

**ENFORCEABLE UNDERTAKING**

Part 11

*Work Health and Safety Act 2011*

The commitments in this enforceable undertaking  
are offered to SafeWork NSW

by

**Labourforce Impex Personnel Pty Ltd**  
ACN 093 578 726

**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](http://www.SafeWork.nsw.gov.au)*

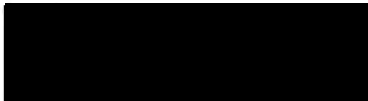
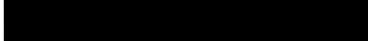
## Enforceable Undertaking

### 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

<b>Registered Address:</b>	Unit 1 1371-1373 Botany Road BOTANY NSW 2019
<b>Postal address:</b>	As above
<b>Telephone contact:</b>	
<b>Email address:</b>	
<b>Legal structure:</b>	Proprietary company
<b>Type of business:</b>	Proprietary company
<b>Commencement date of the entity:</b>	1 July 2000
<b>Number of workers:</b>	Full-time: 37 Part-time: 0 Casual: 1,400 nationally (on average)
<b>Products and/or services:</b>	Provision of labour hire workers

**b. Details of the alleged contravention**

It is alleged by SafeWork NSW that on 13 February 2017, **Labourforce** Impex Personnel Pty Ltd 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.

**c. Details of the events surrounding the alleged contravention**

A Labourforce labour hire worker became entangled in a metal turning lathe on 13 February 2017 whilst finishing the metal rollers.

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

It is acknowledged that SafeWork NSW has alleged that Labourforce has contravened sections 19(1) of the WHS Act.

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

The worker sustained serious crush injuries to both arms and hands.

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

Were enforcement notices received?

Yes  *The following notices were issued to Labourforce:*

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
16 February 2017	Section 171 (Notice to Produce Documents)	JW160217	(N/A)	Material produced.
31 March 2017	Section 171 (Notice to Give Information)	7-304818	(N/A)	Material produced.
7 April 2017	Improvement Notice	7-302884	Ss 19, 20, 21 and 46 of the WHS Act and cl 34-38, 39 and 203 of the WHS Regulation	Notice complied with.
27 July 2017	Section 155 (Notice to Give Information)	7-310302	(N/A)	Material provided.

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

Labourforce 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)**

The worker has been provided with workers compensation benefits.

- 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 worker was employed by Labourforce at the time of the incident.

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

Date	Description of support	Comments
(Ongoing)	Facilitating the expeditious payment of workers compensation benefits	
(Ongoing)	Providing the injured worker with access to a dedicated rehabilitation consultant	
(Ongoing)	Offering the injured worker access to re-training to assist him to obtain employment in the event that he elects not to return to work as a Labourforce team member	

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

Labourforce has an existing WHSMS compliant with AS/NZS 4801:2001. Third party auditing of the workplace against AS/NZS 4801:2001 is conducted on a bi-annual basis.

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

Consultation within the workplace in relation to the proposal of an enforceable undertaking has been undertaken with managerial personnel, the injury management coordinator and specifically with the injured worker. Given the nature of Labourforce's business and the number of casual workers, consultation has not occurred with all workers.

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

Labourforce regrets that the incident on 13 February 2017 occurred and the worker sustained injuries as a result of the incident.

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

Description	\$ Amount
Labourforce has:	
a) Employed a further three full-time staff members who work in the National Safety department to support the safety performance of the business,	\$270,000 p.a.



