

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

Atacia Pty Ltd
(ACN 600 650 093)

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 www.SafeWork.nsw.gov.au

Enforceable Undertaking

Purpose

The purpose of this enforceable undertaking is to document the undertakings offered to 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**).

Section 1 – General information

a. Details of the person proposing the undertaking

Registered Address:	1586-1606 Canterbury Road Punchbowl NSW 2196
Postal address:	As above
Telephone contact:	██████████
Email address:	██████████@calcono.com.au
Legal structure:	Private company
Type of business:	Family-owned company engaged in labour hire to Calcono Group of Companies engaged in formwork industry.
Commencement date of the entity:	10 July 2014
Number of workers:	Full-time: 4 Part-time: 0 Casual: 0
Products and/or services:	The company provides labour hire construction formworkers for the Calcono Group of Companies.
Comments:	(None).

b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 9 January 2018, **Atacia** Pty Ltd failed to discharge its obligations as a person conducting a business or undertaking under section 19(2) of the WHS Act in that it did not ensure so far as reasonably practicable the health and safety of workers.

c. Details of the events surrounding the alleged contravention

A worker was seriously injured after he fell approximately 2.5m through an unsecure formwork penetration onto steel reinforcing starter bars.

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

It is acknowledged that SafeWork NSW has alleged that Atacia has contravened section 19(2) of the WHS Act.

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

The worker suffered serious [REDACTED] injuries as well as ongoing [REDACTED] as a result of the incident.

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

Were enforcement notices received?

Yes Please provide details in the table below.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
10 January 2018	Improvement	7-320508	Alleged contravention of s 19 of the WHS Act and cl 79 of the WHS Regulation.	a) Tool box meetings held. b) New procedure introduced.
10 January 2018	Improvement	7-320511	Alleged contravention of s 19 of the WHS Act and cl 300 of the WHS Regulation.	a) Tool box meetings held. b) New procedure introduced.
10 January 2018	Improvement	7-320514	Alleged contravention of s 19 of the WHS Act and cl 79 of the WHS Regulation.	a) Tool box meetings held. b) New procedure introduced.
18 January 2018	Prohibition	7-320927 (7-129-41DN19)	Alleged contravention of cl 78.	a) Relevant work ceased. b) Edge protection installed. c) Amendment to safety checklist and procedure. d) Procedure communicated to safety officer and all supervisors.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
18 January 2018	Prohibition	7-320928 (7-129-EKFP69)	Alleged contravention of cl 78.	<ul style="list-style-type: none"> a) Relevant work ceased. b) Edge protection installed. c) Amendment to safety checklist and procedure. d) Procedure communicated to safety officer and all supervisors.
3 September 2019	Section 155	7-360361	(None).	Information provided to SafeWork New South Wales.
11 November 2019	Section 155	7-365075	(None).	Information provided to SafeWork New South Wales.

g. A statement of assurance about future work health and safety behaviour

Atacia 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 undertaking.

When an alleged contravention is associated with an injury/illness

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

Not applicable.

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

Does the alleged contravention involve injury to a person?

Yes. The person was employed by a third party at the time of the incident.

j. The details of any existing work health and safety management system (WHSMS) at the workplace including the level of auditing currently undertaken

Atacia does not have an accredited WHSMS.

k. The details of any consultation undertaken within the workplace regarding the proposal of an enforceable undertaking

Consultative discussions have been held with Atacia's management team.

l. A statement of regret that the incident occurred (i.e. not an admission of guilt)

Atacia regrets that the incident on 9 January 2018 occurred.

m. Any rectifications made as a result of the alleged contravention

Description	\$ Amount
<p>An external specialist was engaged to:</p> <ul style="list-style-type: none"> i. Undertake a full review of the then-WHS policies, procedures and processes, i. Review the warehouse and sites, ii. Develop a comprehensive WHS Management System in consultation with the workers, iii. Assist in the implementation of the developed WHS Management System, iv. Develop a site safety management plan template for larger projects, and v. Develop a full set of SWMS for high-risk activities. <p>The business also:</p> <ul style="list-style-type: none"> vi. Revisited the site safety rules and procedures at a toolbox talk, and vii. Reviewed and reinforced all controls regarding falls from heights. 	

