

## ENFORCEABLE UNDERTAKING

### Part 11

#### *Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are given by

**H Design Manage Build**

ACN 619 018 414

to SafeWork NSW and accepted by SafeWork NSW

#### **Privacy statement**

*SafeWork NSW respects your privacy and is committed to protecting personal information. The information provided on this document is for the purpose of making an undertaking to SafeWork NSW given for the purposes of part 11 of the WHS Act. This information will be managed within the requirements of the current state government privacy regime.*

*SafeWork NSW may publish the undertaking and the information contained in it for purposes identified in the undertaking or for other appropriate legal purposes in various publications such as newspapers and on its website. SafeWork NSW may be required to disclose personal information to other regulatory agencies in accordance with other law enforcement activities which may be conducted as part of an investigation. Further information on our privacy policy is available at [safework.nsw.gov.au](http://safework.nsw.gov.au).*

## Purpose

The purpose of this enforceable undertaking is to document the undertakings given to SafeWork NSW and accepted by SafeWork NSW pursuant to Part 11 of the Work Health and Safety Act 2011 (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the Work Health and Safety Regulations 2011 (**the Regulations**). The Agreed Terms of the Enforceable Undertaking are set out below.

## Section 1 – General information

### a. Details of the person giving the undertaking

|                                  |   |
|----------------------------------|---|
| Entity Name:                     | H Design Manage Build                                       |
| ACN / ABN:                       | 619 018 414   |
| Registered Address:              | [REDACTED]  |
| Postal address:                  | PO Box 21<br>Dulwich Hill, NSW, 2203                        |
| Telephone contact:               | [REDACTED]  |
| Email address:                   | enquiries@hdmb.com.au                                       |
| Legal structure:                 | Proprietary Company   |
| Type of business:                | Residential Construction                                    |
| Commencement date of the entity: | 10 May 2017   |
| Number of workers:               | Full-time: 7<br>Part-time: 2<br>Casual: 0                   |
| Products and/or services:        | Principal Contractor, residential alterations and additions |
| Comments:                        | Nil   |

### b. Commencement

This Undertaking comes into effect when:

- i. the Undertaking is executed by H Design Manage Build ;
- ii. SafeWork NSW accepts the executed Undertaking (**Commencement Date**).

### c. Duration

- i. Section 5 identifies timeframes for the completion of each strategy identified in this enforceable undertaking;

- ii. the enforceable undertaking will be concluded on written advice from SafeWork NSW to H Design Manage Build when all requirements of the undertaking have been satisfactorily executed.

## Section 2 – The alleged contravention

### a. Details of the alleged contravention

It is alleged by SafeWork NSW that on 28 September 2021, H Design Manage Build failed to discharge its obligations as a person conducting a business or undertaking under section 19(1) of the WHS Act in that it did not ensure so far as reasonably practicable the health and safety of workers and/or others.

### b. Details of the events surrounding the alleged contravention

HDMB's employee, the injured worker, has no memory of the incident, nor were there any witnesses. The detailed facts of the event are unknown. It is confirmed that the incident occurred on an HDMB worksite and involved a fall from height at the front façade of a project site.

### c. The details of any injury that arose from the alleged contravention

[REDACTED]

### d. An acknowledgement that SafeWork NSW alleged a contravention has occurred

It is acknowledged by H Design Manage Build that SafeWork NSW has alleged that H Design Manage Build has contravened sections 19(1) and 32 of the WHS Act.

### e. A statement of regret that the incident occurred

H Design Manage Build regrets that the incident on 28 September 2021 occurred and the injured worker sustained injuries as a result of the incident.

Note: the above is not an admission of guilt

### f. Prior work health and safety convictions

H Design Manage Build has had no prior work health and safety convictions in NSW or other work health safety jurisdictions.

### g. The details of the type of workers compensation provided (if the injured person(s) is a worker of the person)

Insurance and Care NSW provided workers' compensation to the injured worker. Insurance included coverage of medical costs, rehabilitation, and coverage in-part of lost wages.

**h. The details of the support provided, and proposed to be provided, to the injured person(s) to overcome the injury/illness**

The worker was employed by H Design Manage Build at the time of the incident.

The following support has been provided to the worker and/or their family:

|  |   |
|--|---|
|  |   |
|  | Immediately following the incident, the injured worker's family was contacted by the company Director.  |
|  | HDMB Director collected tools from site and drove the injured worker's car home and met with their family in person.  |
|  | Comfort items were delivered to hospital including food, thermos, blanket, magazines etc.   |
|  | HDMB provided the injured worker's family with dinner vouchers, an Uber gift card and Christmas presents whilst the injured worker was in hospital.   |
|  | A HDMB Administrator was assigned to keep regular contact with the injured worker's wife and support their family throughout the recovery.  |
|  | HDMB spoke with TAFE NSW to pause the injured worker's training to ensure attendance records were not affected.   |
|  | Liaison with service provider during rehabilitation. <ul style="list-style-type: none"> <li>- Provided suitable part time and reduced duties for the injured worker as determined by the return-to-work plan.</li> <li>- Ensured the return-to-work plan was delivered according to the injured worker's needs and implemented all recommendations.</li> </ul>  |
|  | Ensured the injured worker received full pay every week during hospitalisation and the return-to-work plan (as Icare reduced financial support).  |
|  | Following the injured worker's full-time return to work, HDMB continued to pay full wages during ongoing physio sessions in work hours.   |
|  | The injured worker returned full-time and over the preceding year completed their apprenticeship with HDMB. The injured worker is now employed as a full-time qualified carpenter with no physical restrictions.<br>HDMB has supported the injured worker through discussions to develop a career plan where they can progress to a Leading Hand and Supervisor role and has potential to progress towards a Project Manager in due course. |
|  | HDMB has full intention to retain the injured worker as a long-term employee and will continue to support their career progression.   |
|  | The injured worker is a valued employee and a critical part of the site team. Both directors regularly check in with the injured worker to ensure they have no complaints or concerns in any physical or mental capacity.   |

