

7 July 2021

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

Cemento Constructions Pty Ltd

ACN 163 154 041

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:	10D Mallett Street Camperdown NSW 2050
Postal address:	PO Box 6 Kingsgrove NSW 1480
Telephone contact:	██████████
Email address:	██████████@cementogroup.com.au
Legal structure: directors	Proprietary limited companies under common
Type of business:	Building and construction
Commencement date of the entity:	Cemento Constructions Pty Ltd – 4 April 2013
Number of workers:	Full-time: 10 Part-time: 0 Casual: 0
Products and/or services:	Cemento Constructions Pty Ltd provides residential construction services in Sydney, New South Wales.

b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 6 July 2018, Cemento Constructions 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 other persons.

c. Details of the events surrounding the alleged contravention

The incident occurred at 2.28pm on 6 July 2018 when glazing fell from a partially demolished façade onto a major arterial road in southern Sydney. During the incident there were no injuries or fatalities, however traffic was interrupted on the arterial road while a SafeWork NSW investigation and clean up process could occur. As a result of the incident debris was spread across the footpath which also impacted upon cars in the vicinity.

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

It is acknowledged that SafeWork NSW has alleged that Cemento Constructions Pty Ltd has contravened sections 19(2) of the WHS Act.

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

No injuries arose from the alleged contravention.

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

Were enforcement notices received?

No

or

Yes *Please provide details in the table below.*

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
7 July 2018	Prohibition Notice	41232	Section 19	All work ceased being carried out until risk was remedied.
7 July 2018	Notice to Give Information to SafeWork NSW	7-340526	Section 19	Attended meeting with SafeWork NSW Inspector.
2 May 2019	Notice to Give Information to SafeWork NSW	7-352273	Section 19	Attended meeting with SafeWork NSW Inspector.

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

Cemento Constructions Pty Ltd are 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)

No injuries arose from the alleged contravention.

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?

No

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

Cemento Constructions Pty Ltd 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 yearly basis. (The AS/NZS 4801:2001 was superseded by ISO45001:2018 and the WHSMS is compliant with this as well).

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

On or about 19 July 2018, Cemento Constructions Pty Ltd conducted meetings with Managers, Supervisors and Foremen in relation to how and why the incident occurred. Participants were invited to speak and seek further information in relation to the incident.

On or about June 2020, Cemento Constructions Pty Ltd conducted meetings with Managers, Supervisors and Foremen in relation to implementation of a WHS Management System and in relation to ISO accreditation.

Throughout our engagement with SafeWork NSW, Cemento Constructions Pty Ltd has conducted numerous meetings with Managers, Supervisors and Foremen at which the EU process and proposals we have made in applying for the EU and sought their feedback.

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

Cemento Constructions Pty Ltd regrets that the incident on 6 July 2018 occurred.

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

Description	\$ Amount
-------------	-----------

Rectifications to business following incident	
July 2020 - Engaged WHS consultants	\$71,000
Implemented WHS management system	\$90,000
Rectifications to site following incident	
Clean up after incident	\$7,500
Traffic management to redirect traffic	\$15,000
Structural Engineer	\$4,500
Temporary bracing to façade wall	\$15,500

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$203,500

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

Cemento Constructions Pty Ltd 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

Cemento Constructions Pty Ltd 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

Cemento Constructions Pty Ltd 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

SafeWork NSW requests a list outlining details of any prior work health and safety convictions or findings of guilt under work health and safety legislation² or work health and safety related legislation.

No Cemento Constructions Pty Ltd has had no prior work health and safety convictions.

or

Yes The list is attached as an annexure.

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

r. Statement regarding relationships with beneficiaries

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

Cemento Constructions Pty Ltd has an existing relationship with [REDACTED] as they were engaged as a WHS consultant to improve systems following the incident but neither the directors, its officers or employees have any financial interest in [REDACTED].

s. Intellectual property licence

Cemento Constructions Pty Ltd 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

Cemento Constructions Pty Ltd 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.

Cemento Constructions Pty Ltd 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.

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

Cemento Constructions Pty Ltd 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 Cemento Constructions Pty Ltd and SafeWork NSW.

u. Acknowledgement of enforceable undertakings guidelines

Cemento Constructions Pty Ltd 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

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

Cemento Constructions Pty Ltd 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. The public notice 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 to be published.

