



ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are given by

Ausgrid Management Pty Ltd
ACN 615 449 548

to SafeWork NSW and accepted by SafeWork NSW

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

Purpose

The purpose of this enforceable undertaking is to document the undertakings given to SafeWork NSW and accepted by SafeWork NSW pursuant to Part 11 of the *Work Health and Safety Act 2011* (NSW) (**WHS Act**) in connection with matters relating to alleged contraventions of the WHS Act or the *Work Health and Safety Regulations 2011* (NSW) (**the Regulations**). The Agreed Terms of the enforceable undertaking are set out below.

Section 1 – General information

a. Details of the person giving the undertaking

Entity Name:	Ausgrid Management Pty Ltd
ACN / ABN:	615 449 548
Registered Address:	Level 18 24-28 Campbell Street Haymarket NSW 2000
Postal address:	As above
Day to day contact at Ausgrid:	██████████ Head of Health & Safety Systems, Assurance and Reporting ██████████ ██
Legal structure:	Proprietary Limited company
Type of business:	Electricity distributor
Commencement date of the entity:	20 October 2016
Number of workers:	Full-time: 2906 Part-time: 77 Casual: 0
Products and/or services:	Electricity
Comments:	Not applicable

b. Commencement

This undertaking comes into effect when:

- i. the undertaking is executed by Ausgrid Management Pty Ltd; and
- ii. SafeWork NSW accepts the executed undertaking (**Commencement Date**).

c. Duration

- i. Section 5 identifies timeframes for the completion of each strategy identified in this enforceable undertaking;
- ii. the enforceable undertaking will be concluded on written advice from SafeWork NSW to Ausgrid Management Pty Ltd when all requirements of the undertaking have been satisfactorily executed.

Section 2 – The alleged contravention

a. Details of the alleged contravention

It is alleged by SafeWork NSW that on 29 January 2019, Ausgrid Management Pty Ltd failed to discharge its obligations as a person conducting a business or undertaking under section 19(1) and 32 of the WHS Act in that it did not ensure so far as is reasonably practicable the health and safety of workers and/or others.

b. Details of the events surrounding the alleged contravention

The alleged contravention occurred while an overhead line worker (**Injured Worker**) was approximately 9 metres above ground level, in a mobile elevating work platform, to complete a pole changeover job in Kawana Street, Bass Hill. The Injured Worker came into contact with two energised low voltage conductors.

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

The Injured Worker experienced a low voltage electric shock, receiving burns [REDACTED]

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

It is acknowledged by Ausgrid Management Pty Ltd that SafeWork NSW has alleged that Ausgrid Management Pty Ltd has contravened sections 19(1) and 32 of the WHS Act.

e. A statement of regret that the incident occurred

Ausgrid Management Pty Ltd regrets that the incident on 29 January 2019 occurred and that the Injured Worker sustained injuries as a result of the incident.

f. Prior work health and safety convictions

Ausgrid Management Pty Ltd has one prior work health and safety conviction in NSW. It has no other work health and safety convictions, in NSW or any other work health and safety jurisdictions.

When an alleged contravention is associated with an injury

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

All appropriate payments under workers' compensation laws have been paid to affected workers.

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

Ausgrid made available to the Injured Worker, the two other workers involved in the incident, their families and managers, the support of:

- a trauma psychologist;
- Ausgrid Management Pty Ltd's employee assistance program (EAP); and
- Ausgrid Management Pty Ltd's health professionals from its Health Services team.

A member of Ausgrid's Health Services team was also dedicated to support the Injured Worker's return to work program, which included attendance at medical appointments as required.

The Injured Worker was certified fit for pre-injury duties as of 18 February 2020 following a graded return to work plan.

The Injured Worker also received further monitoring from the dedicated Health Services team member to ensure a sustainable return to pre-injury duties.

i. Does the alleged contravention involve injury to a person?

Yes The Injured Worker was employed by Ausgrid Management Pty Ltd at the time of the incident.

Section 3 – Enforcement Notices and Rectifications

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

Were enforcement notices received?

Yes

Date issued	Notice type	Notice number	Action	Action taken in response to notice
29 January 2019	Section 191	7-346375	Improvement notice	Complied with directions of the notice.

In addition, a number of section 155 notices seeking production of materials were issued. These were all complied with.

b. Any rectifications or changes made to work health and safety systems and/or practices as a result of the alleged contravention

Rectifications or changes made as a result of the incident

- On 29 January 2019, Ausgrid undertook an immediate review of Safe Work method Statement (**SWMS**) OH 001 *Low Voltage Pole Changeover* and conducted a further risk assessment of the task in response to Improvement Notice 7-346375. Those reviews confirmed that relevant risks had been identified, the appropriate control measures selected, and that no change was required. Accordingly, SafeWork NSW confirmed the Improvement Notice had been complied with.
- Ausgrid issued a Safety Alert to all staff on 31 January 2019 reminding all employees that they have authority to ‘Pause for Safety’ and requiring immediate action to be taken in the form of discussions and/or toolbox talks, focusing on:
 - i. understanding the risks of the work undertaken by the work group and associated controls;
 - ii. recognising that significant injuries can still happen on well-known and highly-practised tasks; and
 - iii. switching back on to safety after holidays.
- Ausgrid work groups conducted safety briefings and/or toolbox talks, as per the Safety Alert on 31 January 2019.
- On 4 February 2019, Ausgrid implemented an organisation-wide ban on the “coach screw” method of temporarily supporting live conductors against either side of a pole, pending a review of the risks and controls associated with this method. (The “coach screw” method was the work method for the pole changeover task being carried out at the time of the incident.)