<p>b) Employed two additional safety officers to undertake site visits for risk assessment and to support functional work health and safety at a local level with hazard identification, risk management, consultation and training,</p> <p>c) Employed additional in-house nurses to assist in the pre-employment induction process by completing industry-specific pre-employment medicals, drug and alcohol screening and health-based interviews,</p> <p>d) Introduced a new incident and injury management database (called "CoverMe") which has allowed the business to identify specific clients, job roles and branches with an increased potential for work health and safety risks.</p> <p>Those analytics have resulted in the appointment of additional occupational health nurses across Australia and a trial of a program whereby one such nurse was located at a host employer three days per week to complete workplace observations regarding work tasks and ergonomics on a worker-by-worker basis.</p> <p>The analytics have also resulted in Labourforce revising its pre-employment medicals to be more closely tailored to the specific tasks associated with specific placements,</p> <p>e) Reviewed its Inspections &amp; Observations and Risk Management Procedures in consultation with the business' office and implemented iAuditor following trials of proposed amended Procedures.</p> <p>iAuditor is an app that can be used across Australia for hazard identifications and inspections and assigning and following up on any corrective actions,</p> <p>f) Implemented a National Site Safety Consultation Cycle to increase site visits and consultation with host employers and workers,</p> <p>g) Enhanced the risk profiles and assessment for each host employer after site inspections, the review of safe working procedures and induction material and consulting with host employers.</p> <p>Account managers are briefed by safety officers and profiles and assessments are attached to the specific employer's file in Labourforce's operations database and risk register,</p> <p>h) Procured its Regional Manager to undertake site inspections, risk profiles and information gathered from host employers to enable the business to provide further guidance, information and instruction to workers and facilitate enhanced consultation with host employers,</p> <p>i) Issued all internal staff with new Position Descriptions that outline their work health and safety duties and provided them with training and monitoring to assist them to comply with those duties,</p> <p>j) Conducted monthly safety/due diligence reporting and quality audits to ensure that positive performance indicators are being obtained from site</p>	<p>\$120,000 p.a.</p> <p>\$100,000 p.a.</p> <p>\$60,000 p.a.</p> <p>\$2,000 p.a.</p>
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<p>visits, toolbox talks, formal and informal consultation, pre-employment inductions and pre-employment medicals,</p> <p>k) Rated the particular risk profile of host employers based on specific workers, the type of work to be undertaken and the employer's incident history Risk Profile.</p> <p>The relevant resulting information regarding risks, inherent requirements of the intended task and consultation is then provided to workers via induction,</p> <p>l) Employed a total of:</p> <p>(i) 2 x safety officers, (ii) 10 x occupational health nurses, and (iii) 1 x medical services manager/audiometry tester,</p> <p>following the incident. This has been affected by the COVID epidemic, such that it now employs 1 x safety officer and 4 x occupational nurses,</p> <p>m) Hosted Recruitment Yarns (industry roundtables) across Australia and New Zealand (twice in 2 years) which involved more than 600 managers and senior operators to educate them on work health and safety matters,</p> <p>n) Engaged an independent qualified safety expert to provide advice on the development and implementation of an enhanced safety management system.</p> <p>o) Development and implementation (including testing, training, information, instruction and supervision in respect of) a new management database</p>	<p>\$30,000 pa</p> <p>\$200,000 pa</p>
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**TOTAL AMOUNT SPENT ON RECTIFICATIONS**

**\$782,000**

We note that some of these costs, such as the labour costs of the three full-time employees are ongoing.

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

Labourforce commits that the behaviour that lead 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**

Labourforce 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**

Labourforce 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.

<sup>1</sup> The [REDACTED] system automatically identifies workers who have not yet been inducted, reference-checked, medically reviewed, [REDACTED] so that they can be precluded from placement with any host employer. The system is intended to operate such that only qualified workers are placed with host employers.



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

No  Labourforce has had no prior work health and safety convictions.

**r. Statement regarding relationships with beneficiaries**

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

**s. Intellectual property licence**

Labourforce 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**

Labourforce 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.

Labourforce 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.

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

**u. Acknowledgement of enforceable undertakings guidelines**

Labourforce 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**

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

Labourforce will, within thirty (30) days of the date of acceptance of this enforceable undertaking, cause a public notice to be published in the Sydney Morning Herald or equivalent publication, which will be drafted using the script provided in Annexure 1.

