

25 March 2020

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

Inghams Enterprises Pty Limited

008 447 345

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: | Level 4 1 Julius Avenue North Ryde NSW 2113 |
| Postal address: | As above |
| Telephone contact: | [REDACTED] |
| Email address: | [REDACTED] |
| Legal structure: | Company registered in NSW |
| Type of business: | Agri-business - poultry |
| Commencement date of the entity: | 24 June 1965 |
| Number of workers: | Full-time: 623 Part-time: 34 Casual: 276 |
| Products and/or services: | Poultry products |

b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 21 December 2016, Inghams Enterprises Pty Limited (**Ingham's**) failed to discharge its obligations as a person conducting a business or undertaking under sections 19(1) 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

On 1 December 2016 a worker employed by Ingham's at the Ingham's site located at 38-46 Bernera Road, Prestons, NSW, was working in the weigh label room stacking and adjusting pallets containing chicken products. The Worker was injured as a result of being trapped by a robot in a robotic cell.

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

It is acknowledged that SafeWork NSW has alleged that Ingham's has contravened sections 19(1) and 32 of the WHS Act.

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

The Worker suffered a fracture of his left femur which required femoral nailing surgery.

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 |
|-------------|--------------------|---------------|---|---|
| 2/2/2017 | Improvement Notice | 7-302086 | <p>Work Health and Safety Act 2011 (NSW) - Section 19</p> <p>Work Health and Safety Regulation 2011 (NSW) – Clause 43</p> <p><i>“The emergency plan that has been prepared for the workplace located at 38 - 46 Bernera Road Prestons is inadequate as it does not provide for the following: an effective response to worker entrapment by the Robotic Arms located in the labelling / pricing area of the warehouse.”</i></p> | Following the incident, the robots were taken out of operation, decommissioned and removed from the site for operational reasons so the remedial actions specified in this notice did not need to be taken. |
| 2/02/2017 | Improvement Notice | 7-302084 | <p>Work Health and Safety Act 2011 (NSW) - Section 19</p> <p>Work Health and Safety Regulation 2011 (NSW) – Clause 222</p> | Following the incident, the robots were taken out of operation, decommissioned and removed from the site for operational reasons so the remedial actions specified in this notice did not need to be taken. |

| | | | | |
|--|--|--|---|--|
| | | | <p><i>“Workers are exposed to a serious risk to their health or safety as the: Robotic Arms located in the labelling / pricing area of the warehouse (e.g. do not have suitable control measures in place to control the risks to health and safety. i.e. the robot can operate when workers are within their range of movement.”</i></p> | |
|--|--|--|---|--|

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

Ingham's 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)

Ingham's has agreed with the Worker to a claim for a % whole person impairment of the left lower extremity.

The worker was provided with:

- financial compensation;
- rehabilitation; and
- assistance with returning to work (see further details set out below).

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 ☐

or

Yes ☒ The worker was employed by Ingham's at the time of the incident.

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

| Date | Description of support | Comments |
|-------------|---|---|
| 21/12/2016 | Surgery after initial fracture of left femur | Background information |
| 2017 | Following surgery the Injured Worker underwent physiotherapy together with hydrotherapy and a strengthening program. | |
| 2017/2018 | Ingham's, with the assistance of a rehabilitation provider, worked with the Injured Worker to assist him with his recovery at work. | Initially the Injured Worker was unfit for work; In March 2017 the worker returned to work on reduced capacity; The Injured Worker progressed with his recovery at work and gradually increased his hours of work to full hours in July 2017; There was a further limited period of no capacity, following the removal of surgical screws from the Injured Worker's leg, from February 2018 to March 2018. |
| August 2018 | The Injured Worker was able to maintain his pre-injury duties following the issue of the Final Certificate of Capacity. | |
| 2018 | The Injured Worker was redeployed to Ingham's Further Processing Plant at Ingleburn as it is closer to the Injured Worker's home. | |
| 2019 | Agreement to the Injured Worker's claim for whole person impairment of the left lower extremity. | |

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

Ingham's does not have an accredited WHSMS. The current WHSMS is based on the national self-insurance audit tool (which is compliant with the AS/NZS 4801:2001 Occupational Health & Safety Management systems standard) and has been developed and implemented for all business units within the Ingham's group, comprising of Agriculture, Manufacturing, Warehousing and Feed Milling, Supply Chain and Logistics.

The WHSMS is regularly audited internally and by third party auditors, along with regulatory audits across the States that Ingham's operates in.

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

Consultation regarding the proposal of an enforceable undertaking has occurred across the management of Ingham's (both at the board and senior management level), which includes Ingham's Safety Council which is comprised of Ingham's Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Senior Executive Team and General Managers. The Safety Council meets quarterly.

The Safety Committee at the Prestons site (where the alleged contravention occurred), which includes HSRs, has also been consulted. The Safety Committees at other sites will be consulted when the undertaking is approved. Ingham's Safety Committees meet quarterly.

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

Ingham's regrets that the incident on 21 December 2016 occurred and that the Worker sustained injuries as a result of the incident.

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

| Description | \$ Amount |
|--|-----------|
| The palletising robots that were involved in the incident were taken out of operation and removed from the weigh label room. | \$20,000 |
| The layout of the weigh label room was updated following the removal of the robots. | N/A |
| Workers were trained on the new layout of the weigh label room. | N/A |

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$20,000

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

Ingham's 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. In this regard, Ingham's notes that the robots were taken out of operation, decommissioned and removed from the site for operational reasons following the incident.