- On 21 February 2019, a work group was convened (consisting of a cross section of workers and subject matter experts) to consider live low voltage (**LV**) pole changeover practices within Ausgrid and options for performing live LV pole changeovers. This work was put on hold in light of the Live Work Pause implemented by Ausgrid on 2 April 2019, and this work was ultimately absorbed into a broader project, the Live Work Project, which commenced early July 2019.
- Ausgrid issued a 'Lessons Learnt' to all staff on 25 March 2019 reminding workers that when working on live exposed LV conductors, the requirements of Ausgrid's Electrical Safety Rules (in particular, section 9.5) must be followed, and reiterating the key requirements/controls in relation to temporary insulation and the safety observer.
- One of the outcomes of the Live Work Project was that the pole changeover task (i.e. the task being carried out at the time of the incident) is no longer performed 'live' on the Ausgrid network. It has not been performed 'live' since the Live Work Pause was initiated on 2 April 2019. Currently, this task can only be performed on the Ausgrid network de-energised and there is no present intention to consider performing this task live.

Rectifications or changes made as part of a broader review of live works

In light of the Bass Hill incident on 29 January 2019 and a separate incident at Riverview which occurred on 2 April 2019, Ausgrid implemented an organisation-wide 'pause' on all live work with limited exceptions (**Live Work Pause**).

The Live Work Pause was implemented to allow Ausgrid to undertake a thorough, systematic and risk-based re-examination of the performance of all work involving live LV assets or equipment (**Live Work Project**) to confirm that the risks to workers undertaking live work were managed appropriately.

Approximately 60,000 jobs per annum that were previously performed live were put on hold when the Live Work Pause commenced. The Live Work Pause meant these jobs could only be performed with de-energised/isolated controls in place (until such time as each of those tasks had been assessed and, where applicable, approved for recommencement in line with the Live Work Project requirements).

The Live Work Pause was progressively lifted in respect of many individual tasks as the Live Work Project progressed and specific tasks were approved for recommencement in line with the Live Work Project requirements. However not all tasks were permitted to recommence live – some tasks are still only permitted to be performed de-energised (including the pole changeover task).

As a result of the Live Work Project, a significant number of enhancements have been made:

- to Ausgrid's systems of work (to consolidate and simplify); and
- to the way in which Ausgrid ensures the controls are understood and consistently and effectively implemented.

These enhancements included:

- undertaking fresh risk assessments of the live work tasks, with a heightened focus on the most critical controls for risk management and risk reduction in relation to the task;
- reviewing and updating existing work instructions and procedures relating to the requirements for working on or near the network. Specifically, these updates included:
 - an updated suite of SWMS for high-risk works. Workers were required to acknowledge the SWMS in the Learning Management System prior to restarting live work;
 - an update of the 'Hazard Assessment Conversation' (**HAC**) Application to reflect the additional controls required for live LV work. The HAC is an on-site risk assessment;
- developing a new 'Low Voltage Live Work Manual' (**LVLWM**) which consists of five books and provides step-by-step procedures for completing live work tasks, including step-by-step work instructions and minimum resource levels, and specifies consistent methods and techniques for various live LV

- activities. Workers were required to acknowledge the LVLWM in the Learning Management System prior to restarting live work;
- updating Ausgrid's 'Electrical Safety Rules' – the key changes are summarised in bullet points below. The Electrical Safety Rules govern the way work is performed on or near the Ausgrid network to ensure the safety of Ausgrid employees, contractors, Accredited Service Providers and the community;
 - developing an approved 'Live Work Task List', which is contained in Appendix A of the updated Electrical Safety Rules. This Live Work Task List sets out which tasks can only be performed de-energised and which tasks are capable of being performed 'live' on the Ausgrid network (subject to certain criteria being met). This Live Work Task List is applicable to anyone working on the Ausgrid network (including Ausgrid employees, contractors and Accredited Service Providers);
 - developing a 'Low Voltage Assessment Framework' (contained in section 9.5.1 of the Electrical Safety Rules) which details the process of determining whether a job should be completed live or de-energised. This is to ensure consistent decision-making across the network in relation to whether work should be undertaken de-energised or live;
 - enhancing live work controls, which support clearer authority and responsibility of the Safety Observer. This introduced new requirements (set out in Electrical Safety Rules section 9.5.4 and the LVLWM Book 1) for Safety Observers to:
 - be electrically qualified authorised persons;
 - wear identification (Safety Observer) vests; and
 - be formally recorded/identified within the HAC;
 - introducing a 'Site Lead' role for live work. The Site Lead is responsible for ensuring the controls are implemented on site and the appointment of the Site Lead is formally identified/recorded on the HAC;
 - developing and delivering a 3-day 'Return to Live Work' fundamentals training course and e-learning assessment that all relevant workers were required to complete prior to restarting live work;
 - developing a 'Low Voltage Live Work Accreditation Framework' which outlines the Verification of Competency (VOC) processes that must be completed for all workers prior to commencing work on or near exposed live LV mains and apparatus;
 - undertaking practical VOCs, in accordance with the Low Voltage Live Work Accreditation Framework, for all workers who work on or near live exposed LV and those who act as Safety Observers for that work. The VOCs verified that workers understood the updates to policies and procedures prior to restarting live work. Workers were required to successfully complete the VOCs relevant to their role prior to restarting live work;
 - developing an Electrical Safety Rules 'Knowledge Assessment' module for workers who supervise, plan, or carry out work on or near live exposed LV conductors;
 - developing an industry-leading 'Critical Control Assurance Program' and Application specifically relating to live work, to ensure the critical controls required to prevent worker electric shock are consistently applied across the Ausgrid network. Since the recommencement of live work, Ausgrid has carried out over 13,800 live work assurance interactions and verified the application of over 134,000 critical controls;
 - developing a 'Return to Live Work Leadership' course attended by frontline operational leaders to prepare leaders for the return to live work;
 - developing a 'Functional Capacity Evaluation & Medical Assessment' for LV workers, which is similar to the program that applies to Ausgrid's high voltage workforce. Workers were required to be assessed as fit for work prior to restarting live work (this is in addition to the existing pre-employment medical assessment);
 - developing a 'Low Voltage Planner Appreciation Course' for staff who plan live work;
 - developing a 'Low Voltage Assessment Framework' which details the process of determining whether a job should be completed live or de-energised. This was to ensure consistent decision-making across the organisation in relation to whether work should be undertaken de-energised or live; and
 - retiring a number of historical documents to consolidate and simplify systems of work (e.g. SWMS, Distribution Guidelines, Work Instructions). Relevant content from these retired documents was consolidated in the new LVLWM, SWMS and Electrical Safety Rules.