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

Labourforce 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)**

Labourforce agrees to disseminate information about the enforceable undertaking within the workplace, including to the members of any health and safety committee and health and safety representatives. This information will be disseminated through internal briefings and memorandums and will be completed within one (1) month from the date of acceptance of the enforceable undertaking.

Labourforce is not required to publish an annual report.

Labourforce commits that any strategies 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.

**STRATEGIES THAT WILL DELIVER BENEFITS TO THE WORKPLACE, INDUSTRY AND THE COMMUNITY**

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

**1. Employment of a full-time National Safety Manager**

**Scope:**

Labourforce will employ a National Safety Manager to lead improvement, development, review and monitoring of Labourforce's WHS procedures and practices.

This will be a wholly new role.

The National Safety Manager will report directly to the Chief Financial Officer and will be reported to by allocated staff.

**Target issue:**

This strategy is targeted at developing a rigorous and systematic approach to WHS in Labourforce's workplace. As a labour hire agency, employing a dedicated National Safety Manager will assist to build Labourforce's safety culture at the senior executive level and drive safety initiatives at all levels of its operations. This will help ensure that safety is a critical factor in the decision-making process of the company. It will also seek to address the risks of workers in the business when placed at host locations in a systematic way.

**Tangible outputs / deliverables and delivery method:**

The National Safety Manager will be engaged by Labourforce as a full-time employee, to lead the Work Health and Safety team of the business. The role will join the senior leadership team and will:

- Provide strategic safety guidance to the business;
- Develop, implement and maintain safety systems;
- Help coordinate the joint safety duties between Labourforce, as a supplier of labour hire workers, and the clients who engage labour hire workers through it;



- Support the proactive health and safety culture by promoting safety initiatives and training packages;
- Work directly alongside clients that engage Labourforce to help minimise risk;
- Managing safety awareness systems across all Labourforce personnel;
- Seeking continuous improvement by developing, updating and implementing policies, procedures and plans that promote a high level of safety;
- Coordinate safety, risk management and reporting processes;
- Assist in the development and delivery of training packages; and
- Facilitate safety reporting for internal and external standards in a timely manner to meet compliance.

The National Safety Manager will, in addition to the above deliverables, undertake a specific focus project. Labourforce has recently committed to sponsorship of a new initiative [REDACTED] which seeks to create and deliver a single national mental health strategy for the road transport and logistics industries.

Labourforce specialises in the supply of labour hire in these industries.

Labourforce's involvement in this Foundation has identified an opportunity to implement a mental health and wellbeing strategy specifically for the Labourforce business.

Labourforce does not seek to include the cost of that sponsorship in this enforceable undertaking, but will give its National Safety Manager a specific project to develop a mental health and wellbeing strategy for the business, which will be shared with its clients to facilitate learning and understanding of mental health issues, and appropriate measure to mitigate those, which affect workers in the labour hire industry.

That project is proposed to run for 18 months from the placement of the National Safety Manager and consists of training of Labourforce management, workers and casual labourers in identifying issues of adverse mental health and provide Labourforce management and workers with strategies and tools for mitigating them.

The program will also include tools for measuring the mental health and wellbeing of the organization so that improvements can be readily identified.

The program will also involve partnering with Labourforce's clients to identify mental health issues arising in those placement workplaces which may impact upon labour hire workers and appropriate controls which can be implemented and monitored to mitigate them.

**Audience / beneficiaries:**

This strategy will benefit workers and stakeholders of Labourforce, including its clients. It will also help to set a high benchmark for other labour hire agencies particularly around the issues of mental health and wellbeing within a labour hire environment.