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$20,000

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

Atacia 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.

o. A commitment to the ongoing effective management of work health and safety risks

Atacia commits that it will exercise its best endeavours to the ongoing effective management of work health and safety risks.

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

Atacia 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.

q. The person is required to provide information regarding any prior work health and safety convictions

Atacia has had no prior work health and safety convictions.

r. Statement regarding relationships with beneficiaries

Atacia acknowledges there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of Atacia.

Atacia's General Manager is a volunteer committee member of the Formwork Industry Association.

█ is an organisation external and unrelated to Atacia who has previously been consulted by Atacia on how it may achieve ISO accreditation.

s. Intellectual property licence

Atacia 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.

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

Atacia acknowledges that the responsibility for demonstrating compliance with this undertaking rests with the person who has given this undertaking. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for the term.

Atacia acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant term. The evidence provided to demonstrate compliance with the undertaking will be retained by the person who has given this undertaking until advised by SafeWork NSW that the undertaking has been completely discharged.

Atacia acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary at SafeWork NSW's expense.

Atacia acknowledges that should there be any delay in the commencement/delivery of the Enforceable Undertaking based on current community and workplace health and safety concerns and related business continuity disruption caused by COVID-19, this will be subject to mutual agreement (confirmed in writing) between Atacia and SafeWork NSW.

u. Acknowledgement of enforceable undertakings guidelines

Atacia has read and understood SafeWork NSW Enforceable Undertakings Guidelines and Enforceable Undertakings Customer Service Standard.

Section 2 – Enforceable Terms

a. An acknowledgement that the enforceable undertaking will be published and publicised

Atacia acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site and may be referenced in SafeWork NSW's publications.

Atacia will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Daily Telegraph, which will be drafted using the script provided in Annexure 1.

Atacia acknowledges that the public notice will be published in the Daily Telegraph, will be 1/8 of a page in size and the script will 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.

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

Atacia is committed to ensuring that any promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

- c. **A commitment to disseminate information about the undertaking to workers, and other relevant parties (which may include work health and safety representatives), and in the annual report (if applicable)**

Atacia agrees to disseminate information about the enforceable undertaking within the workplace, including to the members of any health and safety committee, health and safety representatives and all subcontractors working for Atacia. This information will be disseminated through verbal briefings and toolbox talks and will be completed within three months from the date of acceptance of the enforceable undertaking.

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

- d. **Strategies that will deliver workplace benefits**

1. **ISO Accreditation**

Scope:

This strategy involves the development and implementation (on a continuous improvement focused-basis) of a safety management system that is certified against AS/NZS ISO 45001:2018.

Whilst accreditation will be undertaken by Atacia as part of this EU strategy, the systems improvements will be adopted across the whole Calcono Group. As such, the costs of accreditation will be borne equally between Atacia and the Calcono Group, such that Atacia will include 50% of the accreditation costs in this EU.

The accreditation will be maintained after the EU has completed.

The system will assist Atacia to improve its safety performance on a systematic basis with measurable improvements, including in relation to the identification and elimination or, where elimination is not reasonably practicable, minimisation of the risks associated with penetrations on multi-storey construction sites.

Whilst the business previously commenced the accreditation process, that work only entailed a preliminary discussion with the accreditation organisation to understand the process of accreditation. The accreditation activity did not progress after that time.

Target issue:

Optimising Atacia's systems for identifying and managing workplace risks, including:

- (a) Improving the consistency of procedures implemented across worksites (where appropriate),
- (b) Facilitating the development of an improved safety culture and safety leadership across the organisation, and
- (c) Facilitating the assessment of Atacia's existing safety management system to identify areas for improvement and a framework for ensuring that the improvements are effected and their effectiveness is verified.

Tangible outputs / deliverables:

This strategy will result in Atacia obtaining ISO accreditation and maintaining that accreditation after the EU has been complied with.

A copy of Atacia's ISO accreditation will be provided to SafeWork New South Wales and the accredited system will be made available to Atacia workers, clients and other project stakeholders, as appropriate.

The strategy will be evaluated based on the outcomes of system audits and the monitoring of safety performance before and after the accreditation has been obtained.

