff during the first introductory phase by means of an instructional video and correspondent knowledge test. In addition, the Security Department will issue an information leaflet with a summary of the main safety rules to each person who accesses the site for the first time.

5.1.4 Access to the premises

Persons are allowed to access to the premises only if they are in possession of a valid access badge.

5.1.5 Marking equipment

The contractor's property must be marked permanently. Objects that have not been marked clearly will be regarded as the property of NYRSTAR.

5.1.6 Permit for vehicular access to the premises

Permits for vehicular access to the premises will be issued for a limited period only upon receipt of a motivated application and permission of the Security Department in Overpelt or of O&V in Overpelt. Transport of people isn't permitted.

In case you want to use your own industrial vehicle on de factory premises you must fill in the Form Request for access of an industrial vehicle ([XF-438-FREC-0-00021](#)). You find this document on the website www.nyrstarbalenoverpelt.be

5.2 Access badges

5.2.1 The issuing of access badges

The contractor or subcontractors must apply for an access badge for every employee who will be posted at NYRSTAR for the first time before their first working day on the NYRSTAR premises. Applications must be submitted to the Security Department. Freelance workers of cleansing companies (temporary workers) have to hand over a (less than 6 months old) certificate of good conduct to the porter. Foreign contractors must accompany such applications with form E 101. Domestic contractors who employ foreign workers (from EU countries) must submit an employer's statement confirming that these employees have been

included in the personnel register or submit a copy of the employee's company badge. For employees from non-EU countries, contractors must submit a work permit.

Additionally, each employee of the contractor has to prove that he attended the individual VCA training with success.

In case the employee can provide all the required documentation and meets the requirements mentioned at 4.2.2. on the checking of the general safety provisions, he will be provided with an access badge.

Upon approval of the application, the employee will receive a personal electronic access badge. This badge is not transferable and must be kept in a safe place in order to prevent misuse by third parties. Each employee must be able to present his badge upon simple request.

In the event of unlawful use, the badge will be withdrawn and a work ban imposed. NYRSTAR reserves the right to take further action.

5.2.2 Assessment of knowledge of the general safety regulations

On their first working day each employee will be shown a safety video by the Security Department in Balen or by O&V in Overpelt unless he succeeded in the entrance test within the periode of 1 year. This will be followed by an entrance test to assess the employee's knowledge of the general safety regulations. The duration is about 20 minutes and is considered non paid NYRSTAR work time. Since the test is limited to the essential points, the employee must achieve a score of 100 %; he get three chances to do this.

If an employee fails to pass the test, he will be refused access. The safety video and the subsequent entrance test are available in four languages: Dutch, German, English and French.

In case the entrance is refused, The contractors can not charge Nyrstar any travelling or other costs nor the lost hours. Besides this, the Contractant will compensate NYRSTAR for all losses and negative effects of this situation on the planning and the productivity of the construction site.

The entrance test will remain valid for one year. The test must be repeated in case the entrance badge is redrawn because of a violation of NYRSTAR safety rules.

If they wish, contractors can purchase a copy of the safety video to familiarise their staff with the general safety regulations beforehand. This does not release employees from the obligation to attend the above-mentioned safety session provided by the Security Department in Balen and by O&V in Overpelt.

5.2.3 Loss or damage of the access badge

Loss or damage of the access badge must be reported immediately to the Security Department in Balen or O&V in Overpelt. A fixed sum will be charged for lost access badges..

5.2.4 Return of access badge

The contractor is responsible for returning access badges to the Security Department in Balen or O&V in Overpelt in the event of suspension or completion of work. Badges must be returned on the last working day. The contractor will be charged a fixed sum for access badges not returned after completion of the contract order.

5.3 Inspections

5.3.1 Staff inspections

The employees of contractors may be subjected to on-site inspections of federal and regional authorities such as the Social Security Inspectorate as regards compliance with social security legislation, the Department Supervision of Chemical Hazards as regards compliance with the Welfare at Work Act. In addition, personnel of the IDPBW and of Security Dept are authorised to carry out inspections.

5.3.2 Entrance and exit inspections

Electronically controlled spot checks will be carried out on all vehicles leaving the premises. During inspections, bags, handbags and suitcases transported on motorbikes and cars may be checked, as can their luggage compartments, engine compartments, passenger compartments, glove compartments, etc. Employees of the contractor must observe the instructions of the Security Department during the inspection of vehicles and persons. If they refuse to co-operate, their entrance badges will be redrawn and further access will be denied. In case of suspicion of theft, police will be contacted.

In addition to inspections carried out during spot checks, other inspections may be carried out as and when required. In case of theft, the person concerned will be removed from the premises and the contractor will be informed by the Purchasing department. NYRSTAR reserves the right to take further legal action. Before entering the site, drivers of contractor vehicles marked as hazard class 7 for radioactive materials must report to IDPBW.

5.3.3 Bringing in equipment and materials

Prior to delivery of non-marked or private equipment or materials, the contractor must submit a list of these to the Security Department.

The delivery of hazardous materials must be discussed beforehand with the client. See beneath 3.2.8.. Prior to bringing in of materials on the premises, the contractor will submit a list of these materials to the IDPBW together with the corresponding material safety data sheet (MSDS).

It is forbidden to bring animals, alcohol, drugs or weapons on site.

5.3.4 Judicial investigations

The costs of judicial investigations relating to the contractor or his employees will be charged to the contractor.

6 CONDUCT AT WORK

6.1 Conduct in general

Any actions that could jeopardise persons or property on the premises are prohibited.