**Timeframes:**

(A = date of acceptance of the EU)

Activity	Commencement	Completion
Advertise the role of National Safety Manager	A + 3 months	Ongoing until appointed
Appointment of National Safety Manager		Within 6 months
Implementation of the mental health strategy	A + 6 months	A + 18 months



**Work health and safety outcome:**

The safety and mental wellbeing of Labourforce's labour hire employees on deployment with clients will be a priority of the role. The role will determine strategies to mitigate risks for those workers and assess compliance with, as well as the success of, those strategies. The role will lead improved safety practices at our clients' workplaces.

**Cost breakdown:**

Description	\$ Amount
Wage costs (incl. superannuation, payroll and premiums) for 12 months	\$141,000.00

**Total estimated cost: \$141,000.00**

**2. Development and implementation of electronic platform for a work health and safety management system designed for Labourforce's operations**

**Scope:**

Labourforce's current WHSMS system is based on several distinct functions and tools. Labourforce's current system does not fully leverage of the benefits of modern technology.

Labourforce will engage an external Safety Management Software provider, [REDACTED] to help build an online platform WHSMS. The WHSMS will have consolidated and improved functionality with respect to:

- a) Incident and injury reporting and management;
- b) Induction of new workers;
- c) Record keeping; and
- d) Hazard identification and inspections.

The new WHSMS will be able to be incorporated into our clients' workplaces to help mitigate risks at different worksites. It will be adaptable to different working environments. Once developed, this portal can be accessed by Labourforce's intranet, desktops and on workers' mobile devices so the system can be used by all workers, sub-contractors and leaders who use the WHSMS on site, in real-time, at the click of a button.

The new platform will also increase the ability to identify hazards and eliminate and minimise risks in real time and, as such, will enhance the safety of workers. Required actions will be immediately directed to the relevant department for rectification and the new system will allow for the collection and analysis of safety data for the business as a whole and in relation to each specific client and industry. Once the tools have been completed, such as an incident report, safety walk or safety observation, a tailored workflow solution will be available to ensure that the item is reviewed, any required intervention is initiated and corrective actions are implemented and completed.

**Target issue:**

Labourforce currently has several distinct tools to address health and safety functions such as hazard and incident reporting, which have been developed on an as-needed basis. The development of a new platform is designed to transform Labourforce's existing WHSMS risk mitigation measures through the use of technology, including by improving:

- a) The timeliness of reporting hazards and unsafe behaviours by introducing a mechanism by which as soon as hazards and unsafe behaviours are reported in the electronic WHSMS, they will be logged and tagged for action by the relevant person; and



- b) The ease with which such safety issues can be reported throughout the business (even where they are identified on a client worksite) through tagging functions within the WHSMS, data collection and reporting.

A specific governance functionality will be included to allow for the monitoring of workers at host sites and the reporting of performance at the client site level and across the organisation.

The new program will consolidate Labourforce's existing tools and also introduce new functionality. It is anticipated that the new program will directly improve the safety of work practices at different client sites.

**Tangible outputs / deliverables:**

The new online [REDACTED] WHSMS will have a number of consolidated tools and procedures that will be able to be applied across the business to assist with controlling risks posed to labour hire workers whilst carrying out work in host workplaces, including:

- Safety behaviour observations;
- Hazard reporting;
- Safety walks and talks;
- Safety meetings (such as toolbox talks);
- Injury management;
- Risk management assessments;
- Inspections;
- Incident dashboards;
- Safety actions; and
- Safety contacts.

A key aspect or tool of the electronic WHSMS are the "*Safety Behaviour Observations*". The main aims of conducting Safety Behaviour Observations include addressing behaviour in a detailed way of people while at work, in real time and opening dialogue to help workers come to embrace a culture of safe thinking, especially for labour hire workers while on other PCBU worksites.

**Audience / beneficiaries:**

The development of the electronic platform will be available to, and will benefit, all of Labourforce's workers. More broadly, the electronic platform will benefit Labourforce's management team, clients who engage labour hire workers, safety committees, health and safety representatives and labour hire employees.