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

Cemento Constructions Pty Ltd 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)

Cemento Constructions Pty Ltd 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 Cemento Constructions Pty Ltd. This information will be disseminated through notices, tool box meetings, management meetings and work health and safety committee meetings and will be completed within 30 days from the date of acceptance of the enforceable undertaking.

Cemento Constructions Pty Ltd is not required to publish an annual report.

Cemento Constructions Pty Ltd 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. Third Party Audit

Scope:

Third party audit of Cemento WHS system with focus on supervision and contractor management and sequencing of work and working at heights

Target issue:

Cemento will engage an independent qualified consultant to conduct an audit to identify and detail any gaps in Cemento's WHS management system with a strong focus on supervision, contractor management, sequencing of work and working at heights by determining the level of conformance with the implementation of current Cemento procedures against WHS legislative requirements. This strategy is targeted at continually improving the sequencing of work and working at heights on Cemento sites.

Tangible outputs / deliverables:

- Independent audit conducted by an independent qualified third party consultant.
- A certified third-party audit report
- An action plan to address audit recommendations
- Cemento Constructions Pty Ltd acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within 4 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.
- Cemento Constructions Pty Ltd acknowledges that within 5 months of receipt of the auditor's written report, SafeWork NSW will be advised of the corrective actions to address non-conformances identified through the audit process.
- Cemento Constructions Pty Ltd commits to fully implementing the corrective actions arising from the audit within 18 months from receiving the audit report from the WHSMS auditor unless otherwise agreed by SafeWork NSW.

Audience / beneficiaries:

All Cemento workers, contractors and subcontractors

Delivery method:

Cemento will engage a third-party auditor to conduct an audit of WHS systems with a strong focus on working at heights and sequencing of work.

Timeframes:

Deliverable	Timeframe (after EU accepted)	Verification method
Cemento Director to engage WHS auditor and will provide information stating the auditor's qualifications and a document outlining the scope of the audit.	1 month	Copy of accepted contract provided to SafeWork NSW
Audit to occur	3 months	Copy of certified audit report
Audit report delivered to Cemento	4 months	Copy of certified audit report
Cemento Director to develop audit action plan to address recommendations	5 months	Copy of audit action plan provided to SafeWork NSW
Cemento to deliver audit action plan items	6 to 18 months	Ongoing dialogue with SafeWork NSW to provide verification of each audit action items as they occur.

Work health and safety outcome:

Increased awareness and improved WHS performance, particularly in relation to the sequencing of work and falls from heights.

Cost Breakdown:

Description	\$ Amount
Audit WSH System – baseline, 12 months review.	██████
Consultants with Auditor	██████
Allowance for training (outcome of audits)	██████
Allowance for process improvement as a result of Audit outcome	██████
Indirect Costs (e.g. employee lost time for training)	██████
Total	41,700

Total estimated cost: \$41,700

2. WHS Leadership training

Scope:

Safety leadership training for Cemento officers, managers and supervisors

Target issue:

Provide safety leadership training to Cemento the leadership team in the following topics:

- Due diligence
 - Identifying hazards
-
- Mitigating against risks
 - Safe Work Method Statements

This training has been targeted to increase both the understanding and WHS capability of the Cemento leadership team in order to improve the safety culture of Cemento.

Tangible outputs / deliverables:

The following training delivered to Cemento staff:

Topic	Attended by	Duration	Delivered by
Due diligence	2 Directors 2 Managers	4 hours	RTO
Identifying hazards	2 Directors 2 Managers 4 Supervisors	1 day	RTO
Mitigating risks against	2 Managers 4 supervisors	½ day	RTO
Safe work methods statements	2 Managers 4 Supervisors	½ day	RTO

Audience / beneficiaries:

Leaders and all Cemento workers, contractors and subcontractors

Delivery method:

Training to be delivered by a RTO in a classroom style format to allow for discussion within the training group. The teaching units will be units which can count towards WHS Cert IV training for staff. The training will be followed by two separate toolbox talks delivered to Cemento staff by leaders who participated in the training. The toolbox talks will serve two purposes:

1. To inform all Cemento staff about the WHS training the leaders within Cemento have completed
2. To provide an opportunity for leaders in Cemento to further consult with Cemento staff about the safety culture within Cemento and allow staff to ask questions.

