



ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

BOC Limited

ACN: 000 029 729

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:	10 Julius Avenue, North Ryde, NSW, 2113
Postal address:	As above
Telephone contact:	[REDACTED]
Email address:	[REDACTED]
Legal structure:	Public company (unlisted)
Type of business:	BOC, a subsidiary of Linde plc, supplies compressed and liquefied gases, chemicals and equipment across the South Pacific region, including Australia, New Zealand, Papua New Guinea and the Solomon Islands. We develop safe, sustainable and innovative solutions for customers across a variety of applications, heavy industry and the medical sector.
Commencement date of the entity:	18 January 1935
Number of workers:	Full-time: 1151 Part-time: 44
Products and/or services:	In a wide range of supply solutions, BOC supplies atmospheric gases such as oxygen, argon, nitrogen, carbon dioxide; fuel gases including dissolved acetylene and propane; and other gases such as hydrogen, helium, gas mixtures and refrigerants.
Comments:	

b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 7 November 2017, BOC Limited failed to discharge its obligations as a person conducting a business or undertaking under sections 20(2) and 32 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

At approximately 11:40am on 7 November 2017, the injured worker stepped onto the board of a temporary walkway in a ceiling space whilst performing defect rectification work. The board gave way, resulting in the injured worker falling through the ceiling and suffering injuries.

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

It is acknowledged that SafeWork NSW has alleged that BOC Limited has contravened sections 20(2) and 32 of the WHS Act.

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

The injured worker suffered lacerations and fractures.

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
8 November 2017	Prohibition Notice	41420	Alleged contravention of WHS Act s 19; WHS Regs cl 78	<ol style="list-style-type: none"> 1. Ceased all work within the ceiling space 2. Eliminated the risk of falls from the ceiling space, and where this was not reasonably practicable, minimised the risk of falls so far as was reasonably practicable by providing a safe system of work. 3. Before carrying out any further high risk construction work at the workplace where a person can fall, ensured that a safe work method statement was prepared for the work.
8 November 2017	Prohibition Notice	41421	Alleged contravention of WHS Act s 19; WHS Regs cl 80	<ol style="list-style-type: none"> 1. Ceased all work within the ceiling space. 2. Established emergency procedures including rescue procedures in relation to working in the ceiling space of

				<p>the newly constructed building.</p> <p>3. Provided relevant workers with adequate information, training and instruction in relation to the emergency procedures.</p>
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g. A statement of assurance about future work health and safety behaviour

BOC Limited 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.

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 injured worker was a contractor and hence not a worker of BOC Limited, for the purposes of workers compensation.

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 [REDACTED] at the time of the incident.

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

Date	Description of support	Comments
7/11/2017	First Aid	
7/11/2017	Ambulance	Site Manager travelled with injured worker in ambulance
Various	Hospital visits	BOC senior management made regular visits to the injured worker in hospital
Various	Regular follow up check in on worker's, health, recovery, physical and mental well being	This continued for approx. 12 months

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

BOC Limited has an existing WHSMS but this has not been assessed against the principles of AS/NZS 4801:2001. BOC Limited is licensed or certified by a variety of regulatory bodies, including SafeWork NSW and equivalent regulators in other States in relation to its Major Hazard Facilities, Environmental Protection Authority, Therapeutic Goods Administration (TGA), ISO 9001, HACCP, and FSSC. In order to maintain these licences/accreditations, BOC's safety management system is audited by external third parties (SAI Global) and the regulatory bodies themselves. These audits occur frequently (several times per year). BOC also has a comprehensive Internal Audit program. The Internal Audit

program covers all areas of BOC's business and frequencies are determined using a risk-based assessment.

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

Consultation has been undertaken with BOC Limited's executive management team, Managers of the Sydney Operations site where the incident occurred, other relevant senior Managers and the HSE Managers in each region.

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

BOC Limited regrets that the incident on 7 November 2017 occurred and the Worker sustained injuries as a result of the incident.

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

The following work has been completed following the incident:

Description	\$ Amount
Review of Permit to Work (PTW) system	██████
Update of PTW Training Material	██████
Update of Competency Based Training (CBT) Module	██████
Training in new material	██████
Procedure update	██████
Awareness Sessions / Communication of standard	██████
Total Spent	208,222

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$208,222

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

BOC Limited commits that any behaviour that may have 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

BOC Limited 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

BOC Limited acknowledges that it has the financial ability to comply with the terms of this enforceable undertaking.