6.1.1 Order and cleanliness

All work areas, work places, storage and assembly areas must be kept clean, tidy and safe. Waste produced by the contractor must be collected separately in the special waste containers provided. Unless otherwise agreed by contract, waste containers will be made available by NYRSTAR in consultation with the Environmental Department. The contractor will be responsible for the removal and processing of hazardous waste in accordance with the statutory provisions. Building materials must be stored in the allocated storage areas, taking account of the applicable storage and environmental regulations.

6.1.2 Access roads and roads on the site

Access roads and roads on the site may not be damaged. Any contamination must be removed without delay. Contamination affecting the environment must be reported to the Environmental Department. Traffic on the roads on the site may not be hindered or jeopardised by temporary storage of materials and equipment. Any measures which will affect traffic (e.g. groundworks, lifting platforms, cranes, scaffolding) must be reported in advance to the Construction and assembly supervisor or the project management beforehand in order to ensure road safety.

6.1.3 Entering installations

Work may not be started in the plant, on the construction site or on the premises without the permission from the project management of NYRSTAR. Access to workshops and offices that are not in the direct vicinity of the work of the contractor is prohibited. The contractor's staff may only use the marked entrances and gates and must take the shortest access routes to the workplace and the assigned work area. Escape routes through other workplaces may be used in emergencies only.

6.1.4 Conduct in the workplace

The workplace of the employees and the work to be carried out will be specified in the job orders. Employees may be present only in the assigned work area. The equipment of NYRSTAR may be used only with its permission and in accordance with the Code of Good Practice.

6.1.5 Operation of machinery and equipment

The operation of electrical switches, machines, fittings or other operating devices of existing installations is prohibited.

6.1.6 Repairs to vehicles, machines and equipment

Repair work on vehicles, machines and equipment (e.g. oil changes), which may cause fuel or oil leakages is not permitted outside workshops approved and suitable for this purpose.

6.1.7 Completion of works

After completion of the work, the work area used must be cleared immediately. Any surplus material as well as all objects and fittings must be removed from the site. Storage areas, work areas and access roads must be restored to their original condition.

6.2 Bans

6.2.1 Food and drink

Eating, drinking and changing is permitted only in areas designated for those purposes. Regulations for the use of these areas must be complied with.

6.2.2 Compressed air for cleaning purposes

It is not permitted to use compressed air to clean clothing or the body except when equipment approved for this purpose is used.

6.2.3 Open fire

The lighting or use of open fires on the premises is prohibited. Naked flames are prohibited. Any departures from this rule will require a fire permit..

6.2.4 Smoking

A general smoking ban applies on the premises and also in vehicles. Violations will result in a ban from the premises.

6.2.5 Alcohol and drugs

It is prohibited to enter alcoholic beverages or drugs on the premises

The contractor's site supervisor will be obliged to remove any employee violating these rules from the premises and to inform the Security Department.

6.2.6 . Radio equipment, walkie-talkies, mobile telephones and battery-operated devices

The use of this equipment or devices is prohibited in areas with explosion hazards.

6.2.7 Photography and filming

It is forbidden to bring cameras or visual recording equipment - including mobile telephones with an integrated camera - and/or take photographs or film on the premises and the construction site. Departures require prior written permission from NYRSTAR.

6.2.8 Access to roofs

Accessing roofs is forbidden. Any work to and on roofs will require a **work permit**.

The rules on work at height have to be respected.

6.2.9 Driving motor vehicles in Ex-zones

The use of motor vehicles in Ex zones is prohibited. Departures will require a hot work permit.

6.2.10 Beards

The contractor undertakes not to deploy any staff at NYRSTAR whose hair or beard impede the effective use of a full-face gas mask.

6.2.11 Pest control

Pests such as rats, cats or mice can cause serious damage to end products, packaging, equipment, etc. For this reason, the keeping or feeding of animals on the premises is strictly forbidden. In case of nuisance, traps will be deployed. It is forbidden to defeat these traps or to release any animals caught. Should the contractor be found to ignore these rules, he will be given notice of default and a pest control campaign will be carried out at his expense.

6.3 Traffic regulations

6.3.1 Applicable regulations

Belgian traffic regulations as well as special NYRSTAR regulations apply to the premises and external parking areas (visitors and employees, goods entrance).

6.3.2 Maximum speed

The maximum speed is 30 km/h; 15 km/h in buildings. Exceeding the maximum speed may result in a driving or access ban.

6.3.3 Rail vehicles

Rail vehicles have right of way: all main railway crossings are signposted. Any restriction of the control clearance gauge of the track must be reported to the Security Department.

6.3.4 Driving and parking vehicles

Vehicles may only be driven to the site or unit via the specially provided routes. Vehicles may be parked only in designated places. The parking of vehicles less than 10 m away from hydrants (red or green) and under pipe bridges is prohibited. When leaving a vehicle (passenger car, lorry, bulldozer, crane and other motorised plant) the engine must be switched off. The GSM number of the driver has to be clearly visible marked on the front windowpane.

Rail traffic, container transport with stacker and emergency vehicles have priority over all other traffic at all times. Any obstruction on the road must be reported to the Security Department, which in turn will inform the Internal Company Fire Brigade and the Medical Department.

7 ROAD SAFETY

7.1 General provisions

All equipment and plant must be in good condition at all times. Brakes, lights, indicators, horn, exhaust, tyres, doors, etc. must be in good working order in accordance with the existing regulations. See Safety & Health Standard VV 04 "Risico's van mobiele arbeidsmiddelen/verkeer" on www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact).

7.1.1 Qualifications

Operators of cranes, tower wagons and forklift trucks must be trained properly and in possession of a valid training certificate. These documents must be submitted unprompted to the client and can be requested during the work.

7.1.2 Transport of passengers in HGVs

Transport of passengers in HGVs is limited to the number of fixed seats. Riding on the loading area is prohibited. Family members and/or children are not allowed on the site.