Due to the nature of Labourforce's business as a labour hire agency, the strategy will reach across industries more broadly and improve the work practices of other labour hire agencies by setting a high bar. It will also help improve the safety of our clients' direct employees, who will benefit from improved safe working practices.

**Work health and safety outcome:**

The initiative is proposed to achieve the following goals:

- Increase the knowledge and awareness of Labourforce's teams around safety leadership and the benefits of taking action to address safety issues including an increased awareness around legal requirements and compliance.
- Allow for more at-the-source and real-time reporting, accurate reporting of hazards, behaviours and incidents across the business and our clients' workplaces and give the business the ability to run improved and precise safety reports that can be shared within the business across all

levels of management and content that can be shared with other industry groups around the journey to improve Labourforce's safety culture; and

- The ability to capture and assess the effectiveness of pro-active risk management activities, such as safety walks.

An audit of the system will be conducted 12 months after the implementation of the system. The audit report, including any recommendations, will be provided to SafeWork NSW.

**Delivery method:**

1. Partner with ██████████ to develop the new program.
2. ██████████ to deliver training for all users of the new system by way of:
  - a. Online module training;
  - b. Standard administration training for relevant persons; and
  - c. Onsite training

**Timeframes:**

(A = date of acceptance of the EU)

Activity	Commencement	Completion
Development and delivery of initial program by external provider	A + 1 month	A + 2 months
Company specific risk assessment by external provider	A + 2 months	A + 3 months
Administration training of new platform	A + 2 months	A + 3 months
User module training	A + 2 months	A + 3 months
Provision of mobile device application	A + 4 months	A + 6 months
On-site training of new system	A + 4 months	A + 6 months
Audit of the system	A + 6 months	A + 18 months

**Cost breakdown:**

Description	\$ Amount
Development and delivery of initial program by external provider	██████████
Annual subscription cost for service (for period of EU)	██████████
On-site training	██████████
External audit	██████████

**Total estimated cost: \$27,269.00**

**3. Safety Leadership Program**

**Scope:**

Labourforce recognises that as a PCBU and supplier of labour hire workers, we have a responsibility in supporting and promoting safety in our own workplace and that of our clients. In order to achieve a high standard in this area we need to have leaders and all workers with the knowledge and ability to make safer choices. Having highly skilled leaders with the ability to lead and influence safe choices is a core component of a high performing organisation.



As part of the EU, Labourforce will procure and implement an external bespoke WHS leadership program that focuses on obligations for a PCBU and its officers, duties and methods of consulting with the workforce and our clients and being safety champions.

The training will be undertaken by Labourforce's officers, including senior management (including the recruitment and consulting team) and the new National Safety Manager (a total of 6 personnel in NSW), and become part of Labourforce's induction for all new senior personnel.

The outcomes of the program will have a direct influence on work practices at all levels of the organisation.

A key part of the program will be to educate the target audience about their responsibilities and obligations under WHS legislation and how to apply effective leadership methods that facilitate due diligence and an overall culture of safety. The training will have a targeted focus on ensuring safety for our labour hire employees when they are working at another PCBU's worksite.

It is proposed that the training will address:

- Legal, moral and ethical responsibilities regarding WHS;
- Understanding WHS due diligence for management and obligations for supervisors;
- Tools that can create a culture of safety in the organisation;
- Programs to ensure safety of labour hire employees working at client sites;
- Methods of effective communication and consultation with workers and other PCBUs and how to implement and manage this in accordance with their legal obligations;
- How to assess the safety culture of another organisation (such as a potential client);
- Actions of a proactive safety leader and the impact on the organisation;
- Ways to change safety culture in the organisation;
- Keeping up to date with WHS legal requirements;
- Importance of safety through design; and
- Understanding the outcomes of audits and their importance in the workplace.

The program material content will be provided to SafeWork NSW for feedback and final approval prior to its implementation.