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

SafeWork NSW requests a list outlining details of any prior work health and safety convictions or findings of guilt under work health and safety legislation¹ or work health and safety related legislation.

Yes The list is attached as an annexure.

1. Subject to any local legal constraints such as spent conviction legislation.

r. Statement regarding relationships with beneficiaries

BOC Limited acknowledges there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of BOC Limited, future contractors and potentially some of BOC's customers.

s. Intellectual property licence

BOC Limited 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

BOC Limited 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.

BOC Limited 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.

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

BOC Limited 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 BOC Limited and SafeWork NSW.

u. Acknowledgement of enforceable undertakings guidelines

BOC Limited 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

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

BOC Limited 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, which will be drafted using the script provided in Annexure 1.

BOC Limited acknowledges that the public notice will be published in a mainstream daily newspaper, 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

BOC Limited 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)

BOC Limited 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 BOC limited. This information will be disseminated through Toolboxes and will be completed within 3 months from the date of acceptance of the enforceable undertaking.

BOC Limited is not required to publish an annual report.

BOC Limited 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. Electronic Permit to Work System

Scope:

Subsequent to the incident involving the injured worker on 7 November 2017, BOC performed a full review of its Permit to Work (PTW) system, updated the relevant Competency Based Training (CBT) then trained and re-assessed all permit issuers within the business. Whilst this has improved this extremely important administrative control, there is still the opportunity for further improvement. It is proposed that in order to further strengthen PTW as a critical control, BOC will implement an electronic system for issuing and accepting work permits replacing the existing paper based system. The Electronic system would be based on a central database and accessed using an application on a tablet or phone. BOC's existing Permit system would be moved onto a commercially available platform that is designed for this purpose. It is expected that specific configuration will be required to ensure that the end solution meets BOC, Linde Group and regulatory requirements. During this configuration period, BOC will ensure that safeguards are integrated into the system, including measures to ensure that forms are completed correctly and in full, that only appropriately authorised people are able to issue, and approve permits, and that permits are completed correctly prior to being closed.

Target issue:

This system is intended to enable the following benefits:

- Correct use of supplementary permits - e.g. if "working at heights" is identified as a risk then the corresponding Supplementary permit must be completed before the permit can be issued.

- Enforcing higher authority signoff through an electronic work-flow system prior to work commencing.
- Improved ability to review and approve permits issued by remote lone workers.
- Improved discipline around completing the forms, e.g mandatory fields cannot be left blank etc.
- Improved ability to perform Permit To Work Compliance review, including recording and reporting.
- Improved ability to include attachments such as Work Method Statements, Job Safety Analysis, Engineering Change Documents, Drawings, etc in the job records.
- Automatic Version Control.
- Centralised reporting on activity and compliance.
- Improved ability to audit.
- Enforcement of the close out process, i.e. closed prior to the permit acceptor leaving the site.

Tangible outputs / deliverables:

- Electronic permit system available for use across sites operated by BOC in New South Wales, and by BOC's remote service technicians in New South Wales..
- Tablets available to enable permits to be issued at the work location, 1 for each PTW Station on the Sydney Operations Centre site (currently 3) and one for each remote service technician (currently 7).
- Updated procedures for the Permit to Work to accommodate the new system.
- Competency based training material updated to include the electronic permit issue.
- Management of Change program executed for the introduction of electronic work permits.
- 100% of permits issued electronically.
 - Review of paper Permit books to show none issued after change-over date without express approval from the management team.
 - Number of electronic permits issued per week in line with the number of Paper permits being issued per week prior to the change.
- 100% of active permit issuers signed off as competent in the use of the electronic permit. To be verified in BOC's Training management system (TRACCESS) that people assigned PTW Profile, are marked as "complete". (Note 1: Permit Issuers going through the competency based training will be assigned the training; however the training will not be marked as complete. These people will only be able to issue permits under the supervision of an authorized permit issuer as part of their competence development. For the purpose of this measure people in training are not considered active permit issuers. Note 2: Permit issuers who have external training that has elapsed (e.g. elevated work platform license), are not able to issue permits related to that licence or qualification and hence are not considered active permit issuers.)
- 10% of all permits issued in the first year of implementation have an associated compliance review. Compliance reviews are performed by members of the management team who are trained in the use of permits. Compliance reviews are performed against existing criteria designed to validate the completeness of the permit, the validity of the assessment of risk and the appropriateness of the supervision provided.
 - The total number of electronic permits available within the PTW system.
 - Compliance reviews to be recorded and stored in electronic system (Currently these are recorded using iAuditor).