Costs associated with broader review of live work

Ausgrid estimates that it invested around \$13.9 million on direct costs associated with delivering the Live Work Project.

Ausgrid also estimates that the operational impacts associated with the Live Work Pause incurred costs of around \$25.5 million.

Section 4 – Statements, commitments, and acknowledgements

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

Ausgrid Management Pty Ltd commits that the issues which led to the alleged contravention have been addressed and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

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

Ausgrid Management Pty Ltd is committed to complying with its obligations under the WHS Act and ensuring, so far as is reasonably practicable, the health and safety of all workers and those who may be affected by its business or undertakings.

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

Ausgrid Management Pty Ltd commits that it will, so far as is reasonably practicable, maintain ongoing effective management of work health and safety risks.

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

Ausgrid Management Pty Ltd acknowledges that the enforceable undertaking will be published on SafeWork NSW's internet site until the completion of the enforceable terms and may be referenced in SafeWork NSW's publications.

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

Ausgrid Management 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.

f. An acknowledgement consultation has occurred within the workplace regarding the proposal of an enforceable undertaking

Ausgrid Management Pty Ltd acknowledges that it has consulted within the workplace in relation to the proposal of an enforceable undertaking, including with the Injured Worker, Ausgrid's Safety Consultative Group (which comprises of Health and Safety Committee members, Health and Safety Representatives, employee representatives and management) and Ausgrid's Electrical Safety Rules Committee (which comprises of employee representatives and management).

Additionally, Ausgrid has consulted with the following industry stakeholders: the National Secretary of the Electrical Trades Union, the Chair of Energy Networks Australia, and representatives of Endeavour Energy, Essential Energy, the National Electrical and Communications Association, and Energy Queensland.

g. Intellectual property licence

Ausgrid Management 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.

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

Ausgrid Management Pty Ltd acknowledges that the responsibility for demonstrating compliance with this undertaking rests with Ausgrid Management Pty Ltd. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for each Strategy item identified in Section 5.

Ausgrid Management Pty Ltd acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided for each Strategy item identified in Section 5. The evidence provided to demonstrate compliance with the undertaking will be retained by Ausgrid Management Pty Ltd until advised by SafeWork NSW that the undertaking has been completely discharged.

Ausgrid Management Pty Ltd acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary.

Ausgrid Management Pty Ltd acknowledges that should there be any delay in the delivery or compliance of the enforceable undertaking, this will be subject to mutual agreement (confirmed in writing) between Ausgrid Management Pty Ltd and SafeWork NSW.

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

Ausgrid Management Pty Ltd is committed to ensuring that any real or perceived promotion of a benefit arising from this enforceable undertaking will clearly link the benefit to the enforceable undertaking and that the enforceable undertaking was entered into as a result of the alleged contravention identified in section 2 above.

Where products or other deliverables are externally promoted or have a direct link to the enforceable undertaking, Ausgrid Management Pty Ltd will include the following statement:

This (insert product or service) has been (produced, held) pursuant to an enforceable undertaking between Ausgrid Management Pty Ltd, ACN 615 449 548 and SafeWork NSW entered into on (insert date EU commenced).

Any variation to the above statement requires prior written agreement between Ausgrid Management Pty Ltd and SafeWork NSW.

j. A commitment to gain review and approval for industry and/or community safety information

Ausgrid Management Pty Ltd commits that any strategies to be implemented by Ausgrid Management Pty Ltd in compliance with this enforceable undertaking 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.

k. Inconsistent Statements

Ausgrid Management Pty Ltd commits that it will not make any statement or otherwise imply anything that is inconsistent with the statements, commitments or acknowledgements contained in this undertaking and will take steps to ensure its representatives, employees and officers do not make any such statements.

l. Reliance on Commitments

Ausgrid Management Pty Ltd acknowledges that SafeWork NSW may rely upon the commitments and statements set out in Section 4 (a), (b) and (c) above when making decisions regarding enforcement action if Ausgrid Management Pty Ltd fails to comply with its work health and safety obligations in the future, including but not limited to any failure to comply with its obligations under this undertaking.

m. Withdrawal or variation

Ausgrid Management Pty Ltd may with the written agreement of SafeWork NSW withdraw or vary the undertaking in accordance with section 221 of the WHS Act.

n. Acknowledgement of Enforceable Undertakings Guidelines and Contravention of the Undertaking

Ausgrid Management Pty Ltd has read and understood SafeWork NSW Enforceable Undertakings Guidelines.