**Target issue:**

To strengthen Labourforce's leaders' understanding of work health and safety to optimise legislative compliance and enhance their abilities to promote a stronger safety culture within the business, with a particular focus on how to satisfy their obligations in relation to labour hire employees who perform work at another PCBU's worksite.

**Tangible outputs / deliverables:**

The strategy will deliver the following outputs and deliverables:

- a) Documented key learning outcomes;
- b) Documented training materials (including participant guide, presentation & videos, post program competency assessment);
- c) A delivery program with specific completion dates for assignments/components;
- d) Delivery of program via face-to-face group sessions in accordance with the final delivery program and assessments; and
- e) Post-program competency assessment by all participants (100% participation) that must be completed in order to successfully complete the module with a minimum level of competency being a pass.

The effectiveness of the program will be verified by the:

- a) Completion of a post-course assignment by participants showing how the learnings will be embedded into the business; and
- b) Keeping of a log by participants showing how they have implemented the program learnings, for example, a diary showing when they have had safety-related conversations with colleagues or carried out safety inspections.

**Audience / beneficiaries:**

Labourforce's executive will complete the Safety for Leaders Program. The beneficiaries of the training will be all workers at the workplace, with safety learnings to be disseminated throughout the workplace. All workers will benefit from an improved safety culture.

**Delivery method:**

The program will be delivered in person. It is expected some modules will then be required to be completed by the officers after the training program has completed to implement the safety outcomes.

**Timeframes:**

(A = Date of acceptance of the EU)

Activity	Commencement	Completion
Consultation with Labourforce personnel to determine key learning outcomes	A + 1 month	A + 2 months
Development of course materials, program and competency assessment	A + 1 months	A + 3 months
Delivery of Safety Leadership Program by competent person(s)	A + 6 months	A + 12 months
Participant completion of competency assessment	A + 6 months	A + 12 months
Further refresher course	A + 12 months	A + 12 months

**Work health and safety outcome:**

Improved executive governance and leadership in relation to WHS matters, strengthened safety culture and optimised legislative compliance and improves safety practices of labour hire workers at client worksites.

**Cost Breakdown:**

Description	\$ Amount
Project management & delivery (engaging personnel external to Labourforce to facilitate the education and training strategy including consultation, development of training materials, delivery and assessment)	██████████
Estimated costs completion of training and delivery to management and leadership	██████████

**Total estimated cost: \$34,437.50**



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e. **Strategies that will deliver industry and community benefits**

4. **Employer Forum Targeting the Risks and Issues Associated with Labour Hire Workers**

**Scope:**

To organise and facilitate a one day conference in partnership with Recruitment, Consulting and Staffing Association (**RCSA**) on the risks, issues and challenges for labour hire host persons conducting a business or undertaking (**PCBUs**), labour hire agencies and labour hire workers, called the "*Safety in Labour Hire Forum*". RCSA's CEO has indicated his full support for the conference.

To deliver panel and group discussions, with guest speakers (ranging from regulators, industry associations, labour hire agencies, PCBUs who engage a substantial labour hire workforce, labour hire employees and members of the legal profession) being invited to present on a range of topics.

The conference to take place in 2021 subject to further discussions with SafeWork NSW on an agreed timeframe.

To develop a statement of commitment at the conclusion of the conference for participants, committing to ensuring continuous improvement in safety in the labour hire industry.

**Target issue:**

SafeWork New South Wales has developed the "*At Risk Workers' Strategy 2018-2022*" to support and protect workers in demographics that it has identified as being the most at risk of harm in the workplace.

That Strategy entails the delivery of initiatives to improve the capability of labour hire corporate duty-holders to discharge their duties under the *Work Health and Safety Act 2011*.

The proposed forum will contribute to an improved capability to manage the work health and safety risks and issues associated with labour hire workers through strengthened awareness, strategies and information delivered by appropriately expert speakers and facilitators.

