

ENFORCEABLE UNDERTAKING

Part 11

Work Health and Safety Act 2011

The commitments in this enforceable undertaking
are offered to SafeWork NSW

by

S & L Steel Fab Pty Ltd

ACN: 161 107 615

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 (EU) 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:	Suite 300, Level 3 447 Victoria Street Wetherill Park NSW 2164
Postal address:	[REDACTED]
Telephone contact:	[REDACTED]
Email address:	[REDACTED]
Legal structure:	Australian Proprietary Company, limited by shares
Type of business:	Steel fabrication and structural steelwork installation
Commencement date of the entity:	6 November 2012
Number of workers:	Full-time: 50 Part-time: 1 Casual: 5
Products and/or services:	S & L Steel Fab Pty Ltd (S & L Steel Fab) is engaged in the structural steel fabrication, installation of bridgeworks, water treatment plants, pressure vessels, pipework, mining infrastructure, pollution control systems, power stations, commercial buildings. It is also provides plasma plate cutting, site erection, blasting, painting and drafting services.
Comments:	None

b. Details of the alleged contravention

It is alleged by SafeWork NSW that on 12 October 2018, S & L Steel Fab failed to discharge its obligations as a person conducting a business or undertaking under section 19(1) of the WHS Act in that it did not ensure so far as reasonably practicable the health and safety of workers.

c. Details of the events surrounding the alleged contravention

On 12 October 2018, a labour hire worker engaged by S & L Steel Fab was injured while undertaking welding work using a welding positioner. At the time of the incident, the worker was undertaking welding tasks on a stainless steel workpiece. The workpiece was affixed to the welding positioner by means of a steel holding fixture (**Assembly**). The Assembly detached from the positioner and fell onto the worker.

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

It is acknowledged that SafeWork NSW has alleged that S & L Steel Fab 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 sustained crush injuries.

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

Were enforcement notices received?

Yes Please provide details in the table below.

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
16/10/2018	Improvement Notice	7-340725	Section 19 of the WHS Act and Clause 36 of the Regulations	Updated all Hazardous Substance Registers with current Safety Data Sheets for all hazardous substances and materials used, handled and stored by S & L Steel Fab.
16/10/2018	Improvement Notice	7-340730	Section 19 of the WHS Act and Clause 40 of the Regulations	Removed cartons of stocks from the passageways and stairs to avoid the risk of trips and falls.
16/10/2018	Improvement Notice	7-340732	Section 19 of the WHS Act and Clause 349 of the Regulations	Installed and displayed "HAZCHEM" outer warning placard (as per schedule 13 of the Regulations) prominently at all entries to premises.
16/10/2018	Improvement Notice	7-340728	Section 19 of the WHS Act and Clause 34 of the Regulations	Installed steel rails with steel mesh all the way through the mezzanine floor at the front of the workshop, to avoid the risk of any falling objects

Date issued	Notice type	Notice number	Contravention	Action taken in response to notice
16/10/2018	Improvement Notice	7-340724	Section 19 of the WHS Act and Clause 36 of the Regulations	Reviewed and updated the JSA/SafeWork Method Statement (SWMS) for the Welding Positioner involved in the Incident. Safe Operating Procedures including safety instructions were reviewed and updated.
16/10/2018	Improvement Notice	7-340733	Section 19 of the WHS Act and Clause 35 of the Regulations	<p>Advised workers in several toolbox meetings not to smoke inside the factory.</p> <p>Installed "No Smoking" standard signs and symbols at all prominent places inside the premises.</p> <p>Organised a designated smoking area with correct signage</p> <p>Developed a smoking policy in consultation with workers.</p>

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

S & L Steel Fab is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable the health and safety of its workers.

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)

S & L Steel Fab has not received a worker's compensation claim from the injured worker.

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

Does the alleged contravention involve injury to a person?

Yes The worker was employed by [REDACTED] at the time of the incident.

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

Date	Description of support	Comments
Various	Offers of support and assistance to the injured worker and his family.	<p>S & L Steel Fab reached out on a number of occasions, to provide assistance to the worker and his family.</p> <p>S & L Steel Fab's workshop foreman has spoken with the injured worker on a social level and can advise he is progressing well.</p> <p>No further contact was instigated by S & L Steel Fab in accordance with the injured worker's wishes.</p>

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

S & L Steel Fab has an existing WHSMS compliant with AS/NZS ISO 45001:2018. Third party auditing of the workplace against AS/NZS ISO 45001:2018 is conducted on a 3 yearly basis and annual surveillance auditing is undertaken.

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

S & L Steel Fab's managers and supervisors have been consulted during the weekly production meetings. During those meetings, EU strategies were outlined and suggestions and feedback were obtained. Additionally, discussions of the EU have taken place with the broader workforce during monthly toolbox meetings.