Timeframes:

Deliverable	Timeframe (after accepted)	EU	Verification method
Engage a third party provider for training	4 months		Email evidence of enrolment and receipt for payment to SafeWork NSW
Directors, managers and supervisors to attend training as set out in the table above	6 months		Copy of statement of attainment for participants, training attendance records and training material
Toolbox talk on learnings to Cemento workers on 1 st and 2 nd training item	7 months		A copy of toolbox talk documentation, attendance records and minutes provided to SafeWork NSW
Toolbox talk on learnings to Cemento workers on 3 rd and 4 th training item	8 months		A copy of toolbox talk documentation, attendance records and minutes provided to SafeWork NSW

Work health and safety outcome:

Increased WHS knowledge and improved WHS performance within Cemento leadership team.

Cost Breakdown:

Description	\$ Amount
WHSE Due Diligence Training for Directors and Managers	██████
WHS Risk Management for Managers and Supervisors	██████
Safe Work Method Statement	██████
Indirect cost (employee cost – loss time)	██████
Total	14,672

Total estimated cost: \$14,762

3. Translation of induction and other safety documents and visual signage

Scope:

Identification of language and translation of specific WHS material into that language to improve the level of communication and understanding with Chinese workers on Cemento sites.

Target issue:

Cemento has identified that English language comprehension is not strong amongst Chinese workers who are engaged in fit out work. The language group is Mandarin. It is important that the WHS material is readily comprehensible for this groups on site to avoid communication breakdowns and risk.

Tangible outputs / deliverables:

Translate the following WHS materials into Mandarin by an accredited translator under the National Accreditation Authority for Translators & Interpreters.

- Site induction documentation is a document containing personal details, next of kin, declaration they have been inducted to the site and understand the induction process and site rules.
- Emergency assembly signs – Site Entry, Danger Keep Out, Authorised Personnel Only, Emergency Assembly Point, First Aid Station.
- Working at heights safety documentation and signage (authorized persons only and no entry) including SafeWork NSW working at heights documentation SWMS 1031-8 SWMS10530-4

Audience / beneficiaries:

All Cemento workers, contractors and subcontractors

Delivery method:

Cemento will engage an external provider to translate the WHS materials into Mandarin.

Timeframes:

Deliverable	Timeframe (after accepted)	EU Verification method
-------------	----------------------------	------------------------

Engage external provider to translate into Mandarin.	6 to 9 months	Signed copy of contract/service agreement for translator.
Translate WHS material into Mandarin	11 months	Copy of translated material supplied to SafeWork NSW. A letter confirming the documents/signs has been translated by a certified translator.
Implementation of final translated WHS materials in Cemento	15 months	Provision of final materials in all languages provided to SafeWork NSW

Work health and safety outcome:

Improved WHS knowledge and understanding for non-English speaking workers on Cemento sites

Cost Breakdown:

Description	\$ Amount
Site Induction translation	██████
Other Translation (Signs)	██████
Safety Signs visuals and translation	██████
Total	10,660

Total estimated cost: \$10,660

4. First Aid Training (General and Mental Health)

Scope:

Provide mental and physical first aid training for Cemento workers

Target issue:

Mental and physical health is a critical consideration for Cemento and the other parties who are engaged in residential construction settings.

Tangible outputs / deliverables:

The provision of the following training for Cemento workers

- Mental health first aid training, provided by certified mental health first aid trainers for 5 Cemento workers
- First aid training, provided by an RTO for 5 Cemento workers

Audience / beneficiaries:

All Cemento workers, contractors and subcontractors

Delivery method:

The following training will be delivered by external providers to Cemento staff:

Topic	Attended by	Duration	Delivered by
-------	-------------	----------	--------------

First aid training	1 Supervisor 1 Manager 3 workers	1 day	RTO
Mental health first aid training	1 Supervisor 1 Manager 3 workers	4hrs	Certified mental health first aid trainer

On completion of the training toolbox talks will be delivered to inform Cemento staff of the increased mental and physical first aid capability with the business.