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

Ingham's 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

Ingham's 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 ☒ Ingham's 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

☒ Ingham's acknowledges there are no known current relationships with any of the beneficiaries outlined in the enforceable undertaking, other than the current employees of Ingham's and the Injured Worker.

s. Intellectual property licence

Ingham's 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.

This licence does not include any materials or intellectual property (including software and other copyright materials) not solely owned by Ingham's, or which is owned in full or in part by third parties, including where those third parties are engaged by Ingham's in order to provide the materials developed as a result of this enforceable undertaking.

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

Ingham's acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Ingham's. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for the term.

Ingham's 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 Ingham's until advised by SafeWork NSW that the undertaking has been completely discharged.

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

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

Inghams Enterprises Pty Limited anticipates delay in the commencement of the Enforceable Undertaking based on current community and workplace health and safety concerns and related business continuity disruption caused by COVID-19. Any proposed delay will be subject to mutual agreement (confirmed in writing) between the signatory parties to the Enforceable Undertaking.

u. Acknowledgement of enforceable undertakings guidelines

Ingham's 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

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

Ingham's 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 (minimum one eighth of a page) 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

Ingham's 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.

Ingham's commitment to the promotion of any benefits arising from this enforceable undertaking does not extend to any materials or intellectual property (including software) which is not solely owned by Ingham's, or which is owned in full or in part by third parties, and which are held and used by those third parties (including where those third parties are engaged by Ingham's in order to provide the materials developed as a result of this enforceable undertaking).

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)

Ingham's 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 Ingham's. This information will be disseminated through publication on noticeboards within Ingham's workplaces, during toolbox talks and via email and will be completed within 2 months from the date of acceptance of the enforceable undertaking.

Ingham's commits that it will publish details of the enforceable undertaking in the next available annual report due after the date the undertaking is accepted. Ingham's's annual report is published by 30 October each year.

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

d. Strategies that will deliver workplace benefits

1. Development and implementation of an Electronic Platform for a Work Health and Safety Management System specifically designed for Ingham's agri-business operations

Scope:

Ingham's current WHSMS is based on the National self-insurer audit tool (which is compliant with AS/NZS 4801:2001 Occupational Health & Safety Management systems standard) and has been developed and implemented in each of the business units within Ingham's, comprising: Agriculture, Manufacturing, Warehousing and Feed Milling. It is a specialist system that has been developed over many years to deal specifically with the risk profile of Ingham's as an agri-business, within and across each of the business units referred to above. Ingham's current WHSMS is robust and complies with Ingham's obligations under the WHS Act.

The current system used by Ingham's is a manual, paper-based, system that does not leverage off the benefits of modern technology. Ingham's believes that developing and implementing an electronic platform to house its WHSMS will enhance the integration of the WHSMS across each business unit and Ingham's site, and also between all sites in the Ingham's group in NSW.

A new integrated system will also provide enhanced access and visibility over Ingham's subcontractors, who provide services that range from specialist live animal pick-up crews, live bird transport operators, electrical, mechanical, cleaners and specialised compliance contractors managing life safety equipment and systems. It will provide greater touch points for those contractors who are required to comply with the Ingham's WHSMS when they are undertaking work for Ingham's or are visiting an Ingham's site.

Ingham's proposes to engage Australian software developer the [REDACTED] to build the electronic WHSMS platform, based off [REDACTED] platform. [REDACTED] is a

comprehensive electronic Safety Management System that will provide Ingham's with each of the key pillars of work health and safety management to adapt its existing WHSMS to.

██████ will work with Ingham's to develop a unique safety incident reporting portal for Ingham's WHSMS, specifically designed to address Ingham's agri-business operations. Once developed this portal can be accessed via Ingham's intranet, desktops and on workers' mobile devices so the system can be used by all workers, sub-contractors, and leaders who use the Ingham's WHSMS onsite, in real-time, at the click of a button.

The new platform will also increase the ability to identify hazards and eliminate and minimize 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 business unit. Once one of the tools has 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.

The project will include an audit of the current Ingham's WHSMS and transfer of the relevant documents and tools to the electronic system, with a follow-up audit once the upgrade is completed. The audit will be undertaken using the National self-insurer audit tool which, as noted above, is compliant with the AS/NZS 4801:2001 Occupational Health & Safety Management systems standard (i.e. the audit will ultimately be against this standard).

The WHSMS Upgrade Project will:

- deliver consistent implementation of the Ingham's WHSMS across all Ingham's NSW operations: including hazard reporting, safe behaviours and risk assessments;
- enhance information sharing capabilities regarding safety matters; and
- increase ease of access to the WHSMS and data collection, analysis and reporting leading to improved safety outcomes overall.

To ensure a successful transition, and to measure the effectiveness of this initiative, coaching sessions will be provided to users throughout the implementation of the platform, at a workplace level. Safety Committees will also be consulted on the progress and the upgrade will be communicated to the wider workforce and contractor groups through the delivery of Tool Box Talks.

Target issue:

Ingham's is currently managing work health and safety through a hard-copy system, which has been developed to address the particular issues across Ingham's operations. This provides mechanisms and resources for identifying hazards and risks, assessing those hazards and risks and developing and implementing control measures to eliminate or minimize those risks. These resources include templates for undertaking Safety Behaviour Observations, Hazard Reports, Machine Guarding Assessments, Incident Reporting and Corrective Actions. Ingham's current WHSMS also provides the framework for reporting safety issues through the business to be resolved. All workers are trained on the WHSMS as part of their induction, and contractors are introduced to the system as part of their contractual engagements and expected to comply with it whenever they are on an Ingham's site, or undertaking work for Ingham's.