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

S & L Steel Fab regrets that the incident on 12 October 2018 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
Conducting an incident investigation and developing an investigation report	\$2,400.00
Providing critical incident response counselling to employees on 22 October 2018	\$3,025.00
Engaging a WHS Consultant	\$5,000.00
Reviewing and updating the JSA/ SWMS and safety instructions for the welding positioner	\$2,400.00
Developing a SWMS for Structural Steel Fabrication	\$4,800.00
Compliance with SafeWork NSW Improvement Notices	\$15,000.00
Reviewing, updating and distributing to workers S & L's Safety Handbook	\$16,000.00

TOTAL AMOUNT SPENT ON RECTIFICATIONS

\$48,625.00

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

S & L Steel Fab commits that the behaviour that lead to the alleged contravention has ceased and that it will take all reasonably practicable steps to prevent recurrence of this type of incident.

o. A commitment to the ongoing effective management of WHS risks

S & L Steel Fab will exercise its best endeavours to the ongoing effective management of WHS risks.

p. A statement of ability to comply with the terms of the EU

S & L Steel Fab acknowledges that it has the financial ability to comply with the terms of this EU and has provided evidence with this undertaking to support this declaration.

q. The person is required to provide information regarding any prior WHS convictions

SafeWork NSW requests a list outlining details of any prior WHS convictions or findings of guilt under WHS legislation² or WHS related legislation.

No S & L Steel Fab has had no prior WHS convictions.

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

r. Statement regarding relationships with beneficiaries

S & L Steel Fab advises that there is an existing relationship held with Weld Australia whose members will be the beneficiaries of two online training courses contained within the strategy described in Section 2 of this EU.

S & L Steel Fab has been a member of Weld Australia for last 15 years and will be working in collaboration with Weld Australia to develop two online training courses as part of its EU strategies. Once developed the training courses will be made available to members of the public, including Weld Australia's members.

s. Intellectual property licence

S & L Steel Fab 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 EU (excluding the two on-line training courses and related training materials owned by Weld Australia contained within the strategy described in section 2 of the EU).

Weld Australia will grant to SafeWork NSW a permanent, irrevocable, royalty-free, worldwide, non-exclusive licence to utilize, distribute and reproduce the then most current electronic versions of the training materials owned by Weld Australia and developed as part of the EU via a licence.

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

S & L Steel Fab acknowledges that the responsibility for demonstrating compliance with this undertaking rests with the person who has given this undertaking. Evidence to demonstrate compliance with the terms will be provided to SafeWork NSW by the due date for the term.

S & L Steel Fab acknowledges that SafeWork NSW may undertake other compliance monitoring activities to verify the evidence that is provided and compliance with the relevant term. The evidence

provided to demonstrate compliance with the undertaking will be retained by the person who has given this undertaking until advised by SafeWork NSW that the undertaking has been completely discharged.

S & L Steel Fab acknowledges that SafeWork NSW may initiate additional compliance monitoring activities, such as inspections, as considered necessary at SafeWork NSW's expense.

S & L Steel Fab acknowledges that should there be any delay in the commencement/delivery of the EU based on current community and workplace health and safety concerns and related business continuity disruption caused by COVID-19, this will be subject to mutual agreement (confirmed in writing) between S & L Steel Fab and SafeWork NSW.

u. Acknowledgement of enforceable undertakings guidelines

S & L Steel Fab has read and understood SafeWork NSW Enforceable Undertakings Guidelines and Enforceable Undertakings Customer Service Standard.

Section 2 – Enforceable Terms

a. An acknowledgement that the EU will be published and publicised

S & L Steel Fab acknowledges that the EU will be published on SafeWork NSW's internet site and may be referenced in SafeWork NSW's publications.

S & L Steel Fab will, within thirty (30) days of the date of acceptance of this EU, cause a public notice to be published in the Sydney Morning Herald, which will be drafted using the script provided in Annexure 1. The public notice will be 1/8 of a page in size and the script will be approved by SafeWork NSW prior to the public notice being published. Failure to adhere to these conditions may result in SafeWork NSW requesting another public notice be published.

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

S & L Steel Fab is committed to ensuring that any promotion of a benefit arising from this EU will clearly link the benefit to the undertaking and that the undertaking was entered into as a result of the alleged contravention.

c. A commitment to disseminate information about the undertaking to workers, and other relevant parties (which may include WHS representatives), and in the annual report (if applicable)

S & L Steel Fab agrees to disseminate information about the EU within the workplace, including to the members of any health and safety committee, health and safety representatives and all subcontractors working for S & L Steel Fab. This information will be disseminated through S & L Steel Fab's management meetings and monthly worker toolbox talks and will be completed within 60 days from the date of acceptance of the EU.

S & L Steel Fab is not required to publish an annual report.

S & L Steel Fab commits that any strategies that involve safety information being provided to the industry and/or community will be subject to SafeWork NSW's review and approval of the content prior to dissemination.

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

d. Strategies that will deliver workplace benefits

1. WHS leadership and due diligence training

Scope:

Engaging an internal WHS coordinator with a Certificate IV in Work Health and Safety (or equivalent) to:

- a) undertake a gap analysis of S & L Steel Fab's existing WHS management system;
- b) benchmark the current safety culture of S & L Steel Fab to form a baseline against which health and safety progress will be reviewed; and
- c) propose suitable training/actions.