Ausgrid Management Pty Ltd acknowledges that if Ausgrid Management Pty Ltd contravenes any of the terms of this enforceable undertaking, SafeWork NSW may apply to the District Court for an order in accordance with section 220 of the WHS Act.

Section 5 – Strategies

Ausgrid Management Pty Ltd undertakes to deliver the following Strategies.

Each Strategy in the enforceable undertaking aims to provide lasting work health and safety benefits across the workplace, the industry, and the community, or a combination of these.

Strategies that relate to the dissemination of information in relation to the enforceable undertaking

Strategy 1 – Enforceable undertaking public notice

Summary:

Ausgrid Management Pty Ltd will place a public notice advising of the enforceable undertaking with SafeWork NSW.

WHS outcome and beneficiaries:

The public notice serves to advise the general public about the enforceable undertaking and serves as a form of both education and deterrence for industry.

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

Element of the Strategy	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
<p>Ausgrid Management Pty Ltd will cause a public notice to be published in the Sydney Morning Herald, 1/8 of a page in size, using the script provided in Annexure 1.</p> <p>Ausgrid Management Pty Ltd agrees that the script for the notices (in Annexure 1) must be approved by SafeWork NSW prior to the public notice being published. Failure to adhere to these conditions may result in SafeWork NSW requesting another public notice be published.</p>	<p>Within 30 days of the Commencement Date of the enforceable undertaking but not prior to SafeWork NSW publishing a copy of the enforceable undertaking on its website</p>	<p>Responsible: Corporate Affairs team</p>	<p>A copy of the full page of the Sydney Morning Herald showing the public notice and name and date of the publication.</p>

Strategy 2 – Dissemination of information about the enforceable undertaking

Summary:

Ausgrid Management Pty Ltd agrees to disseminate information about the enforceable undertaking with SafeWork NSW within its workplace including to its workers, the members of any health and safety committee, health and safety representatives and all subcontractors working for Ausgrid Management Pty Ltd and to any other relevant parties.

WHS outcome and beneficiaries:

The dissemination of information about the enforceable undertaking is an important step in maintaining effective dialogue with the workforce about the enforceable undertaking and safety more broadly.

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the table below.

Element of the Strategy	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Display a summary of the enforceable undertaking on safety notice boards at Ausgrid workplaces (office buildings and depots) for a period of 30 days.	Within 30 days of the Commencement Date of the enforceable undertaking	Responsible: Head of Health & Safety Systems, Assurance and Reporting	Copy of notice and photographs of a sample of safety notice boards displaying the notice.
Publish a summary of the enforceable undertaking in the Ausgrid Health & Safety Scoop which is a newsletter disseminated to all Ausgrid employees and Ausgrid contractors.	Within 30 days of the Commencement Date of the enforceable undertaking	Responsible: Head of Health & Safety Systems, Assurance and Reporting	Copy of the relevant Health & Safety Scoop showing date of publishing.

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

Ausgrid estimates the total cost of the workplace, industry and community strategies set out below is as follows.

Description	\$ Amount
Strategy 3: 'Fit for Life' Employee Wellbeing Program - subtotal cost	\$390,000
Strategy 4: Remunerate Mental Health First Aiders - subtotal cost	\$320,000
Strategy 5: Live work implementation workplace audit - subtotal cost	\$100,000
Strategy 6: Electrical safety videos promoting working safely around overhead powerlines - subtotal cost	\$200,000
Total estimated costs of Ausgrid's enforceable undertaking proposal	\$1,010,000

Strategy 3 – 'Fit for Life' Employee Wellbeing Program

Summary:

Ausgrid will introduce a comprehensive 'Fit for Life' Employee Wellbeing Program (**Fit for Life Program**) to provide our employees with new skills/strategies, resources and support to improve their physical and mental health and wellbeing (for example, improving employees' personal resilience and ability to manage stress and fatigue, maintain a healthy diet and be more active).

The Fit for Life Program, to be developed by a dedicated part time (3 days per week) Ausgrid employee (Fit for Life Program Manager) and an external subject matter expert, will involve analysing Ausgrid employees' key modifiable risk factors (i.e. mental health, fatigue, physical health and lifestyle), prioritising the risk factors and developing a plan to address these. This will be done in consultation with our employees.

The Fit for Life Program will be a two year program under the enforceable undertaking. However, Ausgrid intends to continue to invest in the Fit for Life Program beyond the enforceable undertaking.

WHS outcome and beneficiaries:

The Fit for Life Program will assist in preventing and managing key modifiable health risk factors for our employees (i.e. mental health, fatigue, physical health and lifestyle), which will directly benefit our employees and their families.

The Fit for Life Program is also anticipated to carry positive flow-on benefits to the organisation, through a psychologically safer workplace, increased employee engagement, increased employee job satisfaction and increased employee retention rates.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
<p>Analysing and consulting in relation to employees' modifiable physical and mental health and wellbeing risk factors, and determining priority order of risk factors</p>	<ul style="list-style-type: none"> • Analyse data from employee surveys. Ausgrid to consider using existing MySay Survey or People at Work Survey. • Analyse employee data, including injuries, workers compensation claims, absenteeism, turnover, etc. • Review outcomes of existing and previous health and wellbeing programs. • Engage relevant subject matter experts. • Consult with employees and other relevant stakeholders. 	<p>Within 3 months of the Commencement Date of the enforceable undertaking</p>	<p>Responsible: Fit for Life Program Manager</p> <p>Involved: Head of Health & Safety Systems, Assurance and Reporting, Manager Health and Wellbeing, employees, subject matter experts</p>	<ul style="list-style-type: none"> • A copy of the survey/questions used • Evidence of the analysis completed • Contract/invoice from subject matter expert engaged • Evidence of consultation such as agendas/meeting minutes & attendance records
<p>Develop a two-year plan to address the modifiable physical and mental health and wellbeing risk factors, in priority order</p>	<ul style="list-style-type: none"> • Develop a two-year plan which defines timelines and budget to address the risk factors. 	<p>Within 3 months of the Commencement Date of the enforceable undertaking</p>	<p>Responsible: Fit for Life Program Manager</p> <p>Involved: Head of Health & Safety Systems, Assurance and Reporting, Manager Health and Wellbeing, subject matter experts</p>	<p>Completed two-year plan</p>