## Section 3 – Enforcement Notices and Rectifications

### a. The details of any enforcement notices issued that relate to the alleged contravention.

| 28/09/2021 | Prohibition (S195) | 46599    | WH&SA 2011, s19 and WH&SR 2017 cl 78. Access is possible for workers to approach an unprotected live edge.                                | Installed physical barrier to prevent access to live edge. Installed 'NO ACCESS' signage.                    |
|------------|--------------------|----------|---|--|
| 28/09/2021 | Prohibition (S195) | 46600    | WH&SA 2011, s19 and WH&SR 2017 cl 78. Incomplete section of scaffold. Ladder external, missing mid-rail.                                  | Scaffold taken out of use. Scaffolders returned and corrected issue and provided new hand-over certificate.  |
| 28/09/2021 | Improvement (S191) | 7-405417 | WH&SA 2011, s19 and WH&SR 2017 cl 78. Unsecured ladder from internal level 1 to void on level 2. The void was not protected on all sides. | The ladder was tethered using steel strap and screws. A handrail was built to protect all sides of the void. |

### b. Any rectifications or changes made to work health and safety systems and/or practices as a result of the alleged contravention.

| <p>Both Directors, together with senior staff completed a full review of the safety management system over several weeks.</p> <p>Implemented new site folder with updated site establishment checklists, regular inspection checklists, risk assessments, toolbox meeting records, site, and task specific safe work method statements. All staff have been trained on the new system requirements and its use.</p> <p>Created a digital checklist with our project management system for set up of new site safety documentation at the commencement of each new project. This is reviewed and checked by the directors before work commences to ensure the effectiveness of controls is adequate.</p> <p>Created a digital checklist within our project management system for regular completion of risk assessments and toolbox talks. These have been added to the project schedule with assignees and due dates and digital reminders. This is reviewed as an agenda item monthly in our monthly team meetings.</p> <p>Daily huddles on each site now specifically address safety (day/task specific). Approximately 40 hours Director 1, 8 hours director 2, 20 hours senior staff.</p> | \$6,860 |
|---|---------|
| <p>Monthly team meetings are now routinely held in the company office with all employees. This meeting specifically addresses safety as an agenda item and includes:</p> <ul style="list-style-type: none"> <li>○ Review of actions and close out of issues raised in daily and weekly team meetings.</li> <li>○ Discussion of any WHS related issues and corrective actions.</li> <li>○ Review of any incident and hazard reports for all sites, if any.</li> <li>○ Any corrective actions raised are assigned and documented in the minutes and the directors ensure close out by the due date.</li> </ul>  |         |

|   |         |
|---|---------|
| All site staff including directors have now completed St Johns first aid training. Annual refresher courses are now mandatory for all site workers.   | \$1,980 |
| Specific to safe working at heights HDMB have implemented the following:  |         |
| Purchased an edge protection system and all site staff have been trained in its erection, use and limitations. This training has been documented and will be refreshed annually.  | \$2,400 |
| New Company Policy:<br>Erection of all scaffold and edge protection over 4 meters in height must be subcontracted (regardless of in-house ticketed staff)   |         |
| New Company Policy:<br>1 <sup>st</sup> and 2 <sup>nd</sup> year apprentices are not permitted on any roofs at any time.<br>3 <sup>rd</sup> and 4 <sup>th</sup> year apprentices are permitted, but only under direct senior carpenter supervision always. |         |
| Subscription to HazardCo, online safety management system.<br>Set up of new system and initial team training. Subscription is current and ongoing.  | \$1,560 |
| Ongoing monthly training of online safety management system at monthly team meetings.   |         |
| Our part-time HR Manager has now become a full-time employee to allow study towards Certificate IV in Work Health and Safety (3 days per week). The course concluded at the end of August 2024.   | \$9,995 |

**TOTAL AMOUNT SPENT ON RECTIFICATIONS**

**\$22,795.00**

## Section 4 – Statements, commitments, and acknowledgements

- a. **A commitment that the behaviour that led to the alleged contravention has ceased and will not reoccur**

H Design Manage Build commits that the behaviour that led to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

- b. **A statement of assurance about future work health and safety behaviour**

H Design Manage Build is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable the health and safety of all workers and those who may be affected by its business or undertakings.

- c. **A commitment to the ongoing effective management of work health and safety risks**

H Design Manage Build commits that it will, so far as reasonably practicable, maintain ongoing effective management of work health and safety risks.

- d. **An acknowledgement that the enforceable undertaking will be published and publicised**

H Design Manage Build acknowledges that the enforceable undertaking will be published on SafeWorkANSW's internet site until the completion of the enforceable terms and may be referenced in SafeWorkANSW's publications.