7.1.3 Transport of passengers with lifting equipment

If passengers must be transported with lifting equipment, the statutory regulations must be complied with

7.1.4 Exceptional transport

For exceptional transport of large and heavy objects, the contractor must obtain information from the client about the road/site conditions in good time and take all necessary safety measures. Particular care must be taken of narrow passages, headroom, overhead structures (e.g. pipe bridges), control and electrical cables, etc. The contractor must in principle submit a request to the client in good time for accompanying personnel to escort and supervise exceptional transport. The transport of loads and material on the construction/assembly site must also take place in accordance with the traffic regulations.

7.1.5 Working in the vicinity of tracks

Work in the vicinity of tracks may be performed only after prior arrangements with the client and with permission from the Security Department. If plant has to stop or park next to the tracks, an adequate safety distance from the outer edge of the tracks must be maintained at all times. The clearance gauge of the tracks must be kept free at all times. The contractor must inform his staff of any special dangers associated with tracks and of the appropriate precautionary measures.

7.1.6 Caterpillars

Driving vehicles with caterpillars is prohibited on the site roads. This to avoid damage to the road surface. Exceptions have to be discussed with the construction and assembly supervisor in advance.

7.2 Driving vehicles

7.2.1 Drivers

Drivers must hold the required driving licences and observe company and project-specific safety regulations pertaining to delivery points.

7.2.2 Cranes

Cranes may only be used on the construction site with due observance of the statutory regulations and with the availability of the set up plan. Information about the maximum load capacity of plant must be affixed in a clearly visible place. Locations where cranes are used must be fenced off to prevent persons from entering the site and also, if necessary, provided with guards. Danger areas must be cordoned off and clearly marked.

7.2.3 The use of fork-lift trucks

The use of fork-lift trucks is subject to statutory regulations.

7.2.4 The use of hydraulic platforms, scissor lifts and person lift cages

See Safety & Health Standard VV 06 “hoogwerkers/schaarliften op de website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

All staff working (included unloading and loading) with this equipment must have received a training on the safe use of this equipment and have a manual in their language at their disposal, wear a safety harness adapted at a fall height of minimal 2 metres and attach the harness to the safety cage or railing. Only persons who do not suffer from fear of heights may be deployed by the contractor.

The use of scissor lifts and hydraulic platforms is prohibited at wind speeds in excess of 50 km/h (wind speed 6). For work at higher wind speed see 8.1.8.

Maintenance of this equipment is only granted when it's located in a free and safe area. Moving of defect equipment by own force is only permitted based on a risk assessment in writing.

The use of a person lift cage is only permitted if it's demonstrated that there is no alternative. The combination is inspected and there is a prior formal approval from the NYRSTAR preventive adviser with the handed over risk inventory and evaluation (RIE).

7.3 Inspection

At all times cars have to be consonant with the Belgian statutory obligations.

7.3.1 Cars

Only cars with an official license plate and a valid test certificate issued by the Technical Control Board are allowed. A copy of or the original test certificate should always be found in the car.

7.3.2 Industrial vehicles

Hydraulic platforms, cranes, multihandler*, fork-lifts*¹, Unimogs with crane, scissor lifts with or without official license plate should be accompanied by a test certificate with a validity of 3 months. Registering the vehicle the porter will inspect this. Vehicles without a valid certificate are banished. The test certificate (or a copy) should at all times accompany the vehicle. The three monthly inspections of the vehicles remain the contractor's responsibility, even if these machines/vehicles remain on our premises.

¹ * only in case they are used as lifting equipment

7.3.3 Trailers

Regarding the safety aspects for trailers of contractors (with no regard to size/weight) a yearly inspection by an external independently inspection service is obligatory. An identification for approval must be clearly perceptible on the the vehicle. The results of this inspection must be kept in a register and have to be at all times at the disposal of NYRSTAR for checking.

For trailers with a weight > 750 kg set out on public roads the identification for approval is the license plate.

8 SAFETY ON THE WORKPLACE

8.1 General provisions

For specific provisions we reference to the NYRSTAR safety guidelines that can be obtained upon simple request.

8.1.1 Setting up the work area

Before setting up the work area, the work organisation and work flow and the necessary safety measures must be agreed between NYRSTAR, the workshops involved, the works/construction management and the contractor's site supervisor.

It must be prevented in an appropriate way that during the execution of the activities the installation can start unexpectedly entirely or partly and that no dangerous substances, energy of fluids can be released. The implemented measures will be locked steady prior to release of the installation. To this aim, the Nyrstar Safety & Health Standard VV 09 "vergrendelen" procedure must be implemented strictly. See also website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

8.1.2 Written permits

The contractor's site supervisor will be responsible for obtaining written permits before the start of an activity. The site supervisor must provide the authority issuing the permit with an accurate and complete description of the work to be carried out. No work may be commenced in existing units/departments without a job order and without having reported it to the control room or the production or despatch supervisor.

The provisions stipulated in the permits or job orders must be strictly observed. All permits are valid for maximum 1 day only. In the event of a warning (siren) all permits become invalid. They have to be renewed after the "All clear" signal has been given. Written permits must be kept in the workplace during the performance of the work. Upon completion of the work with work permits, the original must be returned to the issuing person.

8.1.3 Personal protective equipment (PPE)

See Safety & Health standard Personal protective equipment (Dutch, can be explained by Nyrstar Contact) VV 01 "Keuze van PBM's" on the website www.nyrstarbalenoverpelt.be

8.1.4 Working with respiratory equipment

The contractor must ensure that staff who have to carry out work which requires the use of respiratory equipment have received a medical check-up and the necessary training. He must be able to prove that the workers concerned have attended the required training and refresher courses

8.1.5 Escape routes and traffic routes

Escape routes and traffic routes must be kept clear. Before work commences, the contractor's staff have to familiarise themselves with the escape routes on site.