As well as the safety responsibilities fulfilled by Ingham's workers and on-the-ground managers, Ingham's have a dedicated safety team made up of 25 employees (5 of whom are based in NSW) who have specialist expertise in work health and safety.

The development of a new and unique electronic platform is designed to transform Ingham's existing WHSMS risk mitigation measures through the use of technology, including by improving:

- (i) the timeliness of reporting of 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 (rather than relying upon a worker to report the behaviour by completing and submitting hardcopy documents), which was found to be an area for improvement at the time of the incident in December 2016. The reporting function of the electronic WHSMS is complemented by Ingham's Whistle-blower Policy which allows for the anonymous reporting of potential misconduct (including conduct endangering health and safety) via Ingham's Whistle Blower Hotline, and
- (ii) the ease with which such safety issues can be reported throughout the business through tagging functions within the WHSMS, data collection and reporting.

The new electronic platform will also allow for improved transparency across the business and succinct elevation of any safety issues identified through the relevant reporting lines for actioning.

The initiative will transform the capability of the Ingham's WHSMS and allow the safety tools to be housed in the new electronic format or be exported into Word or Excel. This dual publishing capability will allow for the system to be used either electronically or in a hardcopy form, depending on the user's needs and their geographical location. This will ultimately assist in providing relevant information and instruction to workers, and will also strengthen consistent application of assurance processes throughout the business.

The proposed WHSMS project will have a heightened focus on the following areas in each of Ingham's business units:

- Agriculture – Farm safety, and Farm Traffic Management Controls.
- Manufacturing – Manual Handling, Hazard Reporting, Consultation Arrangements.
- Warehousing - Forklift and Pedestrian Separation, Traffic Management.
- Milling – Manual Handling, Hazard Reporting and Traffic Management.

The initiative will include a number of Procedures and Tools that could apply more broadly across the Agri-business sector, including:

- Safety Behaviour Observations.
- Hazard Reports.
- Machine Guarding Assessments.
- Manual Handling/Musculoskeletal Assessments.
- Hazard Inspections.
- Safety Walk and Talks.
- Risk Management Assessment.

- Incident Reporting.
- Corrective Actions.

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, good and poor, of people while at work, in real time, and opening a dialogue to help workers come to embrace a culture of safe thinking. These are generally undertaken/conducted by members of the site management team, such as Managers and Supervisor, and the frequency and scope of the Safety Behaviour Observations is site-dependent. The frequency is dependent on the size, associated risk and process being undertaken within the facility.

Keeping the process simple, but effective, the “Safety Behaviour Observations” process has 3 stages:

1. Determine approach to be taken to the task and observe the task being undertaken;
2. Discussion with personnel conducting the task regarding their approach; and
3. Documentation of what occurred on the site Safety Observation Register.

Undertaking Safety Behaviour Observations has the following specific safety benefits:

Talk it Through:

- Although system paperwork is very important, having multiple talks/discussion about safety protocols and refreshing everybody’s memory about what’s expected from them while they’re on site is effective. By having simple yet structured conversations about how to address fears, concerns and unruly behaviour, we will try and address these before anything serious happens.

Conduct Observations in a Group Where Possible:

- Completing observations with another worker or group of workers. This grants the benefits of differing opinions, different perspectives, sharing knowledge and joint feedback. It also provides an opportunity for on-the-ground observation which allows for unsafe behaviours and practices that may have otherwise gone undetected to be identified. A timely Safety Behaviour Observation could have made a difference in this incident by identifying and addressing an unsafe behaviour of entering exclusion zones.

Acknowledge a Job Well Done:

- Everyone likes to be acknowledged, it is even more important we let people know that they have done their job well, even if not perfectly. We are trying make a safer work environment. So when someone does something right, we will endeavour to tell them and promote these behaviours.

The initiative links with SafeWork NSW Work Health and Safety Road Map for NSW 2022 - Leadership, Capabilities, Consultation and Safe Environments - and is also built around the specific challenges faced by the agriculture, manufacturing and warehouse/transport industries in identifying and addressing the diverse range of work health and safety risks in their operations.

Tangible outputs / deliverables:

Delivery Method /Deliverables

- **Stage 1:** Conduct an external audit of the Ingham's current WHSMS against the National self-insurer audit tool, make any identified changes for best practice and continual improvement opportunities. Identify documents to be replicated on the electronic platform.
- **Stage 2:** Have the identified tools from the Ingham's WHSMS replicated within the electronic platform.
- **Stage 3:** Commence coaching sessions with the Ingham's safety team and initial trial of the operational aspects of the WHSMS electronic system at selected sites, including the Prestons site where the incident occurred.
- **Stage 4:** Once the system is deemed workable and user friendly, conduct coaching/training sessions with the identified users on the system across all NSW sites. These sessions will be conducted by NSW-based members of Ingham's safety team and will initially be delivered in small groups to HSRs/Health and Safety Committee Members, Leading Hands, Supervisors and Managers. As part of this coaching, workers will be provided with information about how the electronic WHSMS has been designed and its various component parts, and will then take part in a live demonstration of the WHSMS and be given an opportunity to road test the system and to ask questions. After the initial face-to-face coaching sessions with Ingham's HSR's/Health and Safety Committee Members, Leading Hands, Supervisors and Managers, remote coaching support will also be made available to them, via email and over the phone, in addition to the technical support that will be provided by Ingham's IT department.

