

**COMMUNICATIONS PROTOCOL FOR THE RECEIPT AND PROCESSING
OF COMPLAINTS ARISING FROM THE ARSON INCIDENT AT THE UPL
SOUTH AFRICA (PTY) LTD WAREHOUSE AT 30 UMGANU ROAD
CORNUBIA ON 12 AND 13 JULY 2021**

INTRODUCTION

- 1.1 An arson attack occurred at the Cornubia Warehouse at Umganu Road Cornubia during the evening of the 12 July 2021 / the morning of 13th July 2021, resulting in a fire which destroyed the facility and caused agri-chemical products to disperse into the surrounding environment.
- 1.2 Voluntary containment and clean-up actions were commenced by UPL and its agents as soon as practicably possible and the fire was extinguished.
- 1.3 In addition to its ongoing containment and clean-up operations, UPL has been engaging with the relevant stakeholders and potentially affected parties, has maintained a record of complaints and has, where appropriate and necessary, responded to those parties.
- 1.4 The Department of Economic Development, Tourism and Environmental Affairs (“the Department”) has now instructed UPL in terms of a Directive under section 30 of the National Environmental Management Act, 1998 (“the Directive”), to develop a communication protocol in dealing with complaints resulting from the incident, which must include the responsible person and corrective action taken to address such complaints (para. 6.3).
- 1.5 This document sets out the protocol that will be adopted upon its approval by the Department (“the Approval”).
- 1.6 The purpose of this Protocol is to ensure that amongst other things:
 - (a) complainants have an easy, accessible means of making representations to UPL regarding the incident, including lodging complaints with UPL; and
 - (b) UPL has a clearly defined complaints management procedure.
- 1.7 For clarity, and subject to paragraph 4.1 below, reference in this Protocol to “complaint” includes a query, the expression of a concern, a claim and a complaint.

RESPONSIBLE PERSON

- 2.1 UPL will appoint a designated person to manage complaints regarding the incident (“the Responsible Person”). UPL will notify the Department of the identity and contact details of that person, as well as the further details in paragraph 3.3 below.
- 2.2 The Responsible Person, or, where necessary, an appropriate third party appointed by UPL, will be responsible:

- (a) to keep a complaints register;
- (b) to receive, register and consider complaints addressed to UPL regarding the incident;
- (c) if necessary, to appoint the appropriate experts / consultants to properly investigate any complaints and, where applicable, provide advice and input on any action to be taken in response thereto; and
- (d) where necessary, to ensure timeous communication with the complainants following the receipt and consideration of any complaints.

COMPLAINT FORMS AND NOTIFICATION PROCEDURES

- 3.1 UPL has designed a Complaints Form for the lodging of complaints by potentially affected parties. That form is attached marked **Annexure A**.
- 3.2 Any supporting documents pertaining to a complaint (i.e., photos, medical documents) must be attached and delivered with the completed Complaints Form.
- 3.3 UPL has:
 - (a) created a dedicated email address, namely uplcomplaints@apexenviro.co.za; and
 - (b) designated a physical address, namely the UPL offices at 7 Sunbury Office Park, Douglas Saunders Drive, La Lucia Ridge, Durban, KwaZulu-Natal (“the Designated Address”),

at which complaints may be lodged.
- 3.4 In addition, hard copies of the Complaints Forms will be available at the Designated Address.
- 3.5 UPL has embarked upon a health impact assessment process and a public communication and awareness campaign, which may involve in-person meetings with persons who may have been affected by the incident. Complaints that are made on the Complaints Forms during those processes will also be collected directly from the relevant affected persons, and dealt with in terms of this Protocol.
- 3.6 UPL will use its best endeavours to ensure that the relevant employees, consultants and/or contractors who are likely to receive complaints from affected persons are made aware of the complaint procedure set out in this Protocol, in particular the identity of the Responsible Person and the manner in which the Complaints Form can be obtained and submitted, so that they are able to assist potentially affected persons in lodging complaints.
- 3.7 In order for UPL to properly consider a complaint, the Complaints Form must be completed in full and the information must be provided in a legible manner.

- 3.8 UPL will publish this Protocol on its web page where it will also clearly inform complainants that in response to lodged complaints contemplated in paragraph 4.1, the complaints procedure set out in paragraph 4.1 will apply.
- 3.9 UPL undertakes that complaints raised in good faith in a Complaints Form will be considered by UPL.
- 3.10 This Protocol applies only to complaints, and does not apply to requests for access to information held by UPL. Those must be submitted to UPL in accordance with the procedure set out in the Promotion of Access to Information Act, 2000.
- 3.11 UPL reserves its rights to not respond to any frivolous or vexatious communications received.

COMPLAINTS PROCEDURE

- 4.1 For the purposes of this paragraph 4.1, “complaints” means any substantive complaints received by UPL regarding the incident, and will not include any queries, expressions of concern or frivolous / vexatious communications.
- 4.2 All complaints, including those recorded before the implementation of this Protocol, will be recorded in a Complaints Register (“the Register”).
- 4.3 The Responsible Person or his or her nominated representative will consider the nature of the complaint, and if no further information is required to assess the complaint it will be recorded in the register as complete.
- 4.4 If further information is required, the Responsible Person or his or her nominated representative will liaise with the complainant or third party (if relevant) to obtain such information.
- 4.5 Following receipt of all of the relevant information required to assess the complaint, it will be recorded in the Register as complete.
- 4.6 Where necessary, the completed complaint will be referred to the appropriate person or organisation for appropriate investigation. The date of such referral will be recorded in the Register.
- 4.7 Following conclusion of the appropriate investigations and, where applicable, receipt of any input received from the appropriate parties, the Responsible Person or his or her nominated representative will:
 - (a) report their decision on the complaint to the complainant; and
 - (b) refer the decision to the appropriate person for implementation, if that is required.
- 4.8 The outcome of the decision will be recorded in the Register and the complaint will be filed as concluded.

- 4.9 UPL will use its reasonable endeavours to ensure that complaints are handled quickly and efficiently and that the complainants are kept informed of the progress of their complaints.

ENDS

Annexure A: Complaints Form

UPL CORNUBIA WAREHOUSE FIRE : COMPLAINT FORM		
PART 1 – PERSONAL / CONTACT DETAILS		
FULL NAME:		
PHYSICAL ADDRESS:		
CONTACT NUMBER:		
EMAIL ADDRESS:		
PART 2 – DETAILS OF THE COMPLAINT		
WHICH CATEGORY BEST DESCRIBES YOUR COMPLAINT, CONCERN OR QUESTION (please tick):		
Health	Environmental	Property Damage
COMPLAINT, CONCERN OR QUESTION:		
DESIRED ACTION:		
DESCRIPTION OF ATTACHED SUPPORTING DOCUMENTS (IF APPLICABLE):		
PART 3 – DECLARATION		
<p><i>By signing this document:</i></p> <ol style="list-style-type: none"> <i>you warrant that the information provided is true, accurate and complete; and</i> <i>you understand and agree to the terms of UPL's POPIA Policy and consent to the potential processing of all of the personal information provided herein or otherwise provided to UPL, its employees, agents and representatives, including special personal information, to enable UPL to assess, investigate, respond to, and take all other steps reasonably required in response to the correspondence received from you, including, to the extent necessary, sharing your personal information with third parties appointed by UPL to assist with this purpose.</i> 		
SIGNATURE:		
DATE:		