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
<p>Develop a communication plan</p>	<ul style="list-style-type: none"> • Develop a communication plan to engage with employees throughout the lifecycle of the program. • Communications will target multiple communication channels, such as all-staff emails, Ausgrid’s intranet, face-to-face meetings (such as Leadership Meetings, Team Meetings, People Safe Days, Toolbox Talks), monthly Health & Safety Scoop newsletter, and social media bulletins. • Communications will include promotional and educational material such as videos, posters, merchandise. • As part of branding and communications, emojis have been developed to represent key modifiable risk factors, to help Ausgrid employees to think about the risk factor when they see the related emoji. 	<p>Within 3 months of the Commencement Date of the enforceable undertaking</p>	<p>Responsible: Fit for Life Program Manager</p> <p>Involved: Executive Leadership Team, Head of Health & Safety Systems, Assurance and Reporting, Corporate Affairs Team</p>	<p>Communication plan</p>

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Develop tools, resources and programs to improve physical and mental health and wellbeing	<ul style="list-style-type: none"> • Develop an annual calendar of monthly health and wellbeing initiatives, targeting risk factors. • Develop tools and resources tailored for employee groups to improve capability in building resilience, managing stress, maintaining a healthy diet, being more active, managing fatigue and facilitating early intervention. 	Within 6 months of the Commencement Date of the enforceable undertaking	Responsible: Fit for Life Program Manager Involved: Head of Health & Safety Systems, Assurance and Reporting, Manager Health and Wellbeing, Mental Health First Aiders, subject matter experts	Tools and resources that have been developed The annual calendar of monthly initiatives
Implementation of the program (including tools, resources and programs)	<ul style="list-style-type: none"> • Implement the program in accordance with the two-year plan and communication plan referenced above. 	Implementation will begin within 6 months of the Commencement Date of the enforceable undertaking, and will continue for the life of the program	Responsible: Fit for Life Program Manager Involved: Head of Health & Safety Systems, Assurance and Reporting, Manager Health and Wellbeing, employees	A copy of the communication published to all staff confirming the commencement of the program
Assess and measure the effectiveness of the program and drive continual improvement	<ul style="list-style-type: none"> • Measures will be implemented to monitor the effectiveness of the initiatives and communication channels to continually improve the program and the level of engagement of our employees. • Review feedback from employees through formal and informal channels. • Opportunities to improve will be assessed. • Provide regular reporting to key internal stakeholders as required. 	Monitoring will begin at the commencement of implementation of the program and will continue for the life of the program	Responsible: Fit for Life Program Manager Involved: Head of Health & Safety Systems, Assurance and Reporting	Ausgrid to provide 6 monthly updates to SafeWork about the effectiveness of the program and any improvements that have arisen out of monitoring/feedback

Cost:

Ausgrid estimates the Fit for Life Program will incur costs in the following amounts over a two year period.

Description	\$ Amount
Design, development and implementation of Fit for Life Program	██████████
Ausgrid to fund a part time (3 days per week) dedicated resource (Fit for Life Program Manager) to facilitate the design, development, implementation and management of the Fit for Life Program ██████████	██████████
Total estimated costs	\$390,000

As stated above, Ausgrid intends to continue to invest in the Fit for Life Program beyond the enforceable undertaking.

Strategy 4 – Remunerate Mental Health First Aiders

Summary:

By way of background:

- Ausgrid has 100 existing employees who are accredited as Mental Health First Aiders (**MHFAs**). Ausgrid requires MHFAs to attend refresher training every 3 years to maintain their MHFA accreditation, as well as attend quarterly training forums with a registered psychologist.
- Ausgrid’s Health & Wellbeing team are responsible for the ongoing monitoring and effectiveness of the MHFA program, which includes determining the number of MHFAs required having regard to the matters such as the risk profile and geographic location of workgroups. Currently Ausgrid has 100 accredited MHFAs, which represents 1 MHFA for every 35 employees. In a recent review it has been identified that, for specific high risk groups, it would be beneficial for Ausgrid to increase the ratio to 1 MHFA for every 10 employees.
- In the interests of ensuring Ausgrid employees are readily and confidentially able to access MHFA support as often as they need, to date Ausgrid has made the decision to not require MHFAs to record time spent providing this support service to employees.
- MHFAs are well utilised across the organisation and receive peer recognition for the support they provide to employees – for example, the Health & Wellbeing team receive ‘welfare check’ referrals from MHFAs who have been contacted directly by employees; MHFAs are engaged by Health & Wellbeing to conduct employee wellbeing checks following critical incidents (both work related and non-work related); MHFAs attend local Ausgrid events supporting mental health such as ‘R U OK’ day and ‘Everyone has a story’; MHFAs have been peer nominated for Ausgrid recognition awards for the support they provide.

Ausgrid intends to provide each of its MHFAs with the same allowance Ausgrid provides to its physical health First Aiders, for a two year period under the enforceable undertaking (i.e. \$1,600 per MHFA per year). Ausgrid intends to continue to remunerate accredited MHFAs with an allowance beyond the enforceable undertaking.