**Tangible outputs / deliverables:**

This strategy will develop the following outputs:

- Delivery of a 1 day conference in 2021 with over 300 members of participants in the labour hire industry, consisting of panel and group discussions, guest speakers, and opportunities for questions and answers;
- Record conference panels and upload the sessions outline to facilitate further dissemination of conference content for those unable to attend;
- Partnering with RCSA in order to develop and promote the conference to ensure reach to the target audience, including PCBUs who engage labour hire workers and providers of labour hire workers;
- SafeWork NSW is invited to participate (at its discretion) in the conference steering committee as a non-binding member (for example, as an observer to provide assistance and guidance to the steering committee/forum);
- Develop a communication plan to assist with marketing of the conference and also to ensure longevity of the conference's key messages and action items;
- Take home material to be distributed amongst the network and target audience to promote the conference's key messages and action items;
- Labourforce will publish a media release to promote the event on its website within the six months preceding the event; and
- Labourforce will provide a full post-event evaluation report to SafeWork NSW, including findings, attendee profiles, recommendations for future events and results.

**Audience / beneficiaries:**

- The specific target audience will be predominantly businesses that engage labour hire workers.
- The primary beneficiaries of the forum include executives, HSE officers and supervisors (such as project managers and site managers) in industries that engage labour hire workers;
- Labour hire workers will also be primary beneficiaries of the information disseminated at the forum;
- PCBUs in the mining, construction and commercial cleaning services sectors tend to have high levels of labour hire workforce and therefore have a significant potential benefit from the forum; and
- Secondary beneficiaries of the conference include the wider industry (including people associated with those industries, such as families), the safety profession and SafeWork NSW.

**Delivery method:**

Partner with the RSCA to deliver and host the conference;

Form a conference steering committee (e.g., SafeWork NSW (at its discretion), RSCA, Labourforce and other key stakeholders);

Develop a communication plan which:

- Defines the objectives of the conference;
- Clarifies the target audience; and
- Identifies appropriate marketing and advertising strategies (such as tapping into existing networks and promoting the conference through mailing lists and scheduled correspondence pre- and post-conference, collateral, newsletters, ██████████ thought leadership and web content);

Plan and prepare conference panels and group discussions, including:

- Panel topics;
- Case studies, including Labourforce providing its own case study about the incident, and their journey to develop this enforceable undertaking; and
- Shortlisting and finalising guest speakers and panellists;

Collateral in the form of conference booklets will be developed for dissemination to ensure the longevity of the conference's safety message;

Establish a social media ██████████ community and forum to share opinion pieces and thought leadership articles pre- and post-conference;

SafeWork NSW (at its discretion) to review and endorse forum objectives, with the opportunity for participants to become signatories; and

Compile and disseminate a feedback form for the purposes of evaluating the conference, identifying any areas of success and seeking recommendations for improvement.

Organise a roundtable inviting the executives of organisations that participated in the conference to come together and discuss a "call to arms" to promote and ensure safety for labour hire workers;

Share the "call to arms" with all organisations who attended the conference, with the opportunity for those participants to become signatories; and

Compile and disseminate a feedback form for the purposes of evaluating the conference, identifying any areas of success and seeking recommendations for improvement.



Labourforce acknowledges that SafeWork NSW will have final approval of program content and presentations.

**Timeframes:**

(A= Date of Acceptance of the EU)

Activity	Commencement	Completion
Diarise and schedule periodic conference steering meetings with SafeWork and other stakeholders	A + 1 month	A + 14 months
Reach out to potential industrial associations and bodies to collaborate as partners	A + 2 month	A + 6 months
Labourforce and RSCA to plan: <ul style="list-style-type: none"> <li>• Conference theme;</li> <li>• Panel sessions and key takeaways;</li> <li>• Communication plan/strategy; and</li> <li>• Date and location.</li> </ul>	A + 3 months	A + 6 months
Reach out to potential guest speakers and panellists	A + 3 months	A + 6 months
Finalise panel session topics, guest speakers and panellists	A + 6 months	A + 9 months
Conference and executive roundtable statement of commitment	A + 12 months	A + 15 Months
Evaluation report to SafeWork NSW	A + 15 months	A + 16 months

**Work health and safety outcome:**

The key outcome as a result of the forum is to increase awareness amongst, and influence the behaviour of, industries which engage labour hire workers in relation to the risks associated the work the said labour hire workers do. The aim is to reduce the number of workplace injuries and fatalities amongst labour hire workers in line with the SafeWork NSW Road Map 2022.