S & L Steel Fab's internal WHS coordinator will conduct a gap analysis of S & L Steel Fab's existing WHS management system against the requirements in AS/NZS ISO 45001:2018.

The WHS coordinator will also benchmark the existing safety culture of S & L Steel Fab. This will form the baseline against which health and safety progress will be reviewed.

The results of the gap analysis and benchmarking survey will be communicated to and reviewed by S & L Steel Fab's health and safety committee.

S & L Steel Fab commits to fully implementing the intended actions arising from the gap analysis and benchmarking survey within 12 months from receiving the report from the internal WHS coordinator unless otherwise agreed with SafeWork NSW.

Separately, S & L Steel Fab will engage an expert WHS training provider, such as the AI Group (or a similar organisation) to provide training and mentoring to leaders through the training program.

Training will include clear guidelines for supervision regarding when and how supervisors should intervene in activities. Finally, an evaluation of the program's effectiveness and impact on WHS will also be conducted.

Target issue:

S & L Steel Fab recognises that officers must be committed to safety improvement if safety outcomes are to be achieved. Developing an effective and proactive safety culture and continuously improving safety performance requires safety leadership. This is achieved, in large part, through executive leadership training and coaching, across all levels of the business.

Tangible outputs / deliverables:

- a) Engaging an internal WHS coordinator to undertake a gap analysis of S & L Steel Fab's WHS management system, benchmark the current safety culture and propose suitable training/actions;
- b) Engaging an external WHS training provider to run WHS leadership and due diligence training courses;
- c) Developing training materials for WHS leadership and due diligence training courses;
- d) Updating training registers and attendance records;
- e) Delivering a gap analysis and safety culture benchmarking report including action items for continuous improvement; and
- f) Evaluating the strategy's effectiveness and impact on WHS and providing an evaluation report to SafeWork NSW within 24 months of the acceptance of the EU.¹

Audience / beneficiaries:

¹ S & L Steel Fab will provide SafeWork NSW with a single evaluation report which will evaluate effectiveness and impact on WHS of EU Strategies 1,2,4,5 and 6. A separate corrections actions evaluation report will be provided in relation to EU Strategy 3.

- a) Primary beneficiaries of the WHS leadership and due diligence training will be 12 S & L Steel Fab directors and supervisors; and
- b) Secondary beneficiaries include all workers of S & L Steel Fab who will benefit from greater safety leadership at the workplace and increased worker consultation (for example, as part of toolbox talks, safety observations and site walks).

Delivery method:

S & L Steel Fab will engage and instruct an expert leadership trainer from the [REDACTED] (or a similar organisation).

The training will take the form of group training and individual mentoring in the workshop by recognised leadership coaches. The training will consist of two sessions with all 12 leaders at S & L Steel, focusing on positive safety culture and WHS responsibilities. Each session will include an introductory session, workshop, 360 degree and one-on-one mentoring.

The first session, Safety Training for Managers and Supervisors, will assist the leaders to:

- a) understand their roles and responsibilities in relation to current safety legislation;
- b) be able to identify hazards at work and apply appropriate strategies to reduce the risks of injuries arising from the hazards;
- c) understanding risk management;
- d) identify the role of consultation with regard to representing workers and resolving WHS issues;
- e) understand the importance of reporting incidents; and
- f) understand their roles as leaders of safety in the company.

The second session, Safety Culture Awareness, will include topics such as:

- a) why having a healthy safety culture helps to improve productivity;
- b) the elements of a good safety culture;
- c) the psychology of human behaviour and its impacts on the culture; and
- d) safety leadership – the need for accountability and leading from the top to drive the right culture.

The training will be complemented by a refresher WHS leadership and due diligence training session to reinforce learning outcomes.

Timeframes:

Task	Timeframe
Engaging a WHS coordinator	Completed within 3 months from date of acceptance of the EU
Undertaking initial gap analysis, benchmarking exercise	Completed within 6 months from date of acceptance of the EU
Submitting gap analysis and safety culture benchmarking report to SafeWork NSW	Completed within 7 months from date of acceptance of the EU
Undertaking WHS leadership and due diligence training	Completed within 12 months from date of acceptance of the EU
Submitting the following to SafeWork NSW: <ul style="list-style-type: none"> • training materials for WHS leadership and due diligence training courses; 	Completed within 12 months from date of acceptance of the EU

Task	Timeframe
<ul style="list-style-type: none"> attendance records; and copies of consultant invoices for the training given. 	
Submitting an evaluation report assessing the impact of the strategy on WHS to SafeWork NSW	Completed within 24 months from date of acceptance of the EU
Providing refresher WHS leadership and due diligence training session	Completed within 24 months from date of acceptance of the EU

WHS outcome:

A dedicated program using expert resources to deliver customised leadership training to S & L Steel Fab's Supervisor/Leadership group will support an improved safety outcome within the workplace.

Successful completion of the course will result in participants achieving the following learning outcomes:

- understand and apply the elements of due diligence;
- understand the importance of and need for positive safety culture and performance; and
- understand their WHS responsibilities as officers, managers and supervisors.

Evaluation:

- Course participants will complete a competency assessment following attendance of the course and will require a passing grade (to be nominated by the training provider) to receive a certificate of completion; and
- An evaluation of the program's effectiveness and impact on WHS will be conducted.