Timeframes:

Deliverable	Timeframe (after accepted)	EU Verification method
Identify workers to undertake the training along with providers to deliver the training	6 to 9 months	Details provided to SafeWork NSW once determined
Engage providers to deliver the training first aid training	10 months	Copy of contract or invoice for training, along with training attendance records
Deliver toolbox talks to Cemento workers about first aid training	11 months	Evidence of toolbox talk material provided to SafeWork NSW including attendance records and minutes.
Engage providers to deliver the training mental health first aid training	12 months	Copy of contract or invoice for training.
Deliver toolbox talks to Cemento workers about mental health first aid training	13 months	Evidence of toolbox talk material provided to SafeWork NSW including attendance records and minutes.

Work health and safety outcome:

Improved awareness and skills to identify mental health within the Cemento workplace, along with the knowledge of how to approach or refer those workers impacted. Increased knowledge of general first aid across the Cemento workforce.

Cost Breakdown:

Description	\$ Amount
Mental Health First Aiders Training	██████
Indirect Cost	██████
Total	4,080
General First Aid Training	██████
Indirect Cost	██████
Total	4,080

Total estimated cost: \$8,160

Total estimated cost of workplace benefits

\$75,192

e. Strategies that will deliver industry benefits

1. Fall From Heights Awareness

Scope:

Falls from heights is the number one cause of death on NSW construction sites. It is an area that has been identified as a priority in the SafeWork NSW Work health and safety roadmap 2022. This strategy is designed to provide support to the SafeWork NSW's ongoing public awareness campaign related to falls from heights in the construction industry.

Target issue:

Cemento will assist in raising the awareness of falls from heights in the construction industry through:

- Providing a financial contribution towards an industry awareness advertising campaign
- Installing shade cloth at Cemento sites containing falls from heights awareness messaging

Tangible outputs / deliverables:

- \$50,000 financial contribution to support a SafeWork NSW industry targeted multi-year 'Falls from Heights in Construction' media campaign. The campaign includes radio advertising, out-of-home advertising (billboards and service stations) and social media targeted at construction workers. The \$50,000 contribution to the campaign will create the opportunity for increased reach, enhanced saturation, and additional creatives to be developed to support the campaign. The campaign begins in June 2021 and will be cycled into market at key times of the year to coincide with peak construction periods across industry.
- A minimum of 400 square metres of shade cloth is to be produced advertising SafeWork NSW falls from heights messaging displayed on Cemento project sites for 18 months from the time the cloth is produced.
- Not less than 200 square metres of shade cloth messaging must be displayed on site and if work is completed earlier than 2 years or the duration of the undertaking, a further 200 square metres of shade cloth can be displayed at the next site.
- The Shade cloth is required to be displayed in an area where there is maximum exposure to workers, and persons who pass by the site (other industry participants or the community).
- A report detailing to SafeWork NSW the locations and timeframes the shade cloth was displayed during the enforceable undertaking.

Audience / beneficiaries:

All NSW workers and community that work on or pass a Cemento project site

Delivery method:

Shade cloth produced as part of this strategy will be developed and approved in consultation with SafeWork NSW, and then installed on Cemento project sites.

Timeframes:

Deliverable	Timeframe (after accepted)	EU Verification method
-------------	----------------------------	------------------------

\$50,000 financial contribution made within 3 to 4 months of acceptance, or at another agreed time between Cemento and SafeWork NSW	4 months	Evidence of financial contribution being received
Shade cloth messaging agreed with SafeWork NSW	4 months	Agreement with SafeWork NSW
Shade cloth produced and approved by SafeWork NSW prior to installation	6 to 7 months	Approval by SafeWork NSW
Shade cloth installed on Cemento project sites	7 to 24 months	Email notification to SafeWork NSW each time the shade cloth is installed or removed on a site during the 18 month display period.

Work health and safety outcome:

Increased industry and public awareness of the risks of falls from heights in the construction industry.

Cost Breakdown:

Description	\$ Amount
Financial contribution to SafeWork NSW	████████
400 sqm shade cloth messaging	████████

Total estimated cost: \$60,000

Total estimated cost of industry benefits \$60,000

f. Strategies that will deliver community benefits

1. Partnership with Habitat For Humanity

Scope:

Habitat For Humanity are a global charity which focus on housing to communities in need. A major focus of its operations is the Bushfire Recovery Program providing disaster relief for Australians impacted by the 2020 bushfires. The partnership with Habitat for Humanity will be focused on assisting their efforts in NSW.