WHS outcome and beneficiaries:

Providing an allowance to MHFAs will directly benefit our MHFA employees and their families, reflect that MHFAs have an additional accreditation and responsibility compared to other employees, and demonstrate that Ausgrid considers psychological health as important as physical health.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Remunerate Mental Health First Aiders (MHFA)	Remunerate Ausgrid’s accredited MHFAs with the same allowance given to First Aiders, for 2 years (i.e. \$1,600 per MHFA per year). Currently Ausgrid has 100 accredited MHFAs.	Within 3 months of the Commencement Date of the enforceable undertaking	Responsible: Fit for Life Program Manager Involved: People Group	Meeting minutes of the Safety Consultative Group (SCG) (the peak WHS worker-led consultative group at Ausgrid) confirming implementation of the MHFA allowance

Cost:

Ausgrid estimates this Strategy will incur costs in the following amounts.

Description	\$ Amount
Remunerate Ausgrid’s accredited Mental Health First Aiders (MHFAs) with a \$1,600 per person allowance over two years (i.e. \$1,600 x 100 MHFAs x 2 years)	\$320,000
Total estimated costs	\$320,000

As stated above, Ausgrid intends to continue to remunerate accredited MHFAs with an allowance beyond the enforceable undertaking.

Strategy 5 – Live work implementation audit

Summary:

By way of background:

- As part of the Live Work Project, Ausgrid reviewed its existing Health & Safety Assurance Plan (which is applicable to all work undertaken in the field) and developed another Assurance Plan specifically for Low Voltage Live Work. The Low Voltage Live Work Assurance Plan outlines the ongoing monitoring and assurance activities that are required to be undertaken each year, throughout the year, for live low voltage tasks and supports the consistent implementation of critical controls and work practices for live low voltage work.
- Additionally, in light of changes to Ausgrid's low voltage live work systems and processes as part of the Live Work Project, Ausgrid has been subject to multiple independent audits by the Independent Pricing and Regulatory Tribunal (**IPART**) in relation to worker safety over the period FY 2020 - FY 2023. These audits have been technical in nature, focusing on system and documentation compliance with IPART's requirements and Australian Standard 5577 *Electricity Network Safety Management Systems*.

Ausgrid proposes to facilitate a live work implementation audit, being an in-field audit by an independent auditor, to be commenced in October 2024, to provide independent assurance that the new overhead low voltage live work systems and processes are being implemented in accordance with the relevant standards and regulations, and Ausgrid's existing assurance activities are effectively monitoring the implementation of critical controls. This independent live work implementation audit will be carried out in addition to Ausgrid's existing internal assurance activities that are undertaken throughout the year.

Ausgrid will require the auditor to align the relevant components of the audit with AS/NZS ISO 19011:2019 *Guidelines for auditing management systems*.

As part of the development of the scope of the audit, Ausgrid and the auditor will consider matters such as scope of overhead live work tasks to be reviewed, appropriate sample size and sampling methodology, geographical boundaries, relevant regulations and standards, and the metrics to measure the extent to which the audit objectives have been achieved. Ausgrid will require the auditor to involve a cross section of Ausgrid overhead field-based workers (from different depots and work groups, and with different levels of experience) as part of the audit to allow for open and transparent feedback that is representative of the overhead workforce. Ausgrid will consult with IPART about the proposed scope of the audit before it's finalised.

The auditor will produce an independent report and present any findings, recommendations or opportunities for improvement to executives and senior management. Ausgrid will share the audit report with SafeWork NSW and IPART. Ausgrid will develop a treatment action plan based on the auditor's findings and recommendations, and the outcomes will be shared with the broader organisation. To the extent the auditor makes recommendations related to ongoing monitoring and assurance, these will be embedded in the organisation's Health & Safety Assurance Plans.

WHS outcome and beneficiaries:

Through the Live Work Project, Ausgrid invested considerable resources into enhancing its systems of work which included the development of industry leading processes, practices and documentation. The proposed live work implementation audit will provide *independent* verification that the changes to our systems of overhead low voltage live work are being implemented in practice. This will provide *independent* assurance that Ausgrid's revised systems have enabled a safer place to work for our people.

As a result of this strategy WHS benefits are expected in the:

- Workplace
- Industry
- Community

Strategy delivery and verification:

The strategy will be delivered and verified by SafeWork NSW in accordance with the below.

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Identify scope of audit	Ausgrid to prepare a draft scope for the audit.	June 2024	Responsible: Head of Health & Safety Systems, Assurance and Reporting	Draft scope of audit
Identify suitably qualified independent auditor to engage	Prepare and submit requests for tender to two suitably qualified independent auditors with relevant DNSP experience. Assess the responses and discuss with the potential auditors as required. Consult with IPART about the proposed scope of the audit. Appoint an auditor.	August 2024	Responsible: Head of Health & Safety Systems, Assurance and Reporting Involved: Independent auditor, IPART	<ul style="list-style-type: none"> • Finalised audit scope which sets out key metrics to measure the extent to which audit objectives have been achieved • Name of appointed auditor
Identify key internal stakeholders to be involved in audit	Identify a proposed list of overhead field-based workers at different levels of seniority/experience from a cross section of depots who perform a cross section of overhead live low voltage work. Approach those workers about being involved in the audit.	September 2024	Responsible: Head of Health & Safety Systems, Assurance and Reporting	List of names and positions of workers who will be involved in the audit