Verification:

The strategy will be verified through the provision of the following documents to SafeWork NSW:

- a gap analysis and safety culture benchmarking report within 6 months of acceptance of the EU;
- the training materials for WHS leadership and due diligence training courses within 12 months of acceptance of the EU;
- training register and attendance records of attendees who participate in the WHS leadership and due diligence training within 12 months of acceptance of the EU;
- copies of consultant invoices for the training given within 12 months of acceptance of the EU; and
- an evaluation report evaluating the strategy's effectiveness and impact on WHS within 24 months of acceptance of the EU.

Cost Breakdown:

Description	\$ Amount
Engaging a WHS coordinator for 12 months	\$100,000
Engaging an external training consultant to provide safety leadership and due diligence training	\$20,000
Indirect costs (time and resources for S & L Steel Fab)	\$81,000

Total estimated cost:

\$201,000

2. Developing a multilingual audio-visual induction program

Scope:

S & L Steel Fab will develop and implement a multilingual safety induction program (**Induction Program**) based on the information contained in its Safety Handbook to promote safety and risk assessment at the workplace.

The Induction Program will be made available to all S & L Steel Fab workers in English, Spanish, Korean and Chinese. Topics for the Induction Program will include:

- a) WHS duties of workers and PCBUs;
- b) instructions for safety;
- c) hazard awareness and identification of various hazards at the workplace; and
- d) plant safety.

Target issue:

S & L Steel Fab engages workers from culturally and linguistically diverse backgrounds. These workers are identified in the SafeWork NSW Work Health and Safety Roadmap 2022 (**Roadmap**) as being particularly at risk in terms of WHS. According to the Roadmap, as high as, 21 per cent of all NSW workers speak a language other than English at home.

Further, according to SafeWork's Culturally and Linguistically Diverse (**CALD**) and Migrant Workers Plan 2019-2020, language and literacy barriers to accessing safety information is the second highest safety risk factor. These at-risk workers are a key focus area for improvement for SafeWork NSW. Language barriers and cultural differences/experiences create challenges for persons conducting businesses and undertakings to ensure safety culture, messages, training and instructions are effectively delivered and understood.

Tangible outputs / deliverables:

S & L Steel Fab will partner with a specialist software provider to develop and host the Induction Program online.

The hosting will also allow S & L Steel Fab to use the platform to provide online courses to linguistically and/or culturally specific groups of no more than 25 employees per session. It is anticipated that all workers engaged by S & L Steel Fab (including full-time, part-time, casual and labour hire workers) will participate in the Induction Program. The smaller group instruction will allow employees to be more comfortable to voice their safety concerns which is often the problem with CALD and migrant workers.

An evaluation of the strategy's effectiveness and impact on WHS will be conducted and an evaluation report will be provided to SafeWork NSW within 24 months of the acceptance of the EU.

Audience / beneficiaries:

All S & L Steel Fab workers (including all full-time, part-time, casual and labour hire workers), particularly those from culturally and/or linguistically diverse backgrounds will participate in the Induction Program.

Approximately 80% of S & L Steel Fab employees come from culturally and/or linguistically diverse backgrounds, including Spanish, Korean and Chinese. It is intended that the Induction Program will be capable of being accessed and understood by all of S & L Steel Fab workers, including those with English as a second language and native English speakers.

Delivery method:

S & L Steel Fab will work with translators and its external expert health and safety advisor to:

- a) partner with a software provider to develop and implement the System which will be available in English, Spanish, Korean and Chinese;
- b) host the System on S & L Steel Fab's website so it can be easily accessed; and
- c) use the platform to run online courses to groups of no more than 25 employees per session.

Timeframes:

Task	Timeframe
Developing the Induction Program	Completed within 12 months from date of acceptance of the EU
Providing language specific induction training to all workers	Completed within 18 months from date of acceptance of the EU
Submitting the following to SafeWork NSW: <ul style="list-style-type: none"> • copies of the Induction Program; • copies of attendance sheets and induction records; and • certificates of completion 	Completed within 12 months from date of acceptance of the EU
Submitting an evaluation report assessing the impact of the strategy on WHS to SafeWork NSW	Completed within 24 months from date of acceptance of the EU

WHS outcome:

Simple, culturally appropriate safety resources published in languages other than English will enhance the effectiveness of communication on WHS issues and reinforce the importance of WHS.

The development and distribution of a multilingual Induction Program will provide identified at risk workers with essential WHS information tailored to S & L Steel Fab's operations and risk profile.

This information addresses hazard awareness and basic risk assessment – concepts that are adaptable across all workplaces and industries.

Evaluation:

All workers will be required to undertake a competency assessment (available in English, Spanish, Korean and Chinese) based on the information to be covered in the Induction Program prior to participating in the Induction Program. This benchmark evaluation will enable S & L Steel Fab to benchmark worker's current understanding of WHS and to evaluate the effectiveness of the Induction Program in improving WHS awareness and understanding.