**e. A statement of ability to comply with the terms of the enforceable undertaking**

H Design Manage Build acknowledges that it has the financial ability to comply with the terms of this enforceable undertaking and has provided evidence with this undertaking to support this declaration.

**f. An acknowledgement consultation has occurred within the workplace regarding the proposal of an enforceable undertaking**

H Design Manage Build acknowledges that it has consulted within the workplace in relation to the development of the enforceable undertaking proposal, including consultation with all company employees including full time and part time positions.

**g. Intellectual property licence**

H Design Manage Build grants SafeWork NSW a permanent, irrevocable, royalty-free, worldwide, non-exclusive license to use, reproduce, distribute, electronically transmit, electronically distribute, adapt, and modify any materials developed as a result of this enforceable undertaking.

**h. A commitment to participate constructively in all compliance monitoring activities of the undertaking**

H Design Manage Build acknowledges that the responsibility for demonstrating compliance with this undertaking rests with H Design Manage Build. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for each Strategy item identified in Section 5.

H Design Manage Build acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided for each Strategy item identified in Section 5. The evidence provided to demonstrate compliance with the undertaking will be retained by H Design Manage Build until advised by SafeWork NSW that the undertaking has been completely discharged.

H Design Manage Build acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

H Design Manage Build acknowledges that should there be any delay in the delivery or compliance of the Enforceable Undertaking this will be subject to mutual agreement (confirmed in writing) between H Design Manage Build and SafeWork NSW.

**i. A commitment regarding linking the strategy and promotion of benefits to the enforceable undertaking**

H Design Manage Build is committed to ensuring that any real or perceived promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the enforceable undertaking and that the enforceable undertaking was entered into as a result of the alleged contravention identified in section 2 above.

Where products or other deliverables are externally promoted or have a direct link to the enforceable undertaking H Design Manage Build will include the following statement:

*This (insert product or service) has been (produced, held) pursuant to an enforceable undertaking between H Design Manage Build, ACN: (insert ACN No.) and SafeWork NSW entered into on (insert DATE EU commenced).*

Any variation to the above statement requires prior written agreement between H Design Manage Build and SafeWork NSW.

**j. A commitment to gain review and approval for industry and/or community safety information**

H Design Manage Build commits that any strategies to be implemented by H Design Manage Build in compliance with this Enforceable Undertaking that involve safety information being provided to the industry and/or community will be subject to SafeWork NSW's review and approval of the content prior to dissemination.

**k. Inconsistent Statements**

H Design Manage Build commits that it will not make any statement or otherwise imply anything that is inconsistent with the statements, commitments or acknowledgements contained in this Undertaking and will take steps to ensure its representatives, employees and officers do not make any such statements.

**l. Reliance on Commitments**

H Design Manage Build acknowledges that SafeWork NSW may rely upon the commitments and statements set out in Section 4 (a), (b) and (c) above when making decisions regarding enforcement action if H Design Manage Build fails to comply with its work health and safety obligations in the future, including but not limited to any failure to comply with its obligations under this Undertaking.

**m. Withdrawal or variation**

H Design Manage Build may with the written agreement of SafeWork NSW withdraw or vary the undertaking in accordance with section 221 of the Work Health and Safety Act 2011.

**n. Acknowledgement of Enforceable Undertakings Guidelines and Contravention of the Undertaking**

H Design Manage Build has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

H Design Manage Build acknowledges that if H Design Manage Build contravenes any of the terms of this Enforceable Undertaking, SafeWork NSW may apply to the District Court for an order in accordance with section 220 of the Work Health and Safety Act 2011.

## Section 5 – Strategies

H Design Manage Build undertakes to deliver the following Strategies.

Each strategy in the enforceable undertaking aims to provide lasting work health and safety benefits across the workplace, the industry, and the community, or a combination of these.

### Strategies that relate to the dissemination of information in relation to the enforceable undertaking

#### Strategy 1 – Enforceable undertaking public notice

**Summary:**

will place a public notice advising of the enforceable undertaking with SafeWork NSW.

**WHS outcome and beneficiaries:**

The public notice serves to advise the general public about the enforceable undertaking and serves as a form of both education and deterrence for industry.

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

| How is it occurring  | When will it happen   | Position Title(s) or Area responsible and/or involved | Evidence that will be provided to SafeWork NSW  |
|--|---|---|---|
| H Design Manage Build will cause a public notice to be published in the Sydney Morning Herald using the script provided in Annexure 1.<br>The notice in the Insert name of publication will be 1/8 of a page in size.<br>The script for the notices must be approved by SafeWork NSW prior to the public notice being published. Failure to adhere to these conditions may result in SafeWork NSW requesting another public notice be published. | Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website. | H Design Manage Build , Director                      | Within 7 days of placing the published notices H Design Manage Build will provide SafeWork NSW with the following evidence of placement.<br><br>A copy of the full page of the Insert name of publication showing the public notice and the name and date of the publication. |

## Strategy 2 – Dissemination of information about the enforceable undertaking

### Summary:

H Design Manage Build agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace including to its workers, the members of any health and safety committee, health and safety representatives and all subcontractors working for H Design Manage Build and to any other relevant parties.

### WHS outcome and beneficiaries:

The dissemination of information about the enforceable undertaking is an important step in maintaining effective dialogue with the workforce about the enforceable undertaking and safety more broadly.

### Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

| How is it occurring   | When will it happen  | Position Title(s) or Area responsible and/or involved           | Evidence that will be provided to SafeWork NSW  |
|---|--|---|---|
| The enforceable undertaking will be noted as an agenda item at the regular company monthly team meeting with all employees. The company Directors will explain the EU purpose, strategies, and timeframes to all employees. | Within 30 days of the Commencement Date of the enforceable undertaking | HDMB Director – Construction<br>HDMB Director – CFO/ Operations | Copy of meeting agenda and minutes, noting date and attendance form will be provided as evidence to SafeWork. |
| A letter explaining the enforceable undertaking will be distributed to all subcontractors involved in current projects.   | Within 30 days of the Commencement Date of the enforceable undertaking | HDMB Director – Construction<br>HDMB Director – CFO/ Operations | A copy of the letter and distribution list will be provided as evidence to SafeWork.                          |

## Strategies that will deliver benefits to the workplace, industry and the community

### Strategy 3 – External audit and gap analysis

#### **Summary:**

H Design Manage Build Pty Ltd will engage an accredited safety consultant to undertake an audit of the company's existing safety management system, producing a report and gap analysis. This gap analysis will highlight the effectiveness and any immediate deficits within the company's existing safety system.

The audit will recognise and detail gaps in the current documented systems as well as on-site practices by determining the level of conformance with and implementation of current safety systems against WHS legislative and H Design Manage Build's operative requirements, focusing on the following areas:

- Safe work on construction sites
- Working at heights
- Consultation with workers
- Contractor management

H Design Manage Build commits that the audit will be a program that conforms with AS/NZS ISO 19011 – Guidelines for auditing management systems.

#### **WHS outcome and beneficiaries:**

Develop a corrective actions plan based on audit findings.

Identify and detail improvement suggestions (based on identified gaps) to assist H Design Manage Build's development of a corrective action plan focused on improved performance across H Design Manage Build's operations on all work sites.

Both the corrective actions and recommendations will be prioritised in order of risk and a plan to rectify all items will be developed. This strategy will ensure current gaps, which may have otherwise been overlooked, are addressed in order of risk to the benefit of all employees and their safe work practices.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

| What is happening   | How is it occurring   | When will it happen   | Position Title(s) or Area responsible and/or involved                            | Evidence that will be provided to SafeWork NSW   |
|---|---|---|--|--|
| Engage accredited safety consultant/company to conduct the audit  | HDMB will engage a selected safety consultant/company.  | Within (4) four weeks of the commencement date of the enforceable undertaking   | Director – Operations and Safety/ HR Manager                                     | Evidence of accredited safety consultant engaged including relevant qualifications, scope of works and cost agreement. |
| Complete the desktop safety audit in consultation with senior staff   | Safety consultant will review and audit the current safety system documentation and processes. Includes all system documentation, processes and records.                      | Within (8) eight weeks of the commencement date of the enforceable undertaking  | Director – Operations and Safety/ HR Manager                                     | Provision of gap analysis and report.  |
| Complete on-site safety audit in consultation with workers  | Attend onsite all (3) current projects in progress and audit the effectiveness of the safety system in practice. Includes online system, records and its application on site. | Within (8) eight weeks of the commencement date of the enforceable undertaking  | Director – Operations and Safety/ HR Manager                                     | Provision of gap analysis and report.  |
| Report provided by safety consultant  | Report will be delivered as contracted  | Within (3) three months of the commencement date of the enforceable undertaking | Safety consultant/ company   | Provision of report.   |
| Review reports and gap analysis and create an action plan to address all corrective actions and suggestions.                            | HDMB will review and create an action plan. Monthly team meeting will be used to discuss all items with all workers, the timeframes and persons responsible for actions       | Within (2) two weeks of receiving the report/ gap analysis                      | Director – Operations and Safety/ HR Manager                                     | Provision of action plan and implementation timeframe  |
| H Design Manage Build commits to fully implementing the intended actions arising from the audit unless otherwise agreed by SafeWork NSW | This will occur in line with the action plan  | Within (6) six weeks of receiving the report/ gap analysis                      | All workers as assigned on the action plan, reporting to the Safety/ HR Manager. | Copy of action plan with corrective actions closed out. Documentation and/or photographic evidence provided.           |

**Cost:**

| Cost of safety management system audit and gap analysis – desk based   |                 |
|--|-----------------|
|  |                 |
| Assistance with audit, estimated Directors 9 hours, site staff 6 hrs   |                 |
|  |                 |
| Implementation of corrective actions, estimate staff time incl Directors x 40 hours (not including Safety Manager) |                 |
| <b>Total estimated costs</b>   | <b>\$13,874</b> |

## Strategy 4 – Develop an Integrated Management System – Primary focus on safety

**Summary:**

H Design Manage Build (HDMB) has an existing WHSMS but this has not been assessed against the principles of AS/NZS ISO 45001.

H Design Manage Build Pty Ltd will engage an accredited consultancy service to help develop and implement:

- a) An Integrated Management System (IMS) manual, and;
- b) A Project Management Plan (template for site specific application)

This strategy is designed to develop an IMS compliant with ISO standards to ensure that safety is supported in all elements of the business.

**WHS outcome and beneficiaries:**

Develop an IMS manual compliant with:

- ISO45001 Occupational Health and Safety Management System
- ISO9001 Quality Management System
- ISO14001 Environmental Management System

It is understood that the focus will be on the safety management system, however, the three systems are integrated and required for overall compliance and effectiveness. The overall IMS system will provide for operational compliance with NSW WHS Act 2011 and WHS Regulation 2017.