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Commence live work implementation audit	Independent auditor to commence live work implementation audit of Ausgrid's overhead live work processes, based on agreed scope.	October 2024	Responsible: Independent auditor Involved: Ausgrid field-based employees	List of sites visits and names and positions of workers involved in the audit
Live work implementation audit report	Independent auditor to prepare a report on their findings for Ausgrid.	February 2025 (subject to auditor availability)	Responsible: Independent auditor	Finalised audit report
Presentation of findings to executive/senior management	Auditor to present findings, recommendations and opportunities for improvement (as per the report) to Ausgrid's executives and senior management.	March 2025	Responsible: Independent auditor	List of names and positions of attendees from Ausgrid
Share report with regulators	Ausgrid to share final audit report with SafeWork NSW and IPART.	April 2025	Responsible: Head of Health & Safety Systems, Assurance and Reporting	Finalised audit report
Development of Treatment Action Plan	Ausgrid to develop a treatment action plan according to any recommendations/opportunities for improvement identified within the auditor's findings.	April 2025	Responsible: Head of Health & Safety Systems, Assurance and Reporting	Copy of treatment action plan
Communicate outcomes with workforce	Ausgrid to publish a summary of the audit and findings to all staff.	April 2025	Responsible: Head of Health & Safety Systems, Assurance and Reporting	Copy of communication sent to all staff
Update Health & Safety Assurance Plan	Ausgrid to incorporate in the annual Health & Safety Assurance Plan any recommendations made by the auditor related to ongoing monitoring and assurance.	April/May 2025	Responsible: Head of Health & Safety Systems, Assurance and Reporting	A copy of the updates to be incorporated into the FY25 Health & Safety Assurance Plan, based on the auditor's recommendations

Cost:

Ausgrid estimates the live work implementation audit will incur costs in the following amounts.

Description	\$ Amount
Fund an independent auditor to undertake the live work implementation audit	\$100,000
Total estimated costs	\$100,000

Strategy 6 – Electrical safety videos promoting working safely around overhead powerlines

Summary:

In consultation with SafeWork NSW, Energy Queensland and other Distribution Network Service Providers (**DNSPs**), Ausgrid proposes to facilitate and fund the design, development and publication of 3 broadcast-quality electrical safety video advertisements. The videos will aim to improve education and awareness of electrical safety and reduce inadvertent contact with powerlines, by promoting Energy Queensland’s ‘Look Up and Live’ app and educating individuals to take appropriate planning precautions around powerlines.

The videos will each be approximately 15 - 30 seconds in length. The 3 videos will be specifically targeted to 3 sectors of industry (as an example, this could be the building and construction sector; agricultural sector; public workers, i.e. plant and machinery operators). Ausgrid will work in consultation with SafeWork NSW to determine the 3 priority industry sectors based on recent incident data across NSW.

The design and development of the videos will be collaborative and include consulting with Energy Queensland, SafeWork NSW and other Distribution Network Service Providers (**DNSPs**) to develop the content, messaging and presentation of the videos. The videos will be approved by SafeWork NSW prior to publication/dissemination.

To publish and promote the videos:

- Ausgrid will publish the videos on its website and social media platforms (i.e. LinkedIn, Facebook, Instagram). The videos will remain accessible on the Ausgrid website and social media platforms indefinitely.
- Ausgrid will use paid targeted social media advertising to publish the videos on social media platforms (i.e. Facebook and Instagram). In consultation with SafeWork NSW, Ausgrid will consider the length of the campaigns and target audiences to ensure effective exposure.
- Ausgrid will waive any Intellectual Property ownership, and not include any specific Ausgrid branding, so that the videos will be available for SafeWork NSW, Energy Queensland and other DNSPs to utilise across their own websites and social media platforms.
- Ausgrid will request other DNSPs to actively promote the videos on their company websites and social media platforms.

- Ausgrid will make the videos available to be downloaded free of charge from the Ausgrid website for other stakeholders to access the material and share on their own websites or social media platforms.

Ausgrid has commenced initial discussions with Energy Queensland, Endeavour Energy and Essential Energy to confirm support for the initiative along with high level ideas for the videos. Based on initial discussions, the key messaging could include: “Look up your location and live with the [Lookupandlive.com](https://www.ausgrid.com.au/lookupandlive) app”. These discussions will continue throughout the planning phase of the initiative.

WHS outcome and beneficiaries:

SafeWork NSW has previously observed that contact between mobile plant/equipment and live overhead powerlines is one of the major causes of workplace fatalities in NSW, with the two main contributing factors being:

- *Lack of identification of the hazard*: operators failing to see the powerlines or understanding the danger they pose; and
- *Lack of separation from the hazard*: not maintaining a safe distance from powerlines.

Over the previous five years, Ausgrid has recorded over 340 instances where a public worker or members of the public have contacted energised overhead powerlines within Ausgrid’s network area.

Ausgrid is confident that this electrical safety initiative will deliver significant benefits to the 3 targeted industry groups, as well as other industry groups identified below, through education and awareness which is expected to lead to a reduction in workplace fatalities, incidents and injuries associated with inadvertent contact with the electricity network:

- the electricity industry;
- Emergency Services;
- building and construction industry;
- agricultural industry;
- public workers (plant and machinery operators);
- Council workers.

Ausgrid also considers this initiative will deliver significant benefits for the broader community across Australia through:

- a reduction in public fatalities, incidents and injuries associated with inadvertent contact with the electricity network; and
- a reduction in unplanned outages as a result of inadvertent contact with the electricity network. The reduction in unplanned outages is relevant to safety because there are a number of safety risks to the community associated with unplanned outages – e.g. risks to vulnerable/life support customers who rely on electricity supply, risks to those who rely on critical infrastructure (e.g. hospitals, nursing homes, traffic lights, telecommunications, public transport, water and sewerage systems).