After face-to-face training has been provided to HSRs/Health and Safety Committee Members, Leading Hands, Supervisors and Managers, larger group training sessions will be held with workers at the operational level, again to be conducted by NSW-based members of Ingham's safety team. Further information, training and coaching will also be provided to workers at the operational level by their direct managers and supervisors during Tool Box Talks and whilst on-the-job, as supported by the Ingham's safety team.

In the months following the implementation of the electronic WHSMS platform, NSW-based members of Ingham's safety team will check in with the managers and supervisors who they trained. Ingham's will also monitor the use of the system on an ongoing basis through data monitoring (including through the Ingham's Safety for Life program described further below) and by reviewing documentation that has been completed.

- **Stage 5:** Rollout the system out across all NSW sites, as well as broader business units within other States.
- **Stage 6:** Conduct an external audit of the electronic based WHSMS as against the National self-insurer audit tool to ensure the new electronic system is effective, is being used properly, is adding value, and to correct any errors/bugs in the system.

The project will be monitored and evaluated through the Ingham's Safety for Life Program - the Company's pro-active health and safety program that drives change and promotes initiatives across the business. It measures lead and lag safety performance indicators and is monitored on a monthly basis by all business units, Ingham's Safety Council and Senior Management. Part of our Safety for Life Program is to develop and rollout a "Safety Engagement/Behavioural Tool".

The safety of our workers and contractors is paramount and to make a safer workplace for all there needs to be more than just procedures and processes, we need to ensure all of our workers and contractors are "Doing the right things and Doing things right" to achieve that it takes the correct behaviours.

Following the rollout of the electronic WHSMS, particular performance indicators focused on its rollout and implementation will be monitored as part of the monthly Safety for Life monitoring

undertaken by Ingham's, with a focus on the reporting and closing out of safety incidents within the electronic WHSMS.

Ingham's Safety for Life program has four key focus areas:

1. Continuously improve risk reduction strategies;
2. Continuous improvement of the safety management system;
3. Develop a culture of zero harm; and
4. Improve communication and transparency of workers compensation performance.

A key performance indicator that will be monitored through the Safety for Life Program will be the number of scheduled risk management activities such as Safety Walks, Safety Behaviour Observations and Hazard Inspections that take place following the introduction of electronic WHSMS.

The data collated in relation to the electronic WHSMS will be compared to the historical data held by Ingham's in relation to the hardcopy WHSMS.

The Board and Executive Management will receive regular updates. Ingham's Head of Safety and the Operation Support General Manager have the responsibility to ensure the WHSMS Electronic System Project is delivered within the set time frames, monitored and evaluated.

The strategy will be implemented in accordance with the delivery table below which highlights the specific output and deliverables of each activity within the strategy.

Audience / beneficiaries:

The development of the electronic platform will be available to and will benefit all of Ingham's workers in NSW. More broadly, the electronic platform will benefit Ingham's Management Team, Safety Committees, health and safety representatives and work groups across Australia totaling a minimum of 7,500 workers across all of Ingham's operations. Due to the nature of the Ingham's business and the work that is undertaken with other businesses, the strategy will reach across industry more broadly, from transport operators, mechanical and electrical contractors, farming/agricultural/cleaning contractors and others that provide services to Ingham's as they will be exposed to, and interact with, the electronic WHSMS whilst at Ingham's sites.

| Ingham's | | | Contractors | | | Industry |
|---------------------------------|---------------------------------|-------------------------------------|---------------------------------------|-------------------------------|---|---|
| Ingham's Workers | Management Teams | Health & Safety Committees and Team | Maintenance Mechanical and Electrical | Cleaning Crews | Live Bird Crews and Transport Operators | Agri-business operators |
| Reach: NSW 933 National 7500 | Reach: NSW 300 National 1000 | Reach: NSW 40 National 250 | Reach: NSW 30 National 150 | Reach: NSW 50 National 250 | Reach: NSW 30 National 250 | Reach: As per the session schedule across identified groups |

Work health and safety outcome:

The initiative is proposed to achieve the following goals:

- Increase the knowledge and awareness of Ingham's teams around the business of 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 Ingham's Group 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 Ingham's safety culture.
- The ability to work on pro-active risk management activities, such as Safety Walks and Talks, Safety Observations, Hazard Inspections, Procedural Compliance Inspections, Tool Box Talks, Auditing and Incident Reporting activities at the source and in consultation with workers and contractors. It is hoped that this will result in:
 - workers being more actively involved in health and safety;
 - improved workplace relations and morale;
 - further entrenchment of Ingham's safety culture; and
 - improved reach of Ingham's WHSMS and increased worker participation and confidence in safety activities.
- The system will have the ability to log, measure and graph the completion rates of pro-active safety activities, closing out of corrective actions and trending data from lead or lag indicators including incident hot spots. It is hoped that this will have a flow on effect in improving efficiency.

Delivery:

This strategy will commence within 3 months of the enforceable undertaking and be completed within 30 months of commencement.