8.1.6 Use of third party equipment

Third party cranes, lifting equipment, assembly towers, lifts, etc. must never be used without the owner's or NYRSTAR's prior permission. Information about the permissible loading capacity of equipment must be clearly visible.

8.1.7 Dismantling

The contractor must ensure that all pipes, cables, installations and equipment have been released by NYRSTAR and that their dismantling will be safe in all respects. Any safety measures that have to be taken in addition to those stipulated in the job order must be strictly complied with.

The individual dismantling phases and the loads to be transported must be discussed in detail with the NYRSTAR representative prior to commencement of the work. Under no circumstances whatsoever may pipelines or other structural parts be used to support any scaffolding. Scaffolding must be installed on separate foundations. The removal of waste will be subject to Belgian and Flemish legislation and will be reported to the appropriate authorities by NYRSTAR beforehand or must be supervised by the Environmental Department.

8.1.8 Extreme weather conditions

The contractor must obtain information about weather forecasts in good time and suspend work where appropriate. The contractor must also take heed of gale warnings. In the event of extreme weather conditions (e.g. gales), tanks, containers and materials such as timber, scaffolding boards, metal and plastic sheets must be anchored or tied down. Before any work is stopped, special care must be taken to ensure that each workplace is adequately protected against storm damage. Scaffolding etc. must be checked for soundness before work is resumed.

The use of scissor lifts and hydraulic platforms is advised against at wind speeds in excess of 50 km/h (wind speed 6.). The use is only permitted if the equipment is fitted for these circumstances and that this is explicitly confirmed by its manufacturer.

8.2 Risk assessment

The contractor must carry out a task risk assessment before undertaking any significant work. A copy of the risk assessment report must be submitted to the client before commencing the work.

8.2.1 Blocking traffic routes

Road blocks must be agreed with and installed by NYRSTAR. The client will be responsible for the notification, in good time, of the emergency services (Company Fire Brigade, Company Medical Department, Security Department) and other companies and sites involved. Each limitation on road traffic must be notified to NYRSTAR Security department that will inform the Company Fire Brigade and the Company Medical Department.

8.2.2 Work that entails a risk of drowning

When carrying out any work during which workers may fall in water, workers must wear life jackets or use life belts with life lines.

8.2.3 Work that entails a risk of falling

See Safety & Health Standard VV 05 "Werken op hoogte (algemeen)" en VV 07 "Gebruik en plaatsen van stellingen" on the website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

8.2.4 Covers and barriers

Adequate covers and barriers (e.g. balustrades, handrails, safety lines, safety nets) must be provided and maintained in locations where there is a risk of falling. Such locations include: holes in the floor/ground, inspection openings in grids, open trenches, pits, shafts, sewer manholes and hoisting holes. Grids, covers, etc. may be removed only when a fixed and safe barrier has been provided. The person removing the

grid/cover must ensure he is protected from any dangers related to the activity. Barriers, scaffolds, ropes, chains and other objects which may constitute a tripping hazard must be clearly signed and be provided with yellow/amber hazard lights at night. Grids and other covers must be remounted and secured again after completion of the work.

8.2.5 The use of equipment for hoisting or lifting persons

Hoisting or lifting persons will be allowed only with equipment that has been designed for that purpose. See Safety&Health standard VV 05 "Werken op hoogte (algemeen)" on the website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

8.2.6 Opening installation parts

The opening of parts of installations, e.g. tanks, pipelines, fittings, measuring and control equipment will not be permitted without prior written permission of the production unit in the form of a signed work permit.

8.2.7 Working in confined spaces

See Safety&Health standard "Working in confined spaces" VV 08 "Werken in begrensde of besloten ruimte" on the website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

8.2.8 Entering electrical operating rooms

See Safety&Health standard Possible contact with Electricity (Dutch, can be explained by Nyrstar Contact) VV 17 “Mogelijk contact met elektriciteit” on the website www.nyrstarbalenoverpelt.be

8.2.9 Working on electrical installations

Work on electrical installations must be carried out in accordance with the provisions of AREI. Such work may in principle only be carried out by qualified electricians, with the installations switched off (except for search of defects) and with the permission of the client in the form of a job order. This also applies to electrical installations that have been made available by NYRSTAR and for fitting and replacing fuses.

Work on electrical installations is also subject to the following procedure:

- Switch off, lock out (protect from switching on again), measure (voltage), earthing and short circuit, cordon off (put up warning sign, cordon off with tape)
- Upon completion of the work these safety measures must be undone in reverse order.

Work on live installations may be carried out only if there are compelling reasons which make it impossible to create or guarantee a no-voltage situation. This is subject to the following conditions:

- the risk of electrocution or arcing is eliminated by using the right equipment
- the contractor only entrusts such work to persons who are familiar with working on live installations
- the contractor implements technical, organisational and personal protection measures which provide effective protection against electrocution or arcing
- a second qualified person who is able to give first aid (heart-lung resuscitation) must always be present during such work

Work in an area where there is a risk of explosion requires a hot work permit, which confirms that there is no risk of danger up to a specified time. Working on live installations is strictly forbidden in such areas. The only exception is work on independent circuits within the meaning of the Ex regulations. Earthing and short-circuiting are also prohibited in areas where there is a risk of explosion.