Finally, Ausgrid considers this initiative will also deliver benefits to Ausgrid’s organisation through a reduction in the number of instances where Ausgrid emergency services and network repair personnel are required to attend public fatalities and injuries which pose physical and psychosocial hazards to our employees.

As a result of this strategy WHS benefits are expected in the:

- ✓ Workplace
- ✓ Industry
- ✓ Community

Strategy delivery and verification:

This Strategy will be delivered and verified by SafeWork NSW in accordance with the below table.

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
Identification of targeted industry sectors	<ul style="list-style-type: none"> • Identify targeted industry sectors in consultation with SafeWork NSW. 	Within 6 months of the Commencement Date of the enforceable undertaking	<p>Responsible: Head of Health & Safety Systems, Assurance and Reporting</p> <p>Involved: SafeWork NSW and Energy Queensland</p>	SafeWork NSW will be involved in this process.
Identification of, and consultation with, key stakeholders	<ul style="list-style-type: none"> • Identify key stakeholders who will have input into the videos. • Consult with key stakeholders on the video concept and script. 	Within 6 months of the Commencement Date of the enforceable undertaking	<p>Responsible: Head of Health & Safety Systems, Assurance and Reporting</p> <p>Involved: Executive Leadership Team, Corporate Affairs team, Energy Queensland, SafeWork NSW, DNSPs</p>	<ul style="list-style-type: none"> • A list of key stakeholders and qualifications. • Details of consultative meetings, attendees, agenda and minutes. • A draft video concept and script for feedback / consultation.
Production of the videos	<ul style="list-style-type: none"> • Engage external SMEs to produce the videos (casting, filming, editing). 	Within 10 months of the Commencement Date of the enforceable undertaking	<p>Responsible: Head of Health & Safety Systems, Assurance and Reporting</p> <p>Involved: Executive Leadership Team, Corporate Affairs team,</p>	Draft videos for feedback. The videos will be approved by SafeWork NSW prior to publication/ dissemination.

Element of the Strategy	How is it occurring	When will it happen	Position Title(s) or Area responsible and/or involved	Evidence that will be provided to SafeWork NSW
			Energy Queensland, SafeWork NSW, DNSPs	
Publication/distribution/promotion of the videos	<ul style="list-style-type: none"> Publish the videos on Ausgrid's website and social media platforms (i.e. LinkedIn, Facebook, Instagram). Make final videos available for download (free of charge) from Ausgrid's website. Facilitate paid targeted social media advertising for the videos (i.e. Facebook, Instagram). Consult with SafeWork NSW about the length of campaigns and target audiences to ensure effective exposure. Send communications to key stakeholders (e.g. other DNSPs, Energy Queensland, SafeWork NSW) requesting them to share the videos on their websites and/or social media platforms. 	Within 12 months of the Commencement Date of the enforceable undertaking	<p>Responsible: Head of Health & Safety Systems, Assurance and Reporting</p> <p>Involved: Corporate Affairs team, SafeWork NSW, Energy Queensland, DNSPs</p>	<ul style="list-style-type: none"> The final videos. Links to where the videos are published on Ausgrid platforms. Details of paid advertising campaigns. Copy of communications sent to stakeholders and list of recipients. 12 months' worth of data of hits/downloads of the videos from Ausgrid platforms and paid advertising campaigns.

Cost:


Ausgrid estimates this Strategy will incur costs in the following amounts.


Description	\$ Amount
Design, development, publication and promotion of 3 videos promoting working safely around overhead powerlines	\$200,000
Total estimated costs	\$200,000

Section 6 – Execution of Undertaking

Ausgrid Management Pty Ltd give this undertaking and commit to the terms herein.

Executed on behalf of Ausgrid Management Pty Ltd under Power of Attorney dated 14 March 2023 who declares that he/she has not received any notice of revocation of same


.....
Signature of Attorney


.....
Signature of Witness

Nigel Lowry
.....
Name of Attorney (please print)

Sharon Daley
.....
Name of Witness (please print)

Group Executive - Legal, Governance & Property
.....
Position title of Attorney

23 August 2023
.....
Date


.....
Signature of Attorney


.....
Signature of Witness

Sam Sofi
.....
Name of Attorney (please print)

Clare Cullen
.....
Name of Witness (please print)

Group Executive - Safety, Delivery & Operations
.....
Position title of Attorney

23 August 2023
.....
Date

Section 7 – SafeWork NSW’s acceptance of undertaking

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

Signed:

A solid black rectangular box redacting the signature of Valerie Griswold.

Name: Valerie Griswold

Position: Executive Director, Investigations & Enforcement

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

Dated at Sydney this 24th day of August 2023

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 29 January 2019, an overhead line worker employed by Ausgrid Management Pty Ltd ACN 615 449 548 (**Ausgrid**) received a non-fatal electric shock after making contact with energised low voltage conductors. At the time of the incident, the worker was in a mobile elevating work platform, relocating the conductors as part of a pole changeover job in Sydney.

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

SafeWork NSW has accepted an enforceable undertaking (**EU**) from Ausgrid in accordance with Part 11 of the WHS Act in relation to the abovementioned alleged contravention. This notice has been placed under the terms of the EU and acknowledges acceptance of the EU by Ausgrid.

The EU requires the following actions by Ausgrid:

- introduce a comprehensive Employee Wellbeing Program;
- provide an allowance to accredited Mental Health First Aiders;
- facilitate an independent in-field audit of its new overhead low voltage live work systems and processes;
- facilitate the design, development and publication of video advertisements promoting working safely around overhead powerlines.

The full EU and general information about EUs is available at www.safework.nsw.gov.au.