Atacia will also seek feedback from its workers as to the system improvements and the safety culture/climate within the organisation.

SafeWork will be able to verify that the strategy has been delivered by sighting the ISO accreditation.

Audience / beneficiaries:

All construction workers involved in the delivery of Atacia's programs, including its direct employees, labour hire workers and contractors.

Delivery method:

System development and auditing will be undertaken in collaboration with an external systems specialist/auditor.

Timeframes:

Atacia will commence the accreditation process immediately upon the approval of the EU and expects to be accredited within 12 months of acceptance of the EU. Atacia will undergo an audit following the completion of the accreditation.

Atacia intends to maintain the AS/NZS ISO 45001:2018 accreditation beyond the life of the EU.

Atacia will engage [REDACTED], an external consultancy, to assist it achieve accreditation. The specific methodology and deliverables for accreditation are:

1. Discovery Workshop
 - Assessing Atacia against the criteria of the ISO standard and the NSW Govt Edition Guidelines for WHS
 - Review of existing processes and procedures of the organisation
 - An introduction to the organisation for the consultant, as well as an 'induction' to ISO requirements for Atacia
 - Management and key personnel to attend
 - Expected duration is 1 day
 2. Risk, Planning and Compliance Workshop
 - Conducting a workshop using a set agenda that covers a variety of topics that need to be discussed and considered as part of the management system including:
 - i. SWOT analysis under the context of the standard
 - ii. Review risks line by line including control measures, ensuring they align to the businesses actual methodology for managing risks
 - iii. Plan and review objectives and targets of the organisation
 - iv. Compliance obligations identified relevant to the organisation, list updated accordingly
 - Expected duration is 1 day
 3. Process Workshop
 - Flowcharts of all relevant departments created
 - Each flowchart to identify relevant input and output including specific client requirements
 - Interaction of Process flowchart identifying core and supplementary procedures
 - Flowcharts to be migrated to manual/procedures
 - Expected duration is 1 day
 4. System Documents
 - Provision of system documents reflective of organisational procedures,
-

- Policies and process
 - Integration of existing management plan to integrated management system
 - Documents provided in MS Word and MS Excel format
 - All relevant forms, checklists and registers provided
5. Awareness, Participation and Induction
 - Ensure participation requirements are met (as per ISO 45001 section 5.4)
 - Awareness training to staff
 - Attend site where appropriate to ensure awareness requirements are met
 - Obtain awareness training sign off from all relevant staff
 - Ensure awareness for absent or remote staff is effectively managed
 - Expected duration is 1 day
 6. Implementation Activities
 - Review and update of implementation checklist
 - Execute task on implementation checklist where appropriate and applicable
 - Conduct yard inspection and provide action items prior to certification
 - Ensure implementation checklist is completed prior to internal audit
 - Ensure organisation is prepared for subsequent certification audit
 - Expected duration is 2 days
 7. Internal Audits
 - Process/procedure specific Internal Audits (drafted as part of system documents)
 - Audit of management system against standards requirements
 - Internal audit schedule to be populated
 - Site audit (time permitting)
 - Completion of management review meeting following internal audit
 - Expected duration is 2 days
 8. Attendance of Third-Party Certification Audits
 - Estimated duration is 4 days

██████████ has advised that the accreditation will require the following steps and time frames

1. Discovery workshop	EU acceptance + 1 month
2. Risk planning and compliance workshop	EU acceptance + 2 months
3. Process workshop	EU acceptance + 2 months
4. System document development	EU acceptance + 4 months
5. Awareness and participation workshop	EU acceptance + 5 months
6. Implementation activities	EU acceptance + 6 months
7. Internal audits	EU acceptance + 7 months
8. Attendance at Stage 1 and 2 certification audits	EU acceptance + 12 months

Further, Atacia will engage the services of ██████████, an independent external consultancy, to conduct the independent certification and system reviews.

Work health and safety outcome:

The goal of this strategy is to optimise Atacia's risk management system and apply the benefits of its improved system and safety performance across its workforce and the worksites at which it operates.

2. Engagement of a Safety Officer

Scope:

The strategy involves the employment of a dedicated an appropriately skilled safety officer by Atacia. That person will be employed for 50% of his/her time with Atacia, and the remainder of the time within the broader Calcono Group. The role will be a dedicated safety role and a full-time position.