Marked (*) deliverables will be provided to SafeWork NSW within 2 months of the milestone completion period.

| Description | Timeframe | Estimated Costs |
|---|-----------|-----------------|
| <p>An implementation plan will be provided to SafeWork NSW.</p> <p>Outputs / Deliverables</p> <ul style="list-style-type: none"> • Ingham's will prepare an implementation plan which details the dates by which Ingham's will complete each stage of this strategy and the specific steps involved in each stage of implementing the strategy* • The implementation plan will be reviewed on an ongoing basis and updated if it is identified that deadlines will not be able to be met | 3 months | ██████████ |
| <p>An Independent external audit of the Ingham's WHSMS will be undertaken.</p> <p>Outputs / Deliverables:</p> <ul style="list-style-type: none"> • External Auditor will be engaged to conduct the audit* • The audit will be conducted at the Prestons Site (where the incident occurred) in NSW and a report written identifying any recommended opportunities for improvements or best practice recommendations will be produced* • Ingham's will also audit its farming, warehousing and processing/manufacturing sites | 6 months | ██████████ |

| | | |
|---|-----------|--|
| <ul style="list-style-type: none"> Assess the audit findings and make any changes or improvements to the WHSMS This will be communicated through the Ingham's Safety Council and Safety Committees | | |
| <p>Have the tools identified from the Ingham's WHSMS uploaded to the electronic system.</p> <p>Outputs / Deliverables:</p> <p>Working with the electronic platform provider, develop and upload the key Risk Management tools into the system:*</p> <ul style="list-style-type: none"> Safety Behaviour Observations Hazard Reports Machine Guarding Assessments Manual Handling/Musculoskeletal Assessments Hazard Inspections Safety Walk and Talks Risk Management Assessment Incident Reporting Corrective Actions <p>This will be communicated and monitored through the Ingham's Safety Council and Safety Committees</p> | 12 months | |
| <p>Commence coaching sessions with the Ingham's safety team and initial trial of the operational aspects of the WHSMS electronic system at selected sites.</p> <p>Outputs / Deliverables:</p> <ul style="list-style-type: none"> Develop tools and packs for the coaching sessions* Conduct coaching sessions with the WHS team* Trial the electronic tools across NSW sites* Make any necessary adjustments or changes to the tools This will be communicated and monitored through the Ingham's Safety Council and Safety Committees | 16 months | |
| <p>Once the system is deemed workable and user friendly, coaching sessions will be further developed and rolled out to identified users of the system across all NSW sites.</p> <p>Outputs / Deliverables:</p> <ul style="list-style-type: none"> Critique and review tools and packs for the coaching sessions for the identified users* Conduct coaching sessions with the users* Roll the electronic platform out across the business* Make any further necessary adjustments or changes to the tools Rollout the system out across all NSW sites*, as well as broader business units within other states This will be communicated and monitored through the Ingham's Safety Council and Safety Committees | 20 months | |
| <p>Engage a final implementation audit of the electronic WHSMS platform and tools to ensure changes made have been effective and are value adding.</p> <p>Outputs / Deliverables:</p> | 24 months | |

| | | |
|--|-----------|------------|
| <ul style="list-style-type: none"> External Auditor will be engaged to conduct the audit* The audit will be conducted at identified NSW sites assessing the usability and feasibility of the electronic system. Audits will be undertaken of each section of Ingham's business, i.e. Agriculture, Manufacturing, Warehousing and Milling* Assess the audit findings and make any changes or improvements to the electronic system* This will be communicated through the Ingham's Safety Council and Safety Committees | | |
| <p>From commencement to completion will be a 30 month project.</p> <p>Ingham's will communicate the project internally through the Safety Council and site based safety committees. Tool Box Talks will also be developed at key intervals and communicated to the broader workforce and key contractors to ensure reach within in the workplace.</p> <p>Upon completion of the electronic system Ingham's will also share information on the process with other agri-businesses and through the Australian Chicken Meat Federation.</p> <p>Ingham's will also share lessons from the incident and the details of the WHSMS Upgrade Project with its key contractors in NSW. Ingham's uses an array of contractors across NSW ranging from specialist live animal pick-up crews, live bird transport operators, electrical, mechanical, cleaners and specialised compliance contractors managing life safety equipment and systems. The sharing will be verified using the means identified in relation to the first industry strategy outlined below.</p> | 30 months | ██████████ |

Total estimated cost: \$243,000.00

e. Strategies that will deliver industry benefits

1. Delivery of information sessions on the incident and the development of the electronic WHSMS platform to NSW agri-businesses

Scope:

NSW agri-businesses: Businesses operating in the agri-business sector confront a broad range of hazards and risks because of the diversity of their operations; operators in the agri-business sector are commonly involved in farming, transport (including of live animals), manufacturing, warehousing, distribution and retail. In Ingham's experience, there is no off-the-shelf safety management tool which allows for an integrated approach to identifying, eliminating the various hazards and minimising the diverse risks that arise in agri-business operations. Ingham's believes that the electronic WHSMS platform being developed with ██████████ will be able to provide an integrated safety management solution with broad application to the challenges faced by other NSW agri-business operators.

Key Contractors: In line with its obligations to consult other duty holders, Ingham's will share lessons from the incident and the details of the electronic WHSMS platform with its key contractors in NSW. These key contractors range from specialist live animal pick-up crews, live bird transport operators, electrical, mechanical, cleaners and specialised compliance contractors managing life safety equipment and systems. In line with Ingham's usual practice, contractors will interact with and/or use Ingham's electronic WHSMS while at Ingham's sites and performing work for Ingham's.