Audience / beneficiaries:

This program is intended to have the greatest benefit within the workplace, that is directly to BOC employees and contractors.

Delivery method:

- BOC will form a steering team to oversee the progress of development and implementation of the system. The steering team will consist of;
 - Director, Industrial Compressed
 - Director, Onsite & Bulk –
 - Head of SHEQ
 - Knowledge Manager

- BOC will use its existing channels to deliver the program:
 - **Operational Change**
A central function that assesses operational processes and implements improvements. Operational Change will provide project management as well as enabling the change process through well established integration with the operational teams.
 - **SHEQ**
The Safety, Health, Environment and Quality team will complete the Management of change documentation, as well as ensuring all internal and external requirements for a permitting system are met.
 - **Permit to Work community of Practice**
A cross functional team of people from within the business that develop, review and approve, process and programs related to permit to work. This team aligns with a Global Centre of Excellence to ensure global standards and learnings are incorporated into our local procedures as well as monitoring and assisting in the development of local regulatory standards, codes of practice and best practice to ensure these are also included.

- BOC will allocate a project manager to ensure the timely and effective delivery of the solution. The project manager will also be accountable for coordinating steering team meetings and providing regular updates. The proposed project team is as follows:
 - Operations Manager Change – (Project Manager)
 - Regional HSE Advisor - (Management of Change lead)
 - Permit to work Community of practice
 - Leader –
 - HSE Rep –
 - Current team members as listed in IMS-02-20 RSP

- Procurement, the Permit To Work, Community of Practice (PTW CoP) and the Safety, Health, Environment and Quality (SHEQ) team will work together on identifying and an appropriate platform and work with our Information Systems (IS) team to configure and deploy the system.

- The PTW CoP and SHEQ will work with Production, Operations, Engineering, Maintenance and facilities teams to update the procedures relating to Permits.

- BOC's CBT Training team will develop the training and assessment material.

- BOC's Lead Auditor will update / Develop compliance questions sets.

- o SHEQ and BOC's Reporting team will work with the supplier to integrate reporting into our existing safety reporting system.

Timeframes:

- o Below is a table estimating the amount of time required for each step within the project. Many of these activities can happen concurrently with the overall implementation expected to be completed within 12 months of the start date, followed by a 3 month Rollout of the system and 12 months of compliance monitoring to determine the effectiveness of the system. After this monitoring and review period the system will be evaluated and further actions can be developed to improve the system or how it is utilised to continue to drive better safety outcomes.

#	Task Name	Duration	Dependence	Start week	End Week
1	Vendor Evaluation and Selection	60 days		1	10
2	Procurement and legal	30 days	1	10	14
3	Configuration	30 days	2	14	18
4	Procedure update	90 days	1	10	23
5	CBT Updates	30 days	4	23	27
6	MOC development	30 days	4	23	27
7	Audit and assessment	30 days	4	23	27
8	Testing	60 days	3	18	27
9	Update into Live System	30 days	8	27	31
10	Roll out and training	90 days	9	31	44
11	Compliance reviews	365 days	10	44	96
12	Assess and review - Feedback	10 days	11	96	97

Work health and safety outcome:

The intention of this project is to Improve the effectiveness of the Permit to Work system and reduce the level of risk to BOC employees and contractors performing non-standard work. It is also expected to provide a greater level of governance over the Permit to Work system through providing a greater level of transparency and accountability.

Success of the project will be measured through the following:

1. Successful implementation of an electronic permit to work system;
2. 100% of existing active Permit issuers assessed as competent in using the Electronic system (permit issuers not signed off as competent issue permits under supervision as part of their Competency Based Training as per the explanatory notes on this item above);
3. Perform initial baseline assessment of compliance on existing system then after 1 year of using the new system perform a similar compliance assessment and compare results.

BOC will provide updates at key milestones identified in the plan outline above.

SafeWork NSW is invited to review the comparison of the compliance assessments performed before and one year after the implementation of the system

Cost Breakdown:

Description	\$ Amount
	All costs
Task Name	Cost (\$)
Developing Specification	██████████
Vendor Evaluation and Selection	██████████
Procurement and legal	██████████
Configuration	██████████
Procedure update	██████████
CBT Updates	██████████
MOC development	██████████
Audit and assessment	██████████
Testing	██████████
Update into Live System	██████████
Roll out and training	██████████
Compliance reviews	██████████
Assess and review - Feedback	██████████
Licence Costs	██████████
Hardware	██████████

Total estimated cost: \$216,000

Total estimated cost of workplace benefits \$216,000

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

2. **Harm associated with welding fumes**

Scope:

BOC Limited will provide funding to an institution approved by SafeWork NSW to undertake research that aims to quantify and address the burden of harm associated with welding fumes, in partnership with SafeWork NSW's Centre for WHS.