The safety officer's ongoing employment with Atacia will always be subject to their terms and conditions of employment.

In the event of termination of employment, Atacia will use all reasonable endeavours to recruit a replacement safety officer as soon as reasonably practicable.

The appointee will preferably be someone with formwork and industry experience. That appointee is required to have at minimum Cert IV.

This will be a new role within the business, and the appointee will report directly to Atacia's General Manager, who is also a director of the Group entity. The appointee will be recruited by way of advertisement and/or referrals from industry.

As part of to the day-to-day role of a safety officer, that safety officer will be required to develop and implement a project for Atacia. It is anticipated that this project will commence in the second 12 months period of the EU and will take 12 months to complete (i.e., completion within 24 months of acceptance of the EU).

That project is the development of a series of four (4) educational videos focusing on safety and managing the risks of falls on and around formwork activities (see below), which is designed to link with the other strategies within the EU.

Target issue:

The new safety officer's role will provide a focus for continuous oversight and improvement across the Atacia (and consequently wider) business and assist to consolidate key safety responsibilities across the business to drive safety culture improvements led from the top.

Tangible outputs / deliverables:

The deliverables will be two-fold: Firstly, the safety officer will assist in the improvement of Atacia's safety management system (including via ISO accreditation) and implementation of that accredited system to improve safety culture and leadership. Secondly, and aligned with the system improvements, the safety manager will facilitate the abovementioned project (being the formwork educational videos).

Atacia will develop and measure a series of key performance indicators (KPIs) for the new safety officer to complete within each twelve-month performance cycle. These KPIs will be developed in consultation with the safety officer as part of the recruitment process. They will then be used to verify the effectiveness of the role. These KPI's will include:

1. Overseeing the attainment of ISO accreditation,
2. Completion of formwork educational video project – 2nd 12 months of the EU,
3. Implementation of systems improvements, including development of indicators – lag and lead,
4. Chairing WHS consultative meetings, and
5. Development of formal WHS reporting.

Atacia will provide a copy of the appointee's employment contract to SafeWork within 1 month of employment as safety officer being approved. Atacia will also provide evidence of the appointee's completion of the WHS qualifications to SafeWork.

Audience / beneficiaries:

In terms of an audience, the safety officer will be part of the Atacia's senior management team.

S/he will report directly to Atacia's Managing Director and the relevant supervisors and Project Managers will report to the safety officer.

The beneficiaries of the strategy will be Atacia’s workers and officers with a flow-on effect to the projects in which Atacia is involved and also to the industry (via the safety officer’s project).

Although the safety officer will be 50% engaged by Atacia, the videos and systems to be developed by the safety officer will be shared (as appropriate) across the corporate group of which Atacia is a part.

Delivery method:

Atacia will develop a position description, hold interviews with appropriate candidate(s) and engage the appointee and set KPIs.

Timeframes:

It is expected that the safety officer will be appointed within two months of the EU being accepted.

Atacia will develop a series of KPIs for the safety officer to complete within each twelve-month performance cycle in line with the examples set out above.

Work health and safety outcome:

The outcome of the engagement will be the appointment of a safety officer who is dedicated to continuously improving legislative compliance and driving safety culture and behaviour within the business broadly and, more specifically, the completion of the above project.

The safety manager will improve the business’ safety performance (as measured by lead and lag indicators) and will be responsible for driving safety within the business, including senior management.

Description	\$ Amount
ISO Accreditation:	
1. Discovery workshop	
2. Risk planning and compliance workshop	
3. Process workshop	
4. System document development	
5. Awareness and participation workshop	
6. Implementation activities	
7. Internal audits	
8. Attendance at Stage 1 and Stage 2 certification audits	
Sub Total	
Certification:	
1. Registration fee	
2. Initial certification	
3. Sydney Review 1	
4. Sydney Review 2	
Sub Total	
Atacia also estimates as cost of approximately \$20,000 in internal implementation costs consisting of:	
(a) Participation in discovery, risk planning, process workshops including collation and organisation of system documentation (4 persons over 3 days)	
(b) Implementation activities and participation in audits with Auditor (4 persons over 2 days)	
(c) Audit certification assessment (4 persons over 2 day)	

Description	\$ Amount
(d) Undertaking any system improvements or conformance actions (4 persons over 2 days)	
(e) Year 2 system review by auditor and collation and preparation of materials for same (4 persons over 2 days)	
Sub Total	
Safety officer: The expected annual salary costs of the safety officer inclusive of salary costs, superannuation, payroll and worker compensation costs is \$100,000. The costs claimed are 50% of annual salary costs over 2 years being the life of the EU.	