To allow for broader dissemination of the lessons learned from the incident and the details of the electronic WHSMS platform amongst the agri-business sector, Ingham's also proposes to deliver information sessions to the following industry bodies, all of which have significant NSW membership:

- Australian Chicken Meat Federation;
- Australian Meat Industry Council;
- Australian Dairy Farmers Limited; and
- Australian Pork Limited.

Ingham's will not hold any proprietary interest in, or exclusive licence for, the electronic WHSMS platform, and agrees to make it available to other third party users via [REDACTED]. Third party users will be able to access and adopt the electronic WHSMS platform that Ingham's has funded. However Ingham's will bear no ongoing responsibility for the use and access by third parties, which will be at their own cost.

Target issue:

The information sessions will contain content regarding the events that led up to the incident, the circumstances of the incident itself and the findings from the investigation and the corrective actions taken by Ingham's following the incident (including the development, operation and implementation of the electronic WHSMS platform to enhance real time incident reporting). The lessons learned by Ingham's regarding how to minimise the risks arising from the use of collaborative robots (or cobots) will be a particular focus, as well as the kinds of safety behaviours that were identified as having contributed to the incident (for example, supervision and reporting failures which resulted in unsafe behaviours and practices not being identified and addressed prior to the incident). Ingham's will explain to participants how the kinds of changes that have been implemented in the electronic WHSMS platform to address these risks.

The sessions will also cover off a demonstration of the electronic WHSMS platform and an explanation of how other agri-business operators can make contact with Ingham's software developer and get access to the system. As noted above, the promotion of the electronic WHSMS platform will seek to offer other agri-business operators a tailored solution to the complex array of hazards and risks that are likely to arise in their operations.

Tangible outputs / deliverables:

The strategy will have the following tangible outputs:

- the development of materials which will be used for the presentations to the industry bodies identified above. These materials will be distributed to the presentation attendees;
- the provision of information to the presentation attendees about Ingham's electronic WHSMS platform; and
- access to the electronic WHSMS platform and its content (via [REDACTED]) which Ingham's has paid to be developed.

The strategy will be implemented in accordance with the delivery table below which highlights the specific output and deliverables of each activity within the strategy.

Audience / beneficiaries:

The information will stretch across a range of agri-businesses in Australia, including the significant membership base of the industry bodies listed above.

Work health and safety outcome:

The delivery will outline the importance of ensuring quality implementation of safety systems, the importance of ongoing verification that those systems are being complied with and how the use of an electronic WHSMS can enhance what occurs in the field in real time.

It will be demonstrated that the electronic WHSMS platform is purpose-built for agri-businesses and that it can address, in an integrated way, the complex array of hazards and risks confronted by agri-businesses that struggle to be addressed using an off-the-shelf safety management product.

Delivery:

This strategy will commence within 6 months of the enforceable undertaking and be completed within 36 months of commencement.

Marked (*) deliverables will be provided to SafeWork NSW within 1 month of the milestone completion period.

| Description | Timeframe | Estimated Costs |
|--|---|-----------------|
| <p>An implementation plan will be provided to SafeWork NSW.</p> <p>Outputs / Deliverables</p> <ul style="list-style-type: none"> Ingham's will prepare an implementation plan which details the dates by which Ingham's will complete each stage of this strategy and the specific steps involved in each stage of implementing the strategy* The implementation plan will be reviewed on an ongoing basis and updated if it is identified that deadlines will not be able to be met | 6 months | |
| <p>Develop the information packs for the information session</p> <p>Outputs / Deliverables:</p> <ul style="list-style-type: none"> Review the incident report and findings relating to the incident Collect information on the electronic system development Develop the session pack* Print off information pertaining to the sessions as handouts Prepare surveys to be completed by session attendees regarding their response to the electronic WHSMS and whether they would be interested in having access to a platform similar to the electronic WHSMS* | 12 months | |
| <p>Develop timetable for the information sessions</p> <p>Outputs / Deliverables:</p> <ul style="list-style-type: none"> Set dates for contractor sessions* Set dates for the information sessions with the various industry bodies specified* | 15 months | |
| <p>Deliver the Information Sessions</p> <p>Outputs / Deliverables:</p> <ul style="list-style-type: none"> Deliver the Contractor sessions* | 20 months (with contractor sessions to be provided as a matter of priority) | |

| | | |
|--|-----------|------------|
| <ul style="list-style-type: none"> Deliver the information sessions to the various industry bodies specified* Collate survey responses and a list of the session participants who nominated to receive more information about the upgraded WHSMS once completed* | | |
| <p>Promote the upgraded WHSMS to agri-business sector participants and provide [REDACTED] details to survey respondents who indicated that they wanted more information</p> <p>Outputs / Deliverables</p> <ul style="list-style-type: none"> Prepare template email correspondence to be sent to agri-business industry bodies inviting them to inform their members that the upgrade to the WHSMS has been completed and that their members can contact the [REDACTED] about adapting the upgraded WHSMS for their business* Prepare template email correspondence to be sent to individual agri-businesses who nominated that they would like further information about the upgraded WHSMS once the upgrade was complete* Notify the [REDACTED] that other agri-businesses had been informed that the upgrade had been completed | 32 months | [REDACTED] |

Total estimated cost: \$31,000.00

2. Development of a video to promote the Participative Ergonomics for Manual Tasks (PERforM) Program

Scope:

This initiative will utilise the guidance contained in the SafeWork NSW PERforM Program to develop a video for use by all industries, which highlights the importance of managing the risks associated with hazardous manual tasks. The video will feature Ingham's workers and will demonstrate how to undertake a PERforM assessment and showcase an accurate example of PERforM in practice.