BOC Limited will actively contribute to the research both directly and through its extensive connections within the welding industry.

Target issue:

The recent International Agency for Research on Cancer (IARC) reclassification of welding fume carcinogenicity has highlighted the need to better understand this practice and its effects to protect workers from long-term harm.

Tangible outputs / deliverables:

- BOC Limited will provide funding to an institution approved by SafeWork NSW to undertake research in partnership with SafeWork NSW's Centre for WHS. This commitment will commence within one month of the approval of the Enforceable Undertaking and will conclude at 24 months post-approval of the Enforceable Undertaking.
- BOC Limited will provide funding for this research project to the value of [REDACTED]. This contribution represents funding of a research program that may continue beyond the duration of the enforceable undertaking. Additional funding at the conclusion of this agreement will be allocated by SafeWork NSW from various other sources to fully fund this project. Funding shall be provided only for the 24 months of the Enforceable Undertaking
- BOC Limited will enable connection and promote recruitment of study participation by providing the time and contribution of its welding specialists. This commitment will commence within one month of the approval of the Enforceable Undertaking and will conclude at 24 months post-approval of the Enforceable Undertaking
- BOC Limited will enable connection and promote recruitment of study participation through its welding and metal fabrication customer base. This will be achieved through direct communication with customers as well as promotion through industry bodies, [REDACTED]. This commitment will commence within one month of the approval of the Enforceable Undertaking and will conclude at 24 months post-approval of the Enforceable Undertaking
- BOC Limited will establish an Industry Advisory Group (IRG) of industry peers and other representatives to provide advice to the research team.
- BOC Limited will establish the terms of reference for the IRG and provide the secretariat function.
- BOC Limited will facilitate the organisation of the IRG meetings, the invitees, their location, catering and scheduling to support the research programs. This will be done in consultation

with the research institution and the Centre for WHS. This commitment will commence within three months of the approval of the Enforceable Undertaking and will conclude at 24 months post-approval of the Enforceable Undertaking.

- BOC Limited will engage as an industry participant for the duration of the research project. In this role, BOC Limited will participate and contribute to the project and its co-design, attend project meetings and provide outputs from the Industry Advisory Group to inform the project and its deliverables. This commitment will commence within one month of the approval of the Enforceable Undertaking and will conclude at 24 months post-approval of the Enforceable Undertaking.
- BOC Limited will develop communication material, in consultation with, and approved by the Centre for WHS, to promote the outcomes of the study and assist in educating the welding industry and the broader community of people that are exposed to welding fumes. BOC limited will use its existing relationships with; [REDACTED] among others to maximise industry and community awareness through key note speaking engagements (Directly and/or in collaboration with SafeWork NSW and the research team), Social and traditional media and industry publications.

Audience / beneficiaries:

The research undertaken is intended to benefit the welding industry by addressing the burden of harm associated with welding fumes.

Delivery method:

1. BOC Limited will establish a Steering Committee to oversee and provide advice on each milestone and its deliverables to the timeframes determined and maximise the chance of achieving the individual workplace, industry and community benefits outlined.
2. Steering Committee to implement bi-monthly interval meetings for the first 6 months and thereafter meet at a maximum of quarterly intervals over the proposed 24-month duration of the enforceable undertaking (i.e. 9 meetings x 1hr attended by up to 4-6 people).
3. Steering Committee to review the milestone plan, provided by Safework NSW and the approved research entity and develop a resource plan in line with the milestones presented. This is to include, but not be limited to:
 - a. Payment schedule.
 - b. IRG formulation, charter development, schedule, etc.
 - c. BOC Limited resource availability for participation in / contribution to research
 - d. Development and provision of industry / customer connections.
 - e. Development of communication material and plan.
 - f. Others as agreed to meet the research objectives required by the study.
4. Governance by the Steering Committee over the duration of the enforceable undertaking and the project's successful completion and deliverables to the timeframes determined.
5. BOC Limited will appoint a Project Manager, who will act as a central point of contact and have responsibility for all deliverables including convening the steering committee. While acting in this role the project manager will report directly to the Director, Industrial Compressed. Pending final approval this is currently intended to be BOC's Head of Major Industrial accounts, or someone of similar seniority and influence.
6. For both the Steering Committee and the Industry Advisory Group (IRG) outcomes from meetings will include meeting minutes, attachments, documents & key outcomes, action items as a result of the meeting and who is responsible, timeframes, etc.