After undergoing the Induction Program, workers will undertake the competency assessment again. Workers will require a passing grade (to be nominated by the S & L Steel) to receive a certificate of completion. The certificate of completion will be used to establish that all workers (including CALD workers) at S & L understand the Induction Program and have been inducted into the

workplace. This benchmarking exercise will be used to inform an evaluation of the effectiveness of this strategy and be set out in the evaluation report.

Verification:

The strategy will be verified through the provision of the following documents to SafeWork NSW:

- a) copies of the Induction Program within 12 months of acceptance of the EU;
- b) copies of attendance sheets and induction records within 12 months of acceptance of the EU;
- c) certificates of completion within 12 months of acceptance of the EU; and
- d) an evaluation report evaluating the strategy's effectiveness and impact on WHS within 24 months of acceptance of the EU.

Cost Breakdown:

Description	\$ Amount
Development and Production costs of the Induction Program	\$20,000
Online hosting fee of the Induction Program	\$1,200
Indirect costs (time and resources for S & L Steel Fab)	\$2,000

Total estimated cost: \$23,200

3. WHS Plant Audit Strategy

Scope:

S & L Steel Fab will undertake a WHS audit of plant and equipment at its workplace to identify continuous improvement opportunities and compliance with AS/NZS 4024.1:2019 (Safety of Machinery). The audit will take into consideration the lifecycle of plant and equipment used as part of S & L Steel Fab's operations. That is, for example, design, commissioning, development and manufacturing, operation, maintenance, through to decommissioning or refurbishment (where applicable).

In the context of S & L Steel Fab's operations and with an understanding of how work is done, the WHS Plant Audit will:

- a) obtain a baseline assessment of S & L Steel Fab's operations involving plant and equipment;
- b) evaluate compliance with AS/NZS 4024.1:2019 (Safety of Machinery) and identify areas for improvement;
- c) identify and develop a corrective action plan, in consultation with S & L Steel Fab's directors, supervisors and workers; and
- d) review and assess the effectiveness of the corrective actions.

Target issue:

S & L Steel Fab has a range of plant and equipment across its workplace as part of its steel fabrication operations. These have accumulated over the duration of S & L Steel Fab's operation. The plant ranges from overhead cranes and loading equipment, welding machinery and positioners.

Tangible outputs / deliverables:

S & L Steel Fab will commission a third-party provider to undertake the WHS Plant Audit. The deliverables of the WHS Plant Audit will include:

- a) a report outlining the baseline assessment of S & L Steel Fab's operations involving plant and equipment and identifying areas for improvement;
- b) a corrective action plan; and
- c) an evaluation report reviewing and assessing the effectiveness of the corrective actions.

The WHS Plant Audit will include an audit of the following plant at S & L Steel Fab's Glendenning operations:

- a) Cropa Machine Geka 110 (Serial Number – 20102)
- b) Band Saw Parkanson PK700 DMS No.2 (Serial Number 8623)
- c) Pedestal Drill No. 1 Hafco (Serial Number 8623)
- d) Pedestal Drill No. 1 Hafco (Serial Number 210802)
- e) All Welding Machines
- f) Plate Roller No. 1 Heavy
- g) Plate Roller No. 2 Small
- h) Motorised Roller set no. 1,2,3,4
- i) Lissmac Grinding Machine SMD33E (Serial Number 038246)
- j) Robotic Welding Machine (P2103462TD)
- k) High-Definition Plasma Machine
- l) Beamline

S & L Steel Fab confirms that it will obtain SafeWork NSW's approval of the third-party auditor prior to their appointment.

S & L Steel Fab acknowledges that audit reports received from the auditor will be sent to SafeWork NSW, within 1 month of the audit along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

S & L Steel Fab acknowledges that within 3 months of receipt of the auditor's written report, SafeWork NSW will be advised of the intended action in addressing each of the report's recommendations.

S & L Steel Fab commits to fully implementing the intended actions arising from the audit within 12 months from receiving the audit report from the auditor unless otherwise agreed by SafeWork NSW.

Audience / beneficiaries:

S & L Steel Fab, directors, supervisors and workers.

Delivery method:

- a) S & L Steel Fab will engage an appropriately qualified third party to undertake the WHS Plant Audit;
- b) S & L Steel Fab and the independent third party will consult with directors, supervisors and workers to develop a corrective action plan; and
- c) S & L Steel Fab will also communicate with workers about the outcomes of the WHS audit at its monthly toolbox meetings.

Timeframes:

Task	Timeframe
Seeking approval from SafeWork NSW regarding third-party auditor to be appointed	Completed within 6 months from date of acceptance of the EU
Engaging an appropriately qualified third party to undertake the WHS Plant Audit	Completed within 6 months from date of acceptance of the EU
Third party auditor to deliver report outlining the baseline assessment of S & L Steel Fab's operations involving plant and equipment and identifying areas for improvement	Completed within 6 months from date of acceptance of the EU
Submitting to SafeWork NSW the WHS Audit Report (and required letter)	Completed within 7 months from date of acceptance of EU
S & L Steel Fab and the third party auditor to consult with directors, supervisors and workers to develop a corrective actions plan	Completed within 8 months from date of acceptance of the EU
Submitting corrective actions plan and monthly toolbox meeting minutes to SafeWork NSW	Completed within 9 months from date of acceptance of the EU
Third party auditor to prepare a report reviewing and assessing the effectiveness of the corrective actions	Completed within 24 months from date of acceptance of the EU
Submitting the third party auditor corrective actions report to SafeWork NSW	Completed within 24 months from date of acceptance of the EU

WHS outcome:

The WHS Plant Audit will undertake a holistic review of S & L Steel Fab's plant and equipment through the lens of work done rather than work imagined. That is, with an understanding of S & L Steel Fab's operations and how plant and equipment are used by S & L Steel Fab's workers, the WHS Plant Audit will identify any room for improvement.