The video will be developed in consultation with SafeWork NSW to ensure it accurately reflects the PERforM Program and, where possible, will enhance the PERforM Program.

Ingham's will fund and produce the video through a specialist video production house, [REDACTED] and will use Ingham's sites and personnel in the making of the video.

Target issue:

Musculoskeletal injuries and illnesses (**MSD**) continue to make up the largest proportion of claims across NSW and, more generally, the nation. Many of these injuries arise from poor manual handling practices. Ingham's is no exception, with MSDs being the highest category of injury reported within the organisation.

SafeWork NSW, along with other safety regulators, continue to work hard on developing programs to minimise the impact of MSDs across the country. The PERforM Program has been specifically designed, based on research in the area, to address the risk of MSDs arising from hazardous manual tasks.

By developing a targeted video, which explains the PERforM program and metric, and which is easy to interpret and understand, Ingham's and SafeWork NSW can help to increase the reach and awareness of the PERforM principles across all industries and sectors Nationwide. The rollout of

the video is expected to result in an increased uptake of the “Train the trainer” offering from SafeWork NSW.

Tangible outputs / deliverables:

The strategy will be implemented in accordance with the delivery table below which highlights the specific output and deliverables of each activity within the strategy.

Once developed it is proposed that the video will be made available for SafeWork NSW to upload and house on its website, and may also be made available for all safety regulators across the nation to share. The video will also be published on the Ingham’s website and will be uploaded to the Ingham’s Workplace app.

The video will be an ongoing legacy to the PErforM program, available for use across all industries to use in training and education sessions.

Audience / beneficiaries:

It is proposed that the video will be available on the SafeWork NSW website and accessible to across all sectors and industries. Given this wide publication, the video has the potential to benefit a large number of industries as it will have application to any workplace where hazardous manual tasks are undertaken.

Work health and safety outcome:

Persons conducting a business or undertaking will feel empowered to implement further strategies to reduce the MSDs reported in their workplaces. People will see businesses engage with their workers to identify and effectively control MSD risks. Workers who undertake hazardous manual tasks will feel safer while at work and undertaking hazardous manual tasks.

Delivery:

This strategy will commence within 2 months of the enforceable undertaking and be completed within 24 months of commencement. Ingham’s has proposed this period of time for completion of the strategy to ensure that there is sufficient time to consult with SafeWork NSW regarding the content of the video.

The video will be promoted in accordance with a Communication Campaign Plan. As outlined in the Plan, the video will be promoted to the industry bodies that Ingham’s will work with as part of the information sessions, as well as via Ingham’s social media pages/accounts and Ingham’s website.

Marked (*) deliverables will be provided to SafeWork NSW within 2 months of the milestone completion period.

| Description | Timeframe | Estimated Costs |
|---|-----------|-----------------|
| Develop a Communication Campaign Plan Outputs / Deliverables <ul style="list-style-type: none"> Work with communications specialist to develop a communication campaign plan* | 2 Months | ██████████ |
| Review and assess material available on the PErforM webpage, working in consultation with SafeWork NSW Outputs / Deliverables: <ul style="list-style-type: none"> Engage filmmaker* Assess available tools and resources on the PErforM page* | 4 months | ██████████ |

| | | |
|---|-----------|------------|
| <ul style="list-style-type: none"> • Work with SafeWork NSW to develop and design the video* • Develop a base model design for the filmmaker to work from | | |
| Design and develop an initial PERforM Video with [REDACTED]. Outputs / Deliverables: <ul style="list-style-type: none"> • Continue on initial design and development of film* • Using Ingham's sites and personnel throughout the design and development stages • Produce initial draft film for review • Review and approval of film with SafeWork NSW* | 10 months | [REDACTED] |
| Critique and produce final cut of the film Outputs / Deliverables: <ul style="list-style-type: none"> • Follow up with film designer on any possible changes or improvements • Filmmaker to make any changes, improvements • Produce final film for review* • Pass film onto SafeWork NSW for uploading* • Upload the video to Ingham's website* • Upload the video to Ingham's Workplace mobile app* | 24 months | [REDACTED] |

Total estimated cost: \$25,000.00

Total estimated cost of industry benefits \$56,000.00

f. Strategies that will deliver community benefits

Develop a Safety Awareness Campaign - Musculoskeletal disorders

Scope:

The focus of the campaign is to raise community awareness with respect to the nature, extent and impact of workplace musculoskeletal disorders (**MSDs**) within the community and to generate a call to action through specific reference to strategies and resources available to reduce the risk to NSW workers.

Target issue:

In line with SafeWork NSW's MSD strategy, 2017-2022, this strategy aims to raise awareness of the factors leading to musculoskeletal disorders and promote the available control measures. MSDs are one of the most common work related injuries and diseases in NSW, and can have long-term, costly impacts for businesses and workers.

Tangible outputs / deliverables:

Ingham's will partner with a creative advertising organisation to develop a public awareness campaign for delivery over 6 months in 2021. The project will commence within 3 months of the acceptance of the Enforceable Undertaking.

Ingham's will ensure all campaign material aligns with SafeWork NSW's MSD strategy, 2017-2022.