**Cost Breakdown (calculated with RCSA):**

Description	\$ Amount
Venue, catering, audio visuals equipment and other technical costs	██████████
Program Consultant	██████████
Speakers and MC	██████████
Merchandise	██████████
Event Management, Registration, insurance and other costs	██████████
Marketing, recording and editing by professional videographer	██████████
Internal Labourforce resources	██████████

**Total estimated cost: \$278,284**

**TOTAL ESTIMATED VALUE OF THE UNDERTAKING: \$480,990.50**



**f. A commitment to establish and maintain (or maintain if a system already exists) a WHSMS**

Labourforce is committed to ensuring their existing WHSMS complies with the principles of AS/NZS 4804: 2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques and ensuring compliance within 12 months from the date the enforceable undertaking is accepted.

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

**g. A commitment to ensure the WHSMS is audited by third party auditors**

Labourforce commits to ensuring the WHSMS will be audited by accredited third party auditors to meet the requirements of AS/NZS 4801: 2001 Occupational Health and Safety Management Systems – Specification with guidance for use, in accordance with established timeframes as set by SafeWork NSW.

Labourforce 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.

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

Labourforce acknowledges that an initial third party audit will be undertaken within 18 months and another third party audit will be undertaken during the course of the undertaking at 36 months following the date of acceptance of the enforceable undertaking.

**h. A commitment to provide a copy of each finalised WHSMS audit report to SafeWork NSW**

Labourforce acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within 4 weeks 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.

Labourforce acknowledges that within 8 weeks 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.

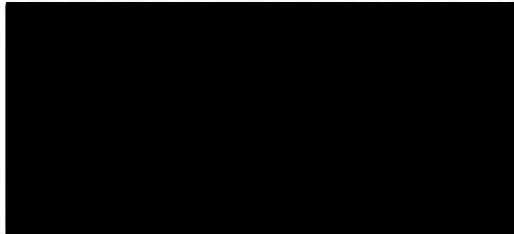
**i. A commitment to implement the recommendations from these audits (unless otherwise negotiated with SafeWork NSW)**

Labourforce commits to fully implementing the intended actions arising from the audit twelve 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 Labourforce Impex Personnel Pty Ltd, I offer this undertaking and commit to the terms herein.



Position: Managing Director

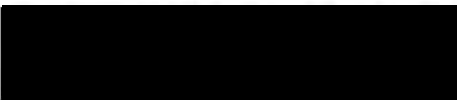
Dated at Wetherill Park this       day

August of, 2020

### 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, Operations, Investigations and Enforcement. Authorised delegate for SafeWork NSW, an agency within the Department of Customer Service

Dated at Sydney this 17 day of September 2020  
[suburb] [month] 2020

## **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 13 February 2017, a labour hire worker suffered significant injuries after becoming entangled in a metal turning lathe whilst finishing some metal rollers.

SafeWork NSW investigated the incident and subsequently alleged that Labourforce Impex Pty Ltd contravened section 19(1) 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 Labourforce (ACN 093 578 726) as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- The appointment of a full-time National Safety Manager,
- Development and implementation of electronic platform for a work health and safety management system designed for Labourforce’s operations
- The undertaking of leadership education to strengthen the business’ safety culture and performance,
- The holding of an industry and community forum focusing on the work health and safety issues associated with labour hire workers.

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