8.2.10 Groundworks

See Safety&Health standard Ground works (Dutch, can be explained by Nyrstar Contact) VV 11 “Graven” on the website www.nyrstarbalenoverpelt.be

8.2.11 Working in underground systems

Work in discharge installations (sewer systems) requires a work permit, stating the measures that must be taken to reduce or eliminate any risks

8.2.12 Working with fire

Work with fire, e.g. welding, burning, grinding, soldering, drilling and working with potentially explosive substances requires a work permit. Special safety measures must be taken during welding, grinding, and cutting torch work in order to prevent falling sparks from causing fire. Areas below the area where welding and cutting takes place must be protected. The contractor may only use properly qualified staff for work that could constitute a fire risk. The work permit may prescribe the use of an on-duty fire-fighter. For further guidelines see the Nyrstar Safety & Health Standard VV 05 “Werken op hoogte (algemeen)” on the website www.nyrstarbalenoverpelt.be. (Dutch, can be explained by Nyrstar Contact)

Welding/Cutting torches must be provided with a correct placed one-way valve and a fire extinguisher must be present.

8.2.13 Handling gas cylinders

Gas cylinders must be marked with the ID colours according volgens NBN 69 – NEN 3050 – ISO/R 508.

All statutory regulations and any specific instructions of NYRSTAR must be followed when storing gas cylinders. Storage must be done in accordance with legislation. Special attention must be paid to the safety distances – fysical separation between oxydising and flammable gas. The contractor must report any storage areas outside the construction site to the Environmental Department

The number of gas cylinders that may be stored in these areas is limited and will be determined in consultation with the Environmental department. Gas cylinder storage areas must be provided with an awning or roof to prevent exposure to direct sunlight. A warning sign “Attention - Gas cylinders” must be posted at the entrances of the workplaces or other enclosed areas. Gas cylinders may only be transported when fitted with properly fixed caps. Cylinders must be secured and protected from falling during transport and storage. Cylinders must be stored upright at a safe distance from sources of heat or naked flames. If this is not possible, they must be laid down and chocked in place to prevent them from rolling away. It must always be possible to close the valve of cylinders that are in use. All cylinders that are not in use must be provided with a cap. Filled (also partly) cylinders must be stored upright, secured and protected against direct falling sunlight.

Appropriate fire extinguishers must be provided.

8.2.14 Working with radioactive materials

All statutory regulations pertaining to the use, storage and handling of a radiation source must be complied with. The provisions of the Royal Decree concerning the general regulations to protect the general public, employees and the environment from the danger of ionising radiation and the additional provisions and duties must be strictly complied with. Contractors who work with radioactive materials must give written notification of the location and time at least one working day before starting the work.

□□

Only officially recognised specialists are permitted to handle radioactive materials directly. Areas where sources of radiation are used or stored must be sealed off in such a manner that they cannot cause any harm to others. The contractor will not be allowed to remove any protective installations from sources of radiation without the prior written permission of NYRSTAR. Locations in which a radioactive source of radiation is used must be properly marked and secured.

8.3 Safety of machinery equipment

8.3.1 Condition of machinery, equipment and tools

The contractor must guarantee the correct use of all machinery and equipment, including personal protective equipment.

The contractor must keep all machinery, equipment, tools and materials used in a safe condition in accordance with official regulations. The statutorily and contractually defined inspection cycles must be observed and documented. The contractor must be able to produce valid inspection certificates at all times. If the contractor makes uses of NYRSTAR's inspection procedures, the costs thereof will be borne by the contractor. Machinery and equipment may be used only by appropriately qualified staff.

Only ignition-free (explosion-proof) electrical tools and equipment are permitted in areas where there is a risk of explosion. Departures from this rule will only be permitted by agreement, i.e. a hot work permit. NYRSTAR reserves the right to inspect any assembly equipment and tools used by the contractor and to withdraw equipment that does not comply with the regulations at any time.

8.3.2 Scaffolds

See Safety&Health standard Scaffolds (Dutch, can be explained by Nyrstar Contact)
VV 07 "Gebruik en plaatsen van stellingen" on the website www.nyrstarbalenoverpelt.be

8.3.3 Ladders

See Safety&Health standard Work at Heights (Dutch, can be explained by Nyrstar Contact)
VV 05 "Werken op hoogte" on the website www.nyrstarbalenoverpelt.be

8.3.4 Electrical equipment

See Safety Rule (Dutch) VV 25 "eisen aan (elektrisch) handgereedschap" on the website www.nyrstarbalenoverpelt.be

8.3.5 Equipment driven by a combustion engine

In the event that equipment is used, driven by a combustion engine, preventive measures have to be taken to limit the effects of the harmful gasses and this in compliance with the preventive hierarchy i.e. control at the source by extraction

8.3.6 Hoisting and lifting equipment

See Safety&Health standard Liften (Dutch, can be explained by Nyrstar Contact)
VV 03 "Hijsen" on the website www.nyrstarbalenoverpelt.be

8.3.7 Goods lifts

Transport of persons in a goods lift is prohibited and this must be indicated by a warning sign.

8.4 Protection of mains services

8.4.1 Channels, cables, pipelines

Channels, cables and pipelines may not be damaged by the contractor. In order to avoid any damage, the contractor must, before commencing work, obtain information regarding the presence and condition of such installations from NYRSTAR in good time and take all necessary security measures.

8.4.2 Gas and oxygen pipes

Welding and burning work in the vicinity of gas and oxygen pipes is forbidden. Exceptions require a hot work permit.

8.4.3 Insulation and cable ducts

It is forbidden to walk on insulation and cable ducts or to use them as a support.

8.4.4 Pipe bridges

It is forbidden to deposit material and other equipment or park vehicles under pipe bridges. Departures from these regulation are only permitted with the permission of NYRSTAR and after approval of the Company Fire Brigade and the construction site management.