Total estimated cost of workplace benefits (applying 50% cost allocation to Atacia)

\$168,950

e. Strategies that will deliver industry benefits

3. Development of Formworks Educational Videos

Scope:

This strategy requires the newly-appointed safety officer to project manage the design, development, promotion and distribution of a series of four (4) formwork educational videos focusing on safety and managing the risk of falls on and around formwork activities. The purpose of these videos is to provide both awareness and training tools for formwork industry workers.

While the videos will be made available internally to Atacia workers, they are proposed to be distributed via to the industry via online (Atacia/Calcono website) and social media platforms (LinkedIn and Instagram) and via the Formwork Industry Association's (FIA) website and SafeWork NSW's own media platforms.

The proposed content for each video (subject to further discussion with SafeWork NSW) is:

1. Provision of safe access/egress to and from the formwork deck
2. Edge protection for a formwork deck
 - Standard edge protection system affixed to the deck
 - Perimeter scaffold
3. Penetrations
 - Ply covers including labelling
 - Cast in mesh
 - Alternate edge protection systems for large penetrations
4. Working from intermediate work platforms

It is expected that each of these videos will be between two and four minutes in length.

Atacia will consult with its workers, SafeWork NSW and will invite input from the FIA in relation to the content of the videos, and will provide invite SafeWork NSW to review and approve scripts, and review and approve the videos prior to publishing.

Target issue:

The formwork educational videos will be designed to give educational information and practical guidance in relation to the specific topics outlined above.

These videos will complement the Formwork Code of Practice by providing specific educational information in relation to the topics addressed.

Tangible outputs / deliverables:

Atacia will engage an external video production company to undertake pre-production works, collaborate on the scripting, shoot, edit and finalise the production in consultation with SafeWork NSW.

The deliverable will be the completion of the formwork educational videos within 24 months of acceptance of the enforceable undertaking (commencing in the second 12 months of the EU).

Audience / beneficiaries:

The target audience and beneficiaries of the formwork educational videos will be formwork industry workers and organisations who can utilise the videos for educational and training purposes. These videos will be distributed via Atacia's social media and online platforms. The FIA has also confirmed agreed to make them available to the industry. Atacia will assist in allowing SafeWork NSW to publish and/or distribute the videos. Atacia will seek feedback from its workforce and via the FIA as to the effectiveness of those videos as an educational tool by publishing a survey to viewers.

These videos provide a link to other strategies in the enforceable undertaking including the development of the pathway appointee and all of Atacia's workers.

Delivery method:

While the videos are proposed to be distributed to the industry (at no cost) via online media (e.g., Atacia/Calcono website) and social media platforms (e.g., LinkedIn and Instagram) and via the Formwork Industry Association's (FIA) website and SafeWork NSW's own media platforms.

Atacia will consult and seek approval from SafeWork NSW in relation to content, scripting and distribution.

Atacia will seek the permission of the FIA to distribute the formwork educational videos via its website and other media platforms.

Timeframes:

The formwork educational videos are expected to be completed within 24 months of the commencement of the EU.

Work health and safety outcome:

The formwork educational videos will assist both the industry and Atacia to raise awareness of key risks in the formwork industry and provide an educational tool for industry workers to highlight risks when working with formwork.

It is expected that these videos will be particularly beneficial to the improvement of risk awareness and safety of young and vulnerable workers engaged in the formwork industry.

Cost breakdown (actual and indicative)

Estimated costs for the external production company are [REDACTED].

Costs for Atacia personnel to develop scripting, liaise with production company and SafeWork NSW, arrange shoot locations and personnel and participate in editing, attending to social media distribution, discussions with FIA for distribution is estimated at [REDACTED].