Ingham's will consult with and seek the approval of SafeWork NSW with respect to all campaign material.

The initiative is to include a pre and post evaluation report which will be provided to SafeWork NSW.

Ingham's will allocate and fund a total budget of \$200,000 to the development of the campaign which will cover internal and external production costs for all relevant forms of media and the promotion of the media produced.

Subject to any intellectual property considerations, all of the media created will be made available for SafeWork NSW's use.

Audience / beneficiaries:

Intended audience and beneficiaries are the general public, but specifically workers and their families in industries where there is a high risk of MSDs occurring (for example, workers in jobs that involve a high level of manual handling).

Work health and safety outcome:

The general public will see and hear more about MSDs, their prevalence and impacts, to motivate actions that can be taken to eliminate or minimise (so far as is reasonably practicable) the risk of an MSD materialising. The campaign will be developed in a useful, engaging and plain English fashion.

Delivery:

The project will commence within 3 months of acceptance of the Enforceable Undertaking and will be completed by December 2021 in line with the intended delivery period of 6 months during 2021.

Marked (*) deliverables will be provided to SafeWork NSW within 1 month of the milestone completion period.

| Description | Timeframe |
|---|-----------|
| Engage a creative advertising organisation. | 1 month |
| Outputs / Deliverables <ul style="list-style-type: none"> Notify SafeWork NSW regarding the specific creative advertising organisation that has been engaged* | |
| Complete pre-evaluation report. | 1 month |
| Outcomes / Deliverables <ul style="list-style-type: none"> Pre-evaluation report* | |
| Consult Working, Environment and Ergonomics team of SafeWork NSW regarding the brief/specifications to be provided to creative advertising organisation for the project. | 2 months |
| Outputs / Deliverables: <ul style="list-style-type: none"> Project brief/specifications* | |

| | |
|---|-----------|
| Brief creative advertising organisation regarding the project and the project goals/deliverables. Outputs / Deliverables: <ul style="list-style-type: none"> Final version of project brief/specifications provided to creative advertising organisation* | 4 months |
| Meet with creative advertising organisation to review their project proposals. Outputs / Deliverables: <ul style="list-style-type: none"> Various proposals prepared by creative advertising agency in response to brief* | 6 months |
| Consult Working, Environment and Ergonomics team of SafeWork NSW regarding various proposals from creative advertising organisation and select successful proposal. | 7 months |
| Confirm successful proposal to creative advertising organisation and instruct them to commence work on the proposal. Outputs / Deliverables: <ul style="list-style-type: none"> Agreed successful campaign proposal* | 8 months |
| Review materials prepared by creative advertising organisation along with the Working, Environment and Ergonomics team of SafeWork NSW and provide feedback. | 12 months |
| Review updated materials following amendment by creative advertising organisation along with the Working, Environment and Ergonomics team of SafeWork NSW. | 14 months |
| Provide final sign-off on materials prepared by creative advertising organisation along with Working, Environment and Ergonomics team of SafeWork NSW. Outputs / Deliverables: <ul style="list-style-type: none"> Agreed final campaign plan including dates of delivery, products produced, channels of promotion & evaluation methods* Approved campaign materials* | 15 months |
| Commence awareness campaign through media channels to be determined in consultation with creative advertising organisation. Outputs / Deliverables: <ul style="list-style-type: none"> Evidence of awareness campaign via agreed channels* | 16 months |
| Prepare post-evaluation report assessing the effectiveness of the public awareness campaign. Outputs / Deliverables: <ul style="list-style-type: none"> Evaluation report, including details of the amount of people reached through the campaign* | 23 months |

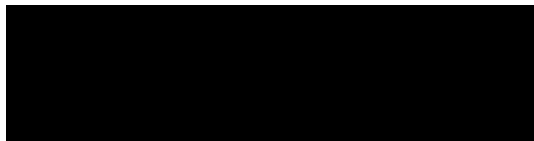
Total estimated cost: \$200,000.00

TOTAL ESTIMATED VALUE OF THE UNDERTAKING \$499,000.00

Section 3 – Offer of undertaking

As a duly authorised person of **Inghams Enterprises Pty Limited**, I offer this undertaking and commit to the terms herein.

Signed:



Name: **David Matthews**

Position: **Company Secretary and General Counsel**

Dated at Sydney this 3rd day of April 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, SafeWork NSW**

Dated at **Parramatta** this **20th** day of **April** **2020**
[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 1 December 2016 a worker employed by Inghams Enterprises Pty Limited (**Ingham’s**) at the Ingham’s site located at 38-46 Bernera Road, Prestons, NSW, was working in the weigh label room stacking and adjusting pallets containing chicken products. The worker was injured as a result of being trapped by a robot in a robotic cell.

SafeWork NSW investigated the incident and subsequently alleged that Ingham’s contravened section 19(1) and 32 of the *Work Health and Safety Act 2011* (NSW).

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 Inghams Enterprises Pty Limited, ACN 008 447 345 as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- Development and Implementation of an electronic platform for a Work Health and Safety Management System designed for use in Ingham’s agri-business operations;
- An initiative to share the learnings from the incident and the process for developing the electronic platform for the Work Health and Safety Management System;
- Development of a video to promote SafeWork NSW’s Participative Ergonomics for Manual Tasks (PERforM) Program; and
- Partnering with a creative advertising organisation to develop a public awareness campaign regarding musculoskeletal disorders.

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