Including:

- Legal compliance
- Risk management
- Objectives and plans
- Structure and responsibility
- Training and competency

- Consultation, communication and reporting
- Document and data control
- Hazard identification, risk assessment and mitigation
- Health and hygiene
- High risk and hazardous work controls
- Safe use of plant controls
- Emergency preparedness
- Monitoring and measurement
- Incident investigation and corrective actions
- Records management

NOTE: It is HDMB’s objective to receive ISO accreditation, however accreditation will not form part of the enforceable undertaking.

This strategy will benefit all employees, management and site staff by creating a recognised standard of systems. The IMS and Project Management Plan will ensure safety systems are developed, implemented and maintained to the highest standard. The skills used in developing and implementing these systems are transferable within industries and of advantage to all employees.

A key objective of this strategy is to formalise and document all company procedures. This in turn will systemise operations and standardise processes and set a culture of routine. This will drive long term sustainable WHS benefits.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

| What is happening   | How is it occurring  | When will it happen   | Position Title(s) or Area responsible and/or involved | Evidence that will be provided to SafeWork NSW                                  |
|---|--|---|---|---|
| Engage an accredited consultancy service  | HDMB will engage a selected consultancy service  | Within (2) two months of the commencement date of the enforceable undertaking                                     | Director – Operations and Safety/ HR Manager          | Evidence of accredited consultant qualifications, scope of works and agreement. |
| HDMB begins development of the IMS manual and project management plan in consultation with consultant | A plan will be written in consultation with the consultant detailing the implementation strategy over a 15 month period. HDMB will receive ongoing | Commence within (3) three months of the commencement date of the enforceable undertaking. HDMB will meet with the | Director – Operations and Safety/ HR Manager          | Quarterly progress reports will be provided to SafeWork                         |

|   |   |   |   |   |
|---|---|---|---|---|
|   | consultation, advice and direction from the consultant. HDMB will be responsible for the implementation and reporting.  | consultant monthly to demonstrate progress and receive feedback on implementation strategy. |   |   |
| Completion of the IMS manual and plan   | IMS manual and project management plan is completed in consultation with consultant.  | Within (5) months of the commencement date of the enforceable undertaking                   | Director – Operations and Safety/HR Manager   | Completed IMS manual and plan provided to SafeWork  |
|   |   |   |   |   |
| Implementation of the IMS manual and project management plan across the business. | Completion of consultation, development, and implementation and staff training. Training material will be developed by company Directors and the Safety Manager. Staff training will be delivered in person to all site staff and supervisors over 2 x 1 hour sessions. | Within (15) fifteen months of the commencement date of the enforceable undertaking          | Led by Director – Operations and Safety/HR Manager. Both directors and all office staff (4 staff in total) will be responsible for the implementation. All site workers including supervisors (all company employees) will participate in training. | Provide copy of IMS manual and project management plan to SafeWork. Provide statement from accredited consultancy service of system ISO compliance (not accreditation). Provision of staff training register. |
|   |   |   |   |   |

**Cost:**

|                                      |                 |
|--------------------------------------|-----------------|
|                                      |                 |
| Development of IMS (consultant fees) |                 |
|                                      |                 |
| <b>Total estimated costs</b>         | <b>\$50,564</b> |

## **Strategy No 5 – Produce an improved company induction for employees**

### **Summary:**

Develop an improved company induction suitable for all company employees with a focus on IMS compliance and safety.

HDMB currently has an onboarding/induction process for new employees. Whilst this induction does cover high level company policies and procedures it is largely HR focused and does not currently address IMS compliance (which will be developed as part of strategy 4) nor detail the WHS Management Plan or common high-risk safety issues. These safety topics are currently covered in site specific inductions and onsite daily and weekly meetings and monthly team meetings where safety topics and the WHS Management Plan is discussed in practice. The strategy is to develop this improved induction in consultation with all employees, this will allow them to participate and add value to the relevance of information. Once the new induction has been developed, all existing employees will re-sit the induction. The induction will then be used for all new employees as they join the company.

This strategy will link closely with Strategy 4 (development of an IMS) however, this component has a greater importance on timing and will be completed before the final implementation of the IMS. The induction will include the following elements;

- Overview of duty of care
- Due diligence application in my role
- Risk management and application of hierarchy of controls
- High risk construction controls required under the WHS regulation and how these are managed under the IMS
- Sub-contractor controls

As part of the induction an induction quiz will be developed and completed by each worker as evidence of their understanding of their due diligence obligations.

This company induction will be developed in consultation with an accredited safety training provider.

### **WHS outcome and beneficiaries:**

A comprehensive induction process delivered in slide presentation or video format will systemise the delivery and training of the IMS and WHSMS and selected high risk safety topics i.e. working at heights, along with the current induction items including company policies and procedures, HR and codes of conduct.

The main objective of this strategy is to improve the quality and delivery of information through a standardised system. It also offers the opportunity to explain the higher risk safety items on residential work sites and their control measures upon entry to the company.

This will ensure the company directors are meeting their obligations as employers under the WHS Act and all workers are suitably inducted and made aware of the WHS Management Plan, due diligence, risk management and high-risk construction controls before commencing the site-specific inductions on the construction sites.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry

Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

| Draft a company induction suitable to all new employees with a primary focus on IMS compliance and safety | The draft will be completed in-house by the company directors and HR Manager                | Within 6 months of the commencement date of the enforceable undertaking  | Director – Operations<br>Director – Construction<br>HR Manager | Copy of draft induction provided to SafeWork            |
|---|---|--|--|---|
|   |   |  |  |   |
| Consult with accredited safety training provider  | Draft induction will be assessed by accredited safety provider and suggestions incorporated | Within 8 months of the commencement date of the enforceable undertaking  | Director – Operations<br>Training provider                     | Evidence of correspondence will be provided to SafeWork |
|   |   |  |  |   |
| All employees including directors will be re-inducted into the company via the new induction process      | The new induction will be completed over a number of weeks by all employees                 | Within 10 months of the commencement date of the enforceable undertaking | HR Manager<br>All employees                                    | Copy of induction register provided to SafeWork         |

**Cost:**

|  |                |
|--|----------------|
| Consultation with safety training provider   |                |
|  |                |
| All employees time invested<br>Estimate 1 hour consultation, 1 hour to complete induction training |                |
| <b>Total estimated costs</b>   | <b>\$8,640</b> |

## Strategy No 6 – Create a new position within the company to manage audits, IMS implementation and ongoing safety compliance

### Summary:

Create a new full-time position within the company with a job description dedicating 50% of the role to safety management. The new role will be an internal hire. Currently we have a part time employee dedicated to HR and administrative tasks two days a week. This employee will be offered a new full-time position with a job description detailing the shared role of HR and Safety. This new Safety Manager will work with the site and office teams, as well as the third-party safety consultants to champion the safety system improvements. This role is imperative to the success of the enforceable undertaking strategies.

It is understood that the new role will require training to a recognised level to undertake the responsibilities of Safety Manager. In preparation for this strategy the nominated employee has been enrolled into a Certificate IV in Work Health and Safety training. This course commenced on July 5<sup>th</sup> 2024 and concludes on 1<sup>st</sup> August 2024, and will cover the national units of competency required for this position. It is anticipated that the employee nominated for the new safety role will be certified shortly after the commencement of this Enforceable Undertaking allowing them to lead and/or assist with implementation and reporting of the EU strategies.

NOTE: Whilst the new Safety Managers role will be responsible for overseeing the implementation of the new systems and assisting with the completion of the EU strategies it remains the Directors responsibility to create ownership and accountability of safety within the company.

### WHS outcome and beneficiaries:

The main objective of this strategy is to create a dedicated Manager to oversee safety within all company operations. Alongside the Directors, this role will help manage the implementation of this EU proposal as well as the ongoing improvement and management of the company's safety systems to the benefit of all employees.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

### Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

| What is happening                               | How is it occurring              | When will it happen  | Position Title(s) or Area responsible and/or involved | Evidence that will be provided to SafeWork NSW                       |
|---|----------------------------------|--|---|--|
| Completion of Cert IV in Work Health and Safety | Face to face accredited training | Completed by 1 <sup>st</sup> August 2024. Currently in progress. | Part time staff nominated for Safety Manager position | Evidence of course completion and certification provided to SafeWork |

|   |   |                                   |   |   |
|---|---|-----------------------------------|---|---|
|   |   |                                   |   |   |
| Continued support and dedicated time (approximately 20 hours p/week) towards safety systems, the EU process and continued safety improvements | On a weekly basis as part of the newly appointed position | Ongoing throughout the EU process | Manager – Operations<br>New role: HR and Safety Manager | Evidence of compliance will be demonstrated through continued involvement in the EU strategies and consultation with SafeWork |

**Cost:**

|   |                 |
|---|-----------------|
|   |                 |
| Preparation of job description and contract of employment |                 |
|   |                 |
| <b>Total estimated costs</b>                              | <b>\$69,813</b> |

**Strategy No 7 – Height safety training for employees**

**Summary:**

HDMB will provide working at heights training to all of its employees (with the exception of 1 x part time Administration position). Each employee will receive comprehensive working at heights training delivered by a registered training organisation (RTO) that covers the nationally recognised units of competency.

**WHS outcome and beneficiaries:**

Falls from heights is a known serious risk in the construction industry and is a targeted area of this enforceable undertaking. The working at heights training will provide HDMB employees with increased skills and capability in relation to managing the risks associated with working at heights. All employees attending the training will receive a statement of attainment recognised under the Australian Qualifications Framework, National unit of competency: RIIWHS204E

All employees completing the course will acquire transferrable skills and knowledge across industries where working at heights is required. Both Directors and the newly appointed Safety Manager will also attend the training, this practical training will better equip management staff to complete risk assessments and SWMS, apply control measures and write policy documents relating to working at heights from a practical standpoint.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