Further, in engaging directors, supervisors and workers to contribute to the development of corrective action plans, there will be direct input and ownership by those doing the work to ensure that corrective actions are appropriate and achievable. This has the secondary benefit of ensuring that there is greater understanding of risk management and the controls implemented for use of plant.

Evaluation:

Evaluation of this strategy will take the form of a report reviewing and assessing the effectiveness of the corrective actions following the WHS Plant Audit and the development of the corrective actions plan and the implementation of those corrective actions.

Verification:

The strategy will be verified through the provision of the following documentation to SafeWork NSW:

- a) a copy of the WHS Plant Audit within 7 months of acceptance of the EU;
- b) a copy of the corrective actions plan within 9 months of acceptance of the EU;
- c) a copy of monthly toolbox meeting minutes discussing the WHS Plant Audit within 9 months of acceptance of the EU; and
- d) a copy of the report reviewing and assessing the effectiveness of the corrective actions within 24 months of acceptance of the EU.

Cost Breakdown:

Description	\$ Amount
WHS Plant Audit by third party provider	\$5,000
Indirect costs (time and resources for S & L Steel Fab)	\$3,500

Total estimated cost: \$8,500

Total estimated cost of workplace benefits \$232,700

e. Strategies that will deliver industry benefits

4. Health and safety in welding online training course

Scope:

S & L Steel Fab will collaborate with Weld Australia to develop two online training courses based on Weld Australia's Technical Note 7 - "Health and Safety in Welding" and Technical Guidance Note SW01 – "Fume Minimisation Guidelines: Welding, Cutting, Brazing & Soldering (2019)". One training course will be targeted at engineers, managers and supervisors and the other training course will be aimed at workers.

Target issue:

The welding process is inherently risky. Welders face hazards each and every day they turn up for their shift. The risk of electrocution, fire and explosion, burns, electric shock, vision damage, inhalation of poisonous gases and fumes, and exposure to intense ultraviolet radiation is a real and present danger.

In studies undertaken by the Australian Institute of Welding it has found that many welders and supervisors struggle to keep up to date with the latest information about welding and related safety.

The Welding Safety Council (**WSC**) has identified that it would be beneficial to have online courses in relation welding safety, particularly given the disruption to in-person training courses as a result of COVID-19. Weld Australia is in the process of shifting its training online. However, at the moment there is limited training on health and safety in welding.

The content of the courses will be based on Weld Australia's Technical Note 7 - "Health and Safety in Welding" and Technical Guidance Note SW01 - Fume Minimisation Guidelines: Welding, Cutting, Brazing & Soldering (2019). It will provide:

- a) accessible and user-friendly guidance on health and safety practices in various welding, cutting and allied processes;
- b) practical guidance to senior management and supervisors on how to manage health and safety risks associated with welding processes; and
- c) workers with practical steps on how to work safely.

Tangible outputs / deliverables:

S & L Steel Fab will work with Weld Australia to develop:

- a) one online training course on health and safety in welding to be delivered to welders;
- b) one online training course on health and safety in welding to be delivered to supervisors;
- c) training material for the online courses;
- d) competency tests and requirements establishing successful training in the health and safety in welding courses;
- e) communications plan relating to the distribution and promotion of the online courses; and
- f) an evaluation of the strategy's effectiveness and impact on WHS will be conducted and an evaluation report will be provided to SafeWork NSW within 24 months of acceptance of the EU.

Audience / beneficiaries:

S & L Steel Fab workers, Weld Australia, WSC and the Australian Steel Institute members and other steel fabricators, both nationally and internationally will benefit from the development of the training courses. Relevantly, the WSC has representation from the following bodies whose members / stakeholders also stand to benefit:

- a) Safe Work Australia
- b) SafeWork New South Wales
- c) SafeWork South Australia
- d) WorkSafe Tasmania
- e) WorkSafe Victoria
- f) WorkSafe Western Australia
- g) Workplace Health and Safety Queensland
- h) WorkSafe ACT
- i) WorkSafe New Zealand
- j) Skills Tech, TAFE Queensland
- k) Australian Institute of Occupational Hygienists (AIOH) and
- l) Industry.

S & L Steel Fab will require all its workers undertaking welding and allied activities (such as boiler making) to undertake the online training courses as appropriate to their role.