Cost Breakdown:

Description	\$ Amount
External Production Costs: <ul style="list-style-type: none"> • Pre-production project management • Copywriting for script • Full day production shoot (allowance 2 days) • DJI Phantom Pro and DJI Ronin Rs2 Pro Combo gimbal (equipment) • Editing (8 days) • Post production producer • Sound recordist • Video production company margin 	[REDACTED]
Atacia estimated costs (staffing, scripting, production, review):	[REDACTED]

Total estimated cost: \$45,130.00

Total estimated cost of industry benefits \$45,130.00

f. Strategies that will deliver community benefits

1. Sponsorship of a development pathway for a formworker

Scope:

This strategy entails the development of a program for a worker, noting SafeWork’s definition of an “at risk” (i.e., culturally and linguistically diverse, Migrant, young and/or workers employed through labour hire arrangements) worker, to be mentored and trained on work health and safety issues in the formwork industry. Atacia will provide ongoing employment to the candidate if that candidate remains appropriate and suitable. In the event that the worker does not remain with the business for the 12-month contract, then Atacia will offer another successful candidate a sponsorship. Nothing in this paragraph will fetter Atacia’s obligations to ensure that it complies with any applicable law (including state and federal anti-discrimination legislation (as amended from time to time)).

This strategy is designed to overlap and complement the workplace and industry strategies.

Target issue:

The appointee will be upskilled so that they can promote safety culture within the business and industry, assist the newly-engaged safety officer and provide safety input to the FIA.

The appointee’s skill set will be enhanced so that they can share their knowledge and experience with other industry members if they leave Atacia’s business.

Atacia will consider the specific requirements of the worker, identify any barriers (e.g., language, literacy and experience) and seek to address these via mentorship and provision of resources to assist that worker.

Tangible outputs / deliverables:

The strategy will entail the:

- (a) Development of a recruitment strategy and candidate evaluation process,
- (b) Engagement with a senior work health and safety practitioner who can provide

mentoring to the successful candidate,

- (c) Development of a syllabus (either internal or external) to guide the topics to be covered by the mentor and mentee, and
- (d) Presence of the mentee at Atacia management team meetings and events to provide updates on progress along the pathway program.

An interview will be conducted with each of the mentor and mentee at the conclusion of the sponsored program to identify areas in which they regarded the project as a success and insights as to how they feel it could be made more effective with a view to making improvements so that the program can continue post-the life of the EU.

Atacia will also seek feedback from FIA board members (some of whom are formwork industry employers) to identify other areas where improvement can be made to the program.

SafeWork will verify the delivery of the strategy by reviewing the recruitment criteria for the mentor and mentee, as well as the program syllabus. SafeWork will also be given access to the FIA board members' survey results and the minutes of the exit interviews.

Audience / beneficiaries:

The persons who will benefit the most from the program will be the mentee, FIA and its members, as well as any future employers of the mentee.

The mentee will be a person who is proposing to join the industry (such as a student or a migrant worker) or a newly-employed formworker.

Delivery method:

The engagement of the mentor and mentee will be undertaken by Atacia (the managing director and the safety officer to play key roles). It is expected that the mentor will be a senior management member of Atacia and the safety officer will be an advisor.

The form of mentor/mentee communication will be developed by Atacia in consultation with each, but must entail virtual or face-to-face meetings on a monthly basis.

There will also be ongoing contact between the two participants.

A position description for the role has been developed, which addresses eligibility criteria and reporting lines.

Timeframes:

The mentee will be recruited in the second 12 months of the EU (i.e., commencing within 13 months after the commencement of the safety officer).

The first meeting between them will take place within one month after the mentee commences.

The final sponsored meeting will occur within twelve months of same, albeit that the mentor and mentee may elect to continue their relationship after that time. Consideration will be given after this period to whether the mentee will be an appropriate candidate to become an onsite safety officer.

Work health and safety outcome:

The main goal of this strategy is to assist the industry and community by upskilling a worker to accept a junior safety leadership role and to apply their learnings as such to all of their relevant existing and future workplaces.

In that way, the strategy creates a community-wide legacy for this EU.