7. Deliver a Welding Video Safety Alert (VSA) strategy, requiring BOC to:
 - a. Fund the development and production of a VSA at a cost of up to [REDACTED]
 - b. Provide a suitable site and people to be involved in the VSA production
 - c. Produce the VSA to a point where it will be handed to SafeWork NSW to brand (based on script provided by SafeWork NSW)
 - d. Promote the VSA through BOC networks, including the BOC customer base and any industry associations to which BOC is aligned
 - e. Commence production within 6 months of the agreement of the EU at a time agreed with SWNSW and complete production within 3 months of commencement of production.
 - f. BOC is to agree that the copyright and all exhibiting and distribution rights in relation to the VSA, are to be held exclusively by SafeWork NSW, subject to BOC holding an unrestricted and fee-free licence to:
 - i. use the VSA within BOC/Linde Group for its own purposes
 - ii. share the VSA with industry associations of which BOC is a part for distribution to members

Timeframes:

BOC's involvement in the study will commence within 2 months and be completed within 26 months of acceptance of the enforceable undertaking.

BOC Limited will develop the steering team within 1 month of the commencement of the agreement.

BOC Limited will arrange the formation of the IRG within 3 months of the commencement of the agreement.

Other Milestones will be developed in agreement with the research team.

Work health and safety outcome:

As an outcome of this research the welding industry will have a better understanding of the hazards presented by welding fumes and be able to develop strategies to eliminate, mitigate or otherwise significantly reduce the risk these fumes present to workers.

Cost Breakdown:

Description	\$ Amount
Steering Committee meetings at bi-monthly intervals for the first 6 months and thereafter at maximum quarterly intervals over the proposed 24-month duration of the enforceable undertaking (9 meetings x 1hr attended by 4 to 6 people).	██████████
Industry Research Group – Bi Monthly meetings beginning month 4 (10 Meetings x 1 h attended by 3 people)	██████████
50 hours of direct involvement in study by local and Global resources	██████████
Access to BOC Limited specialist Welding research facilities	██████████
Welding consumables for research and testing	██████████
Direct Funding of Research	██████████
Development of Communication material for industry and community *	██████████
Distribution and delivery of communication material *	██████████
Welding safety Video	██████████

Total estimated cost: \$263,750

Total estimated cost of industry and community benefits \$263,750

**Costs will be dependent on the findings of the research and reliant on the research being sufficiently concluded within the timeframe outlined in this proposal. Should less funding be required for the delivery of these elements of the proposal at the conclusion of this agreement, the balance of these line items will be provided as a direct contribution to the research.*

f. Strategies that will deliver community benefits

Industry and community benefits are both included in the proposal outlined in section e.

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

BOC Limited 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.

BOC Limited 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

BOC Limited commits to ensuring the electronic PTW system will be audited by accredited third party auditors to meet the requirements of ISO45001 Occupational Health and Safety Management Systems – Specification with guidance for use, in accordance with established timeframes as set by SafeWork NSW.

BOC Limited 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.

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

BOC Limited 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, 18 months and 24 months 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

BOC Limited acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within 1 month 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.

BOC Limited 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)

BOC Limited commits to fully implementing the intended actions arising from the audit within 12 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 BOC Limited, I offer this undertaking and commit to the terms herein.

Signed: [Redacted]
[Duly authorised person]

Name: [Redacted]

Position: Managing Director, South Pacific, BOC

Dated at North Ryde this 24th day of March, 2021
[suburb] [month] [year]

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: [Redacted]

Name: Valerie Griswold

Position: Executive Director, Investigations and Enforcement.

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

Dated at Sydney this 26 day of March 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 7 November 2017, a worker for a sub-contractor stepped onto the board of a temporary walkway whilst performing defect rectification work in relation to a new building being constructed for BOC at its premises in Wetherill Park. The board on to which the worker stepped gave way, resulting in the worker sustaining injuries.

SafeWork NSW investigated the incident and subsequently alleged that BOC Limited contravened sections 20(2) and section 32 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 BOC Limited, ACN 000 029 729 as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- implementation of an electronic Permit to Work issuing system; and
- participation in research into harm associated with welding fumes.

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

Annexure 2 – Prior Work Health and Safety Convictions

- a). Reference number: NSW 05/0185 (2005)
- b). Reference number: 7-90993 (2004)