Delivery method:

S & L Steel Fab in collaboration with Weld Australia will develop the modules for the training courses. S & L Steel Fab will work in a collaborative arrangement where both parties will be involved in the development of the training courses. It is anticipated that a progress meeting between S & L Steel Fab and Weld Australia will be held every two months where S & L Steel Fab will provide input on the content of the training courses based on "lessons learned" from its operations as a steel fabrication workshop. In this way, participants undertaking the course (in addition to learning theory) will benefit from practical "on the job" examples and experience. It also anticipated that during these meetings Weld Australia and S & L Steel Fab will have the opportunity to review progress, program, content and structure, and costs associated with the courses. The meetings will be held every two months for a period of 24 months from date of acceptance of the EU.

The syllabus for the Welding Safety Course for Welders will consist of the following:

Title	Key subject areas
Principles of safe working	<ul style="list-style-type: none"> • Introduction to hazards & risks, controls & isolation • Hot work permits & safe working by personnel exposed to hot work • Statutory responsibilities • Spring back
Electric arc welding, cutting & gouging	<ul style="list-style-type: none"> • Power sources, electric shock, electrocution & rescue of victims • Hazard reducing devices and in-line switches • Welding electrical safety industry best practice • Shielding gas cylinders, regulators & hoses, leak detection • Equipment installation, maintenance & use
Flame cutting & gouging	<ul style="list-style-type: none"> • Gas properties and hazards • Cylinder handling, equipment assembly, set up & leak-detection • Flashbacks • Daily start-up checks
Plasma arc cutting Arc, flame & laser radiation	<ul style="list-style-type: none"> • Hazards & controls (electric shock, noise, fume, radiation) • Radiation & personnel protection • Screens & curtains • Laser radiation • Welding, electromagnetic radiation & pacemakers • Welding radiation & the risk of cancer
Fire & explosion protection	<ul style="list-style-type: none"> • Causes, and dust & fires in explosions • Location of hot work & fire protection • Responsibility for fire protection & hot-work permits
Fume & ventilation	<ul style="list-style-type: none"> • Welding fume constituents, control & ventilation • Materials, preparation, contaminated surfaces and consumables • Weld fume & the risk of cancer
Noise control	<ul style="list-style-type: none"> • Effect of noise on the ear • Noise, sources & controls • Vibration
Protective equipment for welding & allied processes	<ul style="list-style-type: none"> • Protection of eyes & head & protective clothing • Screens & curtains • Respiratory protection
Welding & cutting in confined spaces	<ul style="list-style-type: none"> • Permits and precautions • Ventilation, shading & thermal insulation • Atmospheric testing & monitoring • Electric shock • Flame cutting, welding & preheating • Emergency removal of personnel from confined space
Welding or cutting in or on containers	<ul style="list-style-type: none"> • Welding or cutting containers that have held combustibles • Welding on containers and piping under internal pressure • Welding on closed sections
Welding & cutting in hot or humid conditions	<ul style="list-style-type: none"> • Heat stress • Extreme conditions with high preheat in confined space • Risk of electrocution

Title	Key subject areas
Welding & cutting at heights or underneath construction	<ul style="list-style-type: none"> • Electric shock • Falls or falling objects & head protection • Fire or burns to personnel • Lifting of equipment
Protection during weldment testing	<ul style="list-style-type: none"> • NDT (Radiography, magnetic particle & penetrant testing)

The syllabus for the engineers, supervisors and managers will build on the modules in the welders course and will also focus on the following additional matters:

Title	Key subject areas
WHS case studies	<ul style="list-style-type: none"> • Welding & musculoskeletal disease • Design of welding guns & welder comfort • Hand tools • Ergonomic welding chair • Welding & the risk of cancer
Electric arc welding, cutting and gouging	<ul style="list-style-type: none"> • Assessing the risk of shock and choice of welding process
Arc, flame & laser radiation	<ul style="list-style-type: none"> • Gas supply, equipment specifications, assembly and set up • Emergencies and Incidents
Principles of safe working	<ul style="list-style-type: none"> • Management of hazards & risks, control effectiveness & isolation • Hot work permits & safe working by personnel exposed to hot work • Statutory responsibilities & legislative requirements • Hierarchy of control • Mechanisation and automation
Welding & cutting at heights or underneath construction	<ul style="list-style-type: none"> • Risk assessment and managing the risks e.g. falls or falling objects
Protection during weldment testing	<ul style="list-style-type: none"> • Pneumatic, hydrostatic & leak testing • Macro cross-section examination

S & L Steel Fab will seek SafeWork's approval of the training syllabus for both courses once it has been developed in consultation with Weld Australia.

S & L Steel confirms that the intellectual property associated with the training modules will be retained by Weld Australia but the then most current electronic versions of the training materials may be utilised, distributed and reproduced by SafeWork NSW without prior consent via a licence.

Weld Australia will engage a specialist software provider to convert the modules to an interactive online training course. This will be funded by S & L Steel Fab. The training course will be made available to members of the public on Weld Australia's website at no cost. Members of the public who would like to receive a certification upon completion of the course from Weld Australia will have to pay a \$50 fee.