Cost Breakdown:

Description	\$ Amount
a) Development of project plan for pathway program,	
b) Development of a recruitment strategy and candidate evaluation process,	
c) Engagement with a senior work health and safety practitioner who can provide mentoring to the successful candidate,	
d) Development of a syllabus to guide the topics to be covered by the mentor and mentee,	
e) Engagement of a mentor and mentee,	
f) Salary costs of employment by Atacia.	

Total estimated cost: \$60,000

Total estimated cost of community benefits \$60,000

TOTAL ESTIMATED VALUE OF THE UNDERTAKING \$274,080

- g. A commitment to establish and maintain (or maintain if a system already exists) a WHSMS**
 Atacia is committed to establishing an WHSMS system acceptable to SafeWork NSW that satisfies the principles of AS/NZS ISO 48001: 2018 4804: 2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques will be implemented within 12 months from the date the enforceable undertaking is accepted.

Atacia acknowledges that the WHSMS will be maintained in accordance with the standard.

- h. A commitment to ensure the WHSMS is audited by third party auditors**
 Atacia commits to ensuring the WHSMS will be audited by accredited third party auditors to meet the requirements of AS/NZS ISO 45001: 2018 Occupational Health and Safety Management Systems – Specification with guidance for use, in accordance with established timeframes as set by SafeWork NSW.

Atacia acknowledges that the third-party auditors selected to perform WHSMS audits must be certified by a certification body accredited by JAS-ANZ to ISO/IEC 17024: 2004 General requirements for bodies operating certification of persons.

Atacia acknowledges that details of the auditors' qualifications against the stated requirements will be provided with audit reports submitted to SafeWork NSW.

Atacia acknowledges that an initial third-party audit will be undertaken within 12 months and two further third-party audits will be undertaken during the course of the undertaking following the date of acceptance of the enforceable undertaking.

- i. A commitment to provide a copy of each finalised WHSMS audit report to SafeWork NSW**
 Atacia acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within 12 months of the audit along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

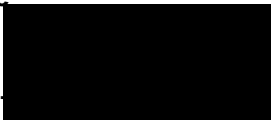
Atacia acknowledges that within 3 months of receipt of the auditor's written report, SafeWork NSW will be advised of the intended action in addressing each of the report's recommendations.

j. A commitment to implement the recommendations from these audits (unless otherwise negotiated with SafeWork NSW)

Atacia commits to fully implementing the intended actions arising from the audit within 3 months from receiving the audit report from the WHSMS auditor unless otherwise agreed by SafeWork NSW.

Section 3 – Offer of undertaking

**As a duly authorised person of Atacia Pty Ltd,
I offer this undertaking and commit to the
terms here**

Signed: 

Name: Mr Stefano Calautti

Position: General Manager

Dated at Punchbowl this 17th day

of May, 2021

Section 4 – SafeWork NSW's acceptance of undertaking

The duration of an enforceable undertaking is determined by the content of the agreed terms. An enforceable undertaking commences and is enforceable once accepted by SafeWork NSW. The enforceable undertaking will be concluded on written advice from SafeWork NSW when all requirements of the undertaking have been satisfactorily executed.

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

Signed: 

Name: Valerie Griswold

Position: Executive Director, Investigations and Enforcement.



Authorised delegate for SafeWork NSW, an agency within the Department of Customer Service.

Dated at Parramatta this 20th day of May 2021
[suburb] [month] [year]

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 9 January 2018, a worker fell through a penetration at a construction site at 566-594 Princes Highway, Kareela.

SafeWork NSW investigated the incident and subsequently alleged that Atacia Pty Ltd contravened section 19(2) of the Work Health and Safety Act 2011.

This notice has been placed under the terms of an enforceable undertaking and acknowledges acceptance of an undertaking, that is enforceable under the Act, from Atacia Pty Ltd, (ACN 600 650 093) as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- The accreditation of Atacia’s safety management system as to compliance with AS/NZS ISO 45001:2018,
- The engagement of a full-time Safety Officer,
- The development of Formwork educational videos, and
- The sponsorship of a development pathway for an eligible formworker.

The full undertaking and general information about enforceable undertakings is available at www.safework.nsw.gov.au.