8.4.5 Work in the vicinity of public utilities

NYRSTAR will obtain the necessary permits for work in the vicinity of public utility pipes or cables from the competent authorities and companies. The contractor must notify NYRSTAR and the local competent authorities in good time of the starting date of the construction work and comply with any conditions imposed. No assembly work may be carried out in the vicinity of overground cables or pipelines unless the required safety distances are observed. Safety fences must be respected and may not be removed. For crane or digging work in the vicinity of high voltage cables, the competent energy provider must be informed beforehand. The instructions of the energy provider must be followed.

8.5 Main items from the set Safety Rules

This list is mentioned to rapidly inform third parties who come to work at Nyrstar premises, about the main rules that are to be known by the contractor in advance. The complete set of Safety Rules that are applicable for third parties on working at Nyrstar can you find on www.nyrstarbalenoverpelt.be under “aannemers”.

8.5.1 Personal Protective Equipment: VV01

- Standard PPE: helmet, safety footwear (S3), safety goggles (with side shields)
- Workwear: high visibility, limbs covered, protection against chemicals
- Grinding : [face shields](#) + hearing protection required
- PPE resulting from the nature of the work (e.g. welding): to be provided by the contractor
- Additional PPE resulting from Nyrstar Processes : to be provided by Nyrstar.

8.5.2 Hoisting: VV03

- Hoisting only allowed by trained personnel (evidence on request)
- Hoisting equipment in good condition and inspected.
- In case of use of mobile cranes : see Safety Rule for details.

8.5.3 Mobile equipment : VV04

- Additional requirements for industrial working equipment : visibility, rear drive signalisation, beacon, safety belt. See Safety rule for details.
- An inspection on correct functioning of all provisions is to be performed daily.
- The driver is trained (evidence on request)
- Safety belt is to be worn always.
- People only on seats, so forbidden to ride along in the container.

8.5.4 Works at height: VV05

- Fall protection in all cases with risk of falling > 1.80 m.
- Personnel instructed on correct wearing of fall protection (evidence on request)

8.5.5 Aerial work platforms and scissor lifts: VV06

- Use only allowed by trained personnel (evidence on request).
- Daily inspection on correct functioning of all provisions (use of Nyrstar Checklist)
- Personnel on the platform must wear a safety harness and must be attached.
- Opening or leaving the platform at height: only after Task Risk Analysis approved by Nyrstar staff.

8.5.6 Construction and use of scaffolds: VV07

- Scaffolds have to meet specific rules and have to be provided by a regular contractor unless agreed different.
- Personnel that make use of a scaffold has to be adequate instructed. The users must be pointed explicit at the prohibition of changing the scaffold of making incorrect use of it (e.g. overcharging, climbing, hoisting ...)

8.5.7 Working in Confined spaces: VV08

- Confined space : accessible only after permission and presence of the manhole watch.
- Accessing requires additional written information on the work permit that has to be sticked to strictly.
- As a rule, lock out is applicable at the same time (see VV09)

8.5.8 Lock out: VV09

- Working in/on equipment is only allowed if the equipment is “free of energy” and that this situation is assured by means of locks. Making “free of energy” is switching off and/or removing dangerous substances.
- The executor assures this situation by means of a personal padlock that he places on the designated spot and that he removes at the end of the work (the personal padlock is to be provided by the contractor).

8.5.9 Work with fire risk: VV10

- Grinding, cutting, burning, welding .. are works with fire risk. Minimal requirement : fire extinguisher (by contractor) during the work.
- Increased risk : additional requirements are necessary during work in the vicinity of flammable material (e.g. rubber barrels) or in the vicinity of a potential explosive atmosphere (ATEX).

8.5.10 Cordon off the zone with tape: VV15

- Meaning of a red-white tape : no access for unauthorized people. Can only be passed with explicit permission.
- Meaning of a yellow-black tape : Caution: danger! Access permitted with increased alert.

8.5.11 Gas and dust explosion risk: VV16

- Bigs parts of the Leaching (Purification) department are ATEX zoned. Consult the safety rule for work in this department.

8.5.12 Possible contact with electricity: VV17

- Non electrical work in electrical cabine : executor is minimal BA4 instructed.
- Electrical work only by authorised personnel (minimal BA5) (evidence on request).

8.5.13 Exposure to lead or cadmium: VV18

- Personnel that will execute work during 5 days or more, in the Concentrates hall, at the Roasting or Leaching departement in Nyrstar Balen or at the Hydro department of Nyrstar Overpelt, must consult the Nyrstar Medical Department for blood sampling (Pb).

8.5.14 Work at high temperatures (heat stress): VV19

- Confined spaces that still are hot (35 – 65°C), may only be accessed by personnel that has been medically qualified for heat stress.
- During execution of the work, the fysical condition of the executor must be monitored (heart frequency).

8.5.15 Storage and use of dangerous goods: VV23

- Carcinogene, mutagene, reprotoxic substances may only be used with explicit permission of the Nyrstar Medical Department. The use of Hydrogen Fluoride is not permitted.

8.5.16 Placing of a construction site container: VV 24

- The placing of a site container for work, for lodging or storage is subject to rules.

8.5.17 Electrical hand tools VV25

- Grinding wheels with a disc diameter of 180 – 230 mm must be equiped with a running out break and a slow run-up.

8.5.18 Possible presence of asbestos: VV26

- Work in the Centrale / Wansons: highly asbestos expected: consult the inventory and during the execution of the work, reckon with unexpected encoutering of astbestos.

8.5.19 Exposure to sulfur dioxide gas: VV27

- Personnel with asthmatic disease cannot be employed at Nyrstar Balen because of the possible exposure to low concentrations of sulfur dioxide gas.

8.5.20 Work with risk to stirr dust: VV30

- Before execution of the work, measures are taken to prevent dust formation. Especially during transport, storage and transshipment of dusty materials is this the case.