S & L Steel Fab, in collaboration with Weld Australia, will develop a communications plan and strategy for the promotion and distribution of the online training courses. The online training courses will be promoted through the following channels:

- Australian Welding – Australian Welding is the official journal of Weld Australia and is published quarterly. An article will be published with follow up advertisements to advise of the training courses.
- Weld Connect – Weld Connect is a Weld Australia monthly newsletter which is sent to interested persons and organisations, and is also accessible from the Weld Australia website. A short article will be published in Weld Connect and will include details of the online training courses.
- Weld Australia Weekly Wrap – is a Weld Australia news summary sent weekly to interested parties and organisations. The Weekly Wrap will also feature a brief article on the training courses and associated safety issues.
- Manufacturers Monthly – Manufacturers' Monthly promotes the Australian manufacturing sector and targets senior level and operational management and covers industry, management, IT, technology and product news. Weld Australia will work with S & L Steel Fab to develop and submit an article to Manufacturers' Monthly for publication.
- S & L Steel Fab Intranet - the training courses will be uploaded to the S & L Steel Fab intranet and employees will be notified via internal S & L Steel Fab channels.
- Weld Australia webinar – Weld Australia, in collaboration with S & L Steel Fab will conduct a webinar on the safety issues associated with the training courses and feature the courses during the webinar.
- Weld Australia and S & L Steel Fab will directly advise relevant stakeholders.
- Weld Australia will also raise this project at meetings of the WSC to provide updates on project progress and content of the training courses. The WSC membership includes representatives of Federal and State Safety Regulatory bodies, and of welding suppliers and welding based manufacturers.
- Weld Australia will liaise with the Australian Steel Institute (ASI) to seek to have the training courses uploaded onto the ASI web platform.

Weld Australia will monitor the distribution channels and the take up of the courses to determine the effectiveness of the distribution and promotion of the courses and this will be provided to S & L Steel Fab. During meetings, S & L Steel Fab and Weld Australia will develop improvements where issues are observed or when opportunities are observed.

Timeframes:

Task	Timeframe
Engaging Weld Australia to assist in the development of the training courses and material	Completed within 3 months from date of acceptance of the EU
S & L Steel Fab, Weld Australia to develop two online training courses for health and safety in welding	Completed within 18 months from date of acceptance of the EU
S & L Steel Fab and Weld Australia to develop a communications plan and strategy for the promotion and distribution of the online training courses	Completed within 18 months from acceptance of the EU
Submitting copies of proposed training materials, syllabus, online training modules and communications plan to SafeWork NSW for approval	Completed within 19 months from acceptance of the EU

Task	Timeframe
Submitting an evaluation report assessing the impact of the strategy on WHS to SafeWork NSW	Completed within 24 months from date of acceptance of the EU

WHS outcome:

The training course will train welders and supervisors on health and safety risks in the welding industry and provide them with familiarity on Weld Australia's Technical Note 7 - "Health and Safety in Welding" and Technical Guidance Note SW01 - Fume Minimisation Guidelines: Welding, Cutting, Brazing & Soldering (2019). Further, in developing the course as an online training module, the course facilitates remote learning by workers and supervisors.

Evaluation:

An evaluation of the strategy's effectiveness and impact on WHS will be conducted and an evaluation report will be provided to SafeWork NSW within 24 months of the acceptance of the EU. The evaluation report will include feedback obtained from course participants outlining the strengths and weaknesses of the course and any recommendations for improvement by way of an online survey.

Verification:

The strategy will be verified through the provision of the following documentation to SafeWork NSW:

- a) copies of training materials and course syllabus within 19 months of acceptance of the EU;
- b) copies of online modules within 19 months of acceptance of the EU;
- c) a copy of the communications plan and strategy for the promotion and distribution of the online training courses; and
- d) an evaluation report evaluating the strategy's effectiveness and impact on WHS (including copies of the feedback surveys) within 24 months of acceptance of the EU.

Cost Breakdown:

Description	\$ Amount
Development cost of online training courses and training materials	\$200,000
Indirect costs (time and resources for S & L Steel Fab) 400hrs for combined staff at rate of \$50/hr	\$21,000

Total estimated cost: \$221,000

Total estimated cost of industry benefits \$221,000

f. Strategies that will deliver community benefits

5. WHS education scholarships to students of TAFE NSW

Scope:

S & L Steel Fab will fund \$48,560 to put towards the student contribution fee for students studying a Certificate IV Work Health and Safety at TAFE NSW.

Target issue:

Building greater WHS skills and knowledge across Western Sydney.

Tangible outputs / deliverables:

The TAFE NSW course covers a range of units including:

- a) the implementation and maintenance of WHS consultation and participation processes;
- b) assisting with responding to incidents;
- c) contributing to WHS hazard identification;
- d) risk assessment and risk control;
- e) assisting with claims management;
- f) rehabilitation and return-to-work programs; and
- g) assisting with compliance with current WHS regulations.

An evaluation of the strategy's effectiveness and impact on WHS will be conducted and an evaluation report will be provided to SafeWork NSW within 24 months of the acceptance of the EU.

Audience / beneficiaries:

Direct benefit to eligible students at TAFE NSW receiving the scholarship.

S & L Steel will pay