Target issue:

The Partnership will see Cemento provide a range of support and assistance to Habitat For Humanity to increase their WHS knowledge and capability, and address immediate WHS issues/concerns:

- Review and update of Habitat For Humanity's workplace health and safety system including Build Site Management Plan, Online Safety Induction and policies and procedures) by qualified and accredited independent third party auditor.
- Provision of safety equipment by Cemento and training in how to use them.
- Financial contribution toward asbestos removal by a licensed asbestos removalist at a site

Tangible outputs / deliverables:

- Review and update of WHS system and provision of updated system by qualified and accredited independent third party auditor.
- Provision of safety equipment to Habitat For Humanity:
 - 7 x 1.2m and 0.9m (platform height) platform ladders – approximate cost \$2,100;
 - 2 waku telescopic platforms ladders approximate cost \$1,500, in addition to training in how to use the equipment ladders/platforms. PPE – eye protection, ear protection, face masks – approximate cost \$800
- Cemento will make approximately \$25,000 financial contribution to Habitat For Humanity for asbestos removal at a site located in [REDACTED]. Removal will be conducted by a licensed asbestos removalist.

Audience / beneficiaries:

Habitat For Humanity Employees, Leaders and volunteers

Delivery method:

Cemento will apply its learning from the Working at Heights learning and information arising from the audits in strategy 1 of this enforceable undertaking, along with its existing industry knowledge, to work with Habitat For Humanity to deliver the training, financial contribution and safety equipment.

Timeframes:

Deliverable	Timeframe (after accepted)	EU Verification method
Identification of qualified and accredited third party provider of WHS system review and update.	12 months	Evidence showing engagement of provider for WHS system review and amend
WHS system reviewed and updated.	15 months	Proof of WHS system updated.
Provision of safety platform such as ladders/platform Humanity in addition to training in how to use them plus PPE to Habitat for Humanity.	15 months	Confirmation from Habitat for Humanity of the receipt of the safety equipment and the training provided
Financial contribution to asbestos removal	18 months	Evidence of financial contribution and asbestos removal at the nominated site provided to SafeWork NSW

Work health and safety outcome:

Increased community awareness of the risks of falls from heights in the construction industry in addition to the safe removal of asbestos at a site.

Cost Breakdown:

Description	\$ Amount
Financial contribution towards asbestos removal	[REDACTED]
Financial contribution towards WHS system review and update.	[REDACTED]
Provision of safety equipment for Habitat for Humanity plus training	[REDACTED]

Total estimated cost: \$36,000

Total estimated cost of community benefits

\$36,000

TOTAL ESTIMATED VALUE OF THE UNDERTAKING

\$171,192

Section 3 – Offer of undertaking

I offer this undertaking and commit to the terms herein.

Signed: 

Name: Enzo Salsano

Position: Director

Dated at Kingsgrove this 7th day

of July, 2021

I offer this undertaking and commit to the terms herein.

Signed: 

Name: Stephen Fabrizio

Position: Director

Dated at Kingsgrove this 7th day

of July, 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 Sydney this 12th day of July 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 6 July 2018, at 2.28pm glazing fell from a partially demolished façade onto a major arterial road in southern Sydney. During the incident there were no injuries or fatalities, however traffic was interrupted on the arterial road while a SafeWork NSW investigation and clean up process could occur.

SafeWork NSW investigated the incident and subsequently alleged that Cemento Constructions 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 Cemento Constructions Pty Ltd, as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- Third party audit of the company’s workplace health and safety management system with a focus on sequencing of work in addition to falls from heights.
- Safety leadership training for Directors, Managers and Supervisors.
- Translation of safety documentation and visual safety signage.
- Mental health first aid and general first aid training for additional Cemento workers
- Contribution to an industry awareness advertising campaign on ‘falls from heights’, including the installation of ‘falls from heights’ awareness messaging on Cemento shade cloth
- Partnership with Habitat for Humanity to provide complete update to their WHS system.
- A financial contribution to Habitat for Humanity towards the removal of asbestos at a site.
- Provision of safety equipment to Habitat For Humanity.

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