| What is happening  | How is it occurring  | When will it happen  | Position Title(s) or Area responsible and/or involved  | Evidence that will be provided to SafeWork NSW   |
|--|--|--|--|--|
| Engage RTO to deliver the working at heights training (RIIWH204E)  | HDMB to engage a selected RTO to deliver RIIWH204E   | Within 3 months of the commencement date of the enforceable undertaking  | Director - Operations  | Details of accredited RTO selected noting scope to deliver RIIWH204E   |
| Working at heights training delivered  | RTO to deliver 1 day (8 hours) face to face working at heights training course including all competencies in course code RIIWH204E                           | Within 6 months of the commencement date of the enforceable undertaking  | Safety Manager to confirm workers attend training:<br>9 employees including:<br>2 x Directors<br>1 x Leading Hand<br>5 x Carpenters (incl apprentices)<br>1 x Safety Manager | Training attendance records noting the names, positions held, dates and times of the training certified by the RTO. Copies of certificates of completion or attainment for all successfully completed.             |
| Working at heights course for any employees that are unsuccessful at the 1 <sup>st</sup> attempt to complete the course (only if required) | RTO to deliver 1 day face to face working at heights course including all competencies included in course code RIIWH204E                                     | Within 12 months of the commencement date of the enforceable undertaking | Responsible: Safety manager to confirm workers attend training<br><br>Involved: All HDMB employees who have not yet completed the course                                     | Training attendance records noting the names, positions held within HDMB, dates and times of the training certified by the RTO. Copies of certificates of completion or attainment for all successfully completed. |
| Evaluation of training delivered   | Post training questionnaire to all participants to gauge the level of knowledge increase due to the training, including transfer of skills gained on-the-job | 8 weeks after the completion of the training                             | Responsible: Safety Manager<br>Involved: all training participants   | Copy of training evaluation questionnaires and final summary report  |

**Cost:**

|  |                |
|--|----------------|
|  |                |
| Cost of training by registered training provider |                |
|  |                |
| <b>Total estimated costs</b>                     | <b>\$4,990</b> |

**Strategy No 8 – Develop a roof edge protection training video in consultation with Master Builders Association and SafeWork NSW**

**Summary:**

During initial investigations into possible EU strategies HDMB contacted Master Builders Association NSW (MBA) looking to invest in improvements to their roof edge protection facilities and associated training for apprentices. This specific topic directly relates to the alleged incident and of all proposed strategies would offer the greatest value to the industry and community.

During discussions with MBA, a representative advised that they do not currently address roof edge protection in their training program and further correspondence suggested that they would welcome a training video which could be made available to not only apprentices but potentially all members as an online resource. This training video would directly benefit both MBA apprentices and members and promote effective elimination of falls from heights. HDMB will provide a letter from MBA stating their support and interest in accepting this training video for distribution as training material to its apprentices and members.

The proposed training video will be unbranded to allow its use by SafeWork and/or other providers. The video will include a disclaimer that it has been produced as part of an EU as per approved wording on page 7(i) of this document.

**WHS outcome and beneficiaries:**

Roof edge protection, as a control measure, can eliminate the risk of falls from heights. It is relatively inexpensive and much more effective when compared to lower order controls. This strategy would directly address a deficit in the current MBA training program and promote a higher control measure with an ability to eliminate one of the highest risks in residential construction, falls from heights.

This training video will also include;

- Information on Safe Work Method Statements (SWMS) which clearly state that each roof edge protection system relies on the manufacturers' instruction for installation, as installation instructions can differ from system to system.
- A demonstration of the cost benefit (productivity, time, resourcing etc) of using higher order controls as opposed to fall restraint systems, which should only be used if higher order controls cannot be used in the first instance.
- A demonstration on order of controls and how the choice of higher-level controls is made.

This strategy will provide training material for the wider construction industry and educate workers on effective use of edge protection systems as a control measure and cost-effective elimination of risks. A communications/promotions strategy will be developed in consultation with MBA and SafeWork to make this resource available to a wide audience. This training video, in consultation with SafeWork, will be translated from English into two alternate languages to ensure access is available across a multicultural and linguistically diverse audience.

A strategy will be developed in consultation with Master Builders Association (MBA) to make this resource available to their apprentices. The MBA currently employs approximately 300 apprentices. In addition, the MBA will make this resource available to all of its members as an online resource with the potential reach of approximately 8000 members in NSW.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

**Strategy delivery and verification:**

The strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

| What is happening   | How is it occurring   | When will it happen  | Position Title(s) or Area responsible and/or involved                                      | Evidence that will be provided to SafeWork NSW                             |
|---|---|--|--|--|
| HDMB will create a project working group (online) between HDMB, SafeWork NSW and MBA. This group will determine and agree on the content and scope of the video, including appropriate communication and promotion avenues, prior to completing the development work. | HDMB will schedule an online working group/meeting with representatives from SafeWork NSW and MBA.  | Within 6 months of the commencement date of the enforceable undertaking. | Director – Operations. Representative from MBA Apprenticeships and Training. SafeWork NSW. | Minutes from the meeting will be distributed to all attendees for review.  |
| Write draft script to discuss/develop in consultation with SafeWork   | The script will be prepared and developed by HDMB in consultation with SafeWork. SafeWork will need to approve the content of the script. | Within 8 months of the commencement date of the enforceable undertaking  | Director – Operations Consultation with SafeWork   | Draft script provided to SafeWork. Endorsement by SafeWork of draft script |
| Work with MBA to ensure they approve of, and will   | HDMB will consult with MBA  | Within 8 months of the commencement date of                              | Director – Operations Consultation with MBA  | Approval in writing from MBA GM Training and                               |

|   |   |  |   |   |
|---|---|--|---|---|
| accept the proposed training content  |   | the enforceable undertaking  |   | Apprenticeships or similar senior position.   |
| Further develop the script ready for production in consultation with SafeWork and MBA | Consultation with SafeWork and MBA. SafeWork will need to approve the final script.   | Within 9 months of the commencement date of the enforceable undertaking  | Director – Operations<br>Consultation with SafeWork and MBA             | Final script provided to SafeWork. Endorsement by SafeWork of the final script.         |
| Engage a production company to produce the training video                             | HDMB will source quotes and select a production company   | Within 10 months of the commencement date of the enforceable undertaking | Director – Operations   | Evidence of engagement of production company provided to SafeWork.                      |
| Technical review and approval of script and storyboard details                        | HDMB will present final script and storyboard to SafeWork for technical review and approval. SafeWork to review and approve storyboard from production company.                       | Within 11 months of the commencement date of the enforceable undertaking | Director – Operations   | Provide storyboard to SafeWork for approval.  |
| Produce the video and final content   | HDMB will work with production company and SafeWork to produce the video and final content  | Within 14 months of the commencement date of the enforceable undertaking | Director – Operations<br>Production company, consultation with SafeWork | Provide draft and final edits of video to SafeWork for approval.                        |
| Produce/ translate the video to alternate language/s                                  | HDMB will work with production company and SafeWork to produce the video in alternate language/s  | Within 16 months of the commencement date of the enforceable undertaking | Director – Operations<br>Production company, consultation with SafeWork | Provide translated videos to Safework for comment.                                      |
| Approval of the final video and content by SafeWork                                   | SafeWork will review the final video and provide further comment or approval for use  | Within 17 months of the commencement date of the enforceable undertaking | Director – Operations,<br>SafeWork                                      | Provide final versions of the video for approval by SafeWork.                           |
| Delivery of the training video to MBA and put to use as a training resource           | HDMB will liaise with MBA and deliver the training video for their use. MBA will make the video available to their apprentices as well the wider members group as an online resource. | Within 18 months of the commencement date of the enforceable undertaking | Director – Operations,<br>Master Builder Association                    | Acceptance from MBA in writing accepting the completed videos for distribution and use. |
| Develop a communications and promotional strategy to others in the industry           | HDMB will, in consultation with the working group, develop a strategy to further promote the training resource.   | Within 19 months of the commencement date of the enforceable undertaking | Director – Operations,<br>SafeWork                                      | Provide SafeWork with a copy of the communications strategy                             |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|--|--|--|--|--|

**Cost:**

|   |                 |
|---|-----------------|
|   |                 |
| Develop script and content in consultation with MBA and SafeWork, includes revisions.<br>Engagement and direction of production company and consultation throughout the entire process.<br>Development of communications and marketing strategy.<br>Estimated 40 - 60 hours (not including Safety Manager). |                 |
|   |                 |
| Translate video to two alternate languages  |                 |
| <b>Total estimated costs</b>  | <b>\$46,200</b> |

**TOTAL ESTIMATED VALUE OF THE UNDERTAKING**

**\$194,081**

## Section 6 – Execution of Undertaking

H Design Manage Build give this undertaking and commit to the terms herein.

Signed: 

[Executed on behalf of H Design Manage Build in accordance with section 127(1) of the Corporations Act 2001]

Name: 

Position: Director

Dated at Marrickville NSW this 22nd day of October, 2024

Signed: 

[Executed on behalf of H Design Manage Build in accordance with section 127(1) of the Corporations Act 2001]

Name: 

Position: Director

Dated at Marrickville NSW this 22nd day of October, 2024

Witnessed in the presence of:

Signed: 

Name: 

Dated at Marrickville NSW this 22nd day of October 2024

## Section 7 – SafeWork NSW's Acceptance of Undertaking

I accept this undertaking as an enforceable undertaking under section 216 of the WHS Act.

Signed: 

Name: Mary Snell

Position: Executive Director, Operations and Enforcement.

Authorised delegate for SafeWork NSW.

Dated at Haymarket NSW this 23rd day of October, 2024

## Annexure 1 – Public Notice of SafeWork NSW's Acceptance of Undertaking

### Notice of Acceptance of an Enforceable Undertaking under Part 11 of the Work Health and Safety Act 2011.

On 28 September 2021, a worker employed by H Design Manage Build Pty Ltd (HDMB), suffered injuries due to a fall from height whilst working on the front façade of a residential building site.

SafeWork NSW investigated the incident and subsequently alleged that H Design Manage Build contravened section 19(1) of the Work Health and Safety Act 2011.

SafeWork NSW has accepted an enforceable undertaking from H Design Manage Build, ACN 619 018 414, in accordance with Part 11 of the Work Health and Safety Act 2011 in relation to the abovementioned alleged contravention. This notice has been placed under the terms of the Enforceable Undertaking and acknowledges acceptance of the Enforceable Undertaking by H Design Manage Build.

The undertaking requires the following actions:

- Engage an accredited safety consultant to undertake an audit of the company's safety management system to identify gaps and the implementation of identified improvements.
- Develop and implement an integrated management system manual and project management plan compliant with relevant ISO standards, in consultation with an external consultant.
- Develop and implement an improved company induction with a focus on compliance and safety.
- Create a new safety management role within the company.
- Provide comprehensive working at heights training to all employees via a registered training organisation to nationally recognised units of competency.
- Produce a safety training video on roof edge protection systems, which will be promoted by the Master Builders Association as a training resource for its apprentices and members and will be available for use by the wider construction industry.

The full undertaking and general information about enforceable undertakings is available at [safework.nsw.gov.au](https://safework.nsw.gov.au).