9 ENVIRONMENTAL PROTECTION

9.1 General environmental protection measures

9.1.1 General provisions concerning environmental protection : environmental policy

The contractor must comply with the relevant environmental protection legislation as well with the internal Nyrstar environmental guidelines.

Contractors who conduct activities at Nyrstar that are licence required, attach a detailed list of the concerned Vlarems sections to the quotation. The Nyrstar Environment department will evaluate if these activities fall under the existing licences of Nyrstar or a notification has to be made or a licence has to be applied for. The application for a additional licence is the responsibility of the contractor.

On the Nyrstar premises, the Environmental department supervises the environmental aspects (e.g. emissions to air, noise, waste and waste water) and possible environmental effects (e.g. air pollution, noise, water pollution) of the contractors. Contractors must consult the Environmental department in time, about activities that could have a negative impact on the environment. Preventive measures have to be taken in order to avoid environmental pollution.

Unforeseen events with effects on the environment must be reported to the Environmental Department immediately.

9.1.2 Waste pipes

Dumping or discharging substances (e.g. remnants, waste, solvents) into surface water or the sewer system is prohibited

9.1.3 Refuelling vehicles

When filling or refuelling vehicles or plant, under no circumstances may any fuel enter the soil, the sewage system or watercourses. Filling stations for own use and containers for combustible liquids must be approved by NYRSTAR and set up, secured and marked in accordance with the applicable regulations.

9.2 Waste / potentially hazardous substances

9.2.1 Hazardous substances and waste

When handling waste or products which may constitute a danger to persons and the environment, the statutory regulations must be complied with. Prior to bringing any hazardous and/or carcinogenic substances on the site, the contractor must submit the applicable "Material Safety Data Sheet" and complete instructions for use to the project manager and the IDPBW. This information must be available for inspection at the location where the said substances will be used. If required, preventive occupational health examinations must be carried out.

9.2.2 Delivery of potentially hazardous substances

In the event of delivery of potentially hazardous products, the contractor must obtain information about the potential dangers of these materials. These products must be marked in accordance with the statutory provisions.

9.2.3 Storage of potentially hazardous products

When storing hazardous substances, the statutory regulations must be complied with. These include technical rules regarding stacking heights, characteristics of the storage area, and collection areas.

Temporary storage of waste without using proper containers (e.g. on non-asphalted open areas) is prohibited. The ground of storage areas must be impermeable so that the surrounding soil or the sewage system cannot be contaminated (see the provisions laid down in Vlarem II). The contractor must determine the storage area in consultation with the Environmental Department.

The contractor will be responsible for the storage of lubricants, used oil, engine oil, solvents, etc. in accordance with the regulations. The contractor will be held liable for any damages due to soil contamination. The use of waste containers and the existing sewer and waste water system must be agreed with NYRSTAR. Adequate ventilation must be provided when highly volatile solvents, flammable solvents or solvents hazardous to health are used.

9.2.4 Waste disposal and recycling

The contractor must obtain information from the client regarding NYRSTAR's existing waste management system. The contractor will be responsible for the removal of waste of which he is the owner, unless otherwise agreed in the contract. The contractor must prove to the client that waste has been disposed of in accordance with the regulations. The contractor must present disposal certificates on request of the client. The client has the right to inspect any waste that has to be disposed of by the contractor before it leaves the premises. Additional waste that will be removed by the client must be sorted in accordance with the local regulations and stored in recyclable portions for collection. Temporary storage and the disposal of waste and remnants (e.g. paint, grit, insulation material) must be agreed with the Environmental Department. Disposal of the client's waste by the contractor is in principle forbidden. Illegal disposal of waste on the premises is an offence and will be prosecuted. The costs of removal will be borne by the person responsible. Clearing and disposing of waste regularly will help to keep the area around site huts, assembly halls and warehouses clean and tidy. The contractor must provide lidded rubbish bins to hold the everyday refuse that it generates. Such refuse is comparable with ordinary household refuse. These bins must be emptied regularly in the household refuse containers provided by NYRSTAR

9.3 Dust emissions (*dusty substances*)

During the execution of the work, the necessary measures are taken to prevent dust formation. Especially during transport activities and works that are in relation with storage and transshipments of materials, sufficient attention has to be paid to this. Spilled material that can cause dust formation has to be removed asap after the finishing of the operation. Internal transports are to be limited to the minimum. Safety rule VV30 comprises the requirements that are applicable. The Contractor is responsible for the correct application of this safety rule, both on and outside Nyrstar Belgium premises.

10 CONDUCT IN THE EVENT OF ACCIDENTS AND EMERGENCIES

10.1 General provisions

10.1.1 Obligation to provide assistance

Pursuant to the Penal Code, every person is obliged to provide assistance in the event of accidents and other dangerous situations, provided that this is required and that they do not put themselves in danger, and to call for help by contacting the emergency number. Emergency services must be met and briefed within the framework of this obligation. Their orders must be followed immediately.

10.1.2 First aid facilities

Prior to the commencement of the work, the client will inform the contractor about the site's first aid facilities and where eye wash stations and shower facilities are located. In case urgent medical assistance is required, the contractor must immediately inform the Company Medical Department or call for an ambulance. The emergency number must be stated clearly on all telephone handsets.

All injuries must be treated by the Company Medical Department of NYRSTAR Balen during the working hours (outside these, the porter in Balen) and by the O&V department for Nyrstar Overpelt.

10.1.3 Emergency / Safety equipment

Insofar as the contractor will be required to provide emergency / safety equipment, e.g. respirators, face masks, emergency showers, fire extinguishers, this must be freely accessible and kept in good condition in accordance with the regulations at all times.

10.1.4 Fire alarm

All fires (even those that are extinguished immediately) and explosions must be reported immediately to the Company Fire Brigade by pressing an alarm button and/or calling the emergency number, stating the precise location of the incident. Until the Company Fire Brigade arrives, those present must use the locally available fire fighting equipment to the best of their ability and keep traffic routes clear. They must also evacuate injured workers from the danger zone, having regard for their own safety. Rescue operations take priority over fire-fighting operations!

10.2 Conduct in an emergency

10.2.1 Emergency number

NYRSTAR has one internal emergency number for reporting a fire **9400** or accident **9300**. This number connects the caller to the Security department or to the appropriate emergency services.

The emergency number can be contacted only by means of the internal telephones of NYRSTAR (not by mobile telephone). In the event that only a GSM is available, the number for Balen is +32 477 77 4441 for Overpelt +32 474 93 0259. The emergency numbers are mentioned in the flyer that's handed over at the entrance. In the event of very serious incidents, the emergency number 112 can be called immediately provided that the call is followed by a notification to the Nyrstar emergency number so that the emergency services can have access without loss of time.

The contractor will make sure that his workers are informed of these procedures.

10.2.2 What to do in an emergency?

In the event of an emergency, measure beneath must be taken :

- inform the control room of the unit concerned; call the emergency number
- remain at the telephone until the message has been understood and acknowledged
- wait for additional questions

Other ways of acting may be added by the company or the construction site management.

10.2.3 What to do in case of a warning or alarm

A warning is issued by a NYRSTAR staff member or by means of an monotone sound for 1 minute (site level).

The contractor's staff must do the following:

- Stop all work immediately
- Switch off any equipment and installations of the contractor
- Switch off all electrical equipment (tools, heaters); Switch off ventilation systems, close doors and windows.
- All traffic, except emergency services, is stopped.
- Park vehicles on the right-hand side of the road, leave key in the ignition; driver stays in the vehicle.
- Switch off the engine and lights of motor vehicles
- Immediately leave the danger zone, taking account of the wind direction
- All persons go to an assembly point (in production units this is usually the control room)
- A blanket smoking ban applies
- Lifts may not be used.
- All permits expire
- Site supervisors check whether everybody is present and report those absent to the Company Fire Brigade.
- The instructions of NYRSTAR staff must be followed
- In case the assembly point has to be evacuated due to a change in circumstances (incident escalates, change in wind direction, etc.), this will be notified.
- The available face masks with filters must be used.
- Staff may not return to their workplace until the "All clear" signal has been given (siren sounded 1 minute).

10.3 Accidents and damage to property

10.3.1 Reporting accidents and damage to property

Accidents resulting in personal injuries and/or damage to property must be reported immediately to the IDPBW NYRSTAR and the NYRSTAR's Construction and assembly supervisor. A written report must be submitted no later than the next working day after the incident. The contractor's duty to report any incident to the authorities, police, trade association, etc. is not be affected by this. A copy of the compulsory accident report must be submitted to the NYRSTAR IDPBW.

The contractor must help the competent NYRSTAR staff to establish the cause of accidents, damage to property or environmental damage.

10.3.2 Industrial accidents

Injured people regardless the seriousness of the injury, present themselves for nursing at the NYRSTAR Company Medical department or the NYRSTAR first aid.

All industrial accidents on the premises of NYRSTAR, are always be notified to the NYRSTAR IDPBW. The NYRSTAR IDPBW is informed without delay about the subsequent consequences of the accident (e.g. lost work, alternative work and other).

The contractor takes immediately the initiative to investigate all accidents and to hand over the report to NYRSTAR IDPBW.

In case of major accidents in accordance with legislation (the bill of Well-being 4 08 1996 art 94ter and RD 27 03 08 about policy afd V), following stipulations are in place :

- The person who observes the accident calls immediately the NYRSTAR emergency number to get the necessary assistance
- The superieur of the victim notifies asap following people :
 - The members of his hiërarchical line
 - His prevention adviser
 - The NYRSTAR prevention adviser
- The prevention adviser of the contractor takes immediately the necessary arrangements for a profound investigation in collaboration with NYRSTAR IDPBW and for the measure provided in the RC 27 03 1998 about policy afd V. He ensures that the NYRSTAR prevention adviser is informed and in case of necessity, is involved, in each step of the file handling.
- In the event that above mentioned provisions not are met, the NYRSTAR IDPBW will handle the tasks. The resulting costs will be borne by the contractor:
 - Plays the co-ordinating role
 - Decides who will investigate the case, arrange the substantial report and hand it over to the authorities. If the investigation is assigned to the Risk Management Department (Prevention) of the contractor, NYRSTAR has access to every single part of the investigation and is entitled to make the necessary adjustments.
 - Organizes the cooperation between the Prevention departments.

In the event of a appointment of a specialist for the accident investigation, the costs will be borne by the contractor in case he himself hasn't appointed this specialist or in case this specialist is appointed by de supervising authorities as a result of the non respect of the rules on the detailed or provisional report (bill of Well-being 4 08 1996 art94 ter §4).

10.3.3 Road accidents

All road accidents on the premises of NYRSTAR (and the external car parks) must be reported immediately to the Security Department and the Insurance Department. As far as possible, everything should be left unchanged at the site of the accident until the accident survey has been completed. In addition, none of those involved may leave the site of the accident without permission. Apart from that, the rules for accidents mentioned above are valid.

10.3.4 Damage to property / theft

Damage to property and thefts on site must be reported immediately to the Security Department.

The contractor is liable for personal injuries and damage to property caused by his staff on the premises

11 Translations

This document is available in 2 languages (Dutch, English). The Dutch version is the official one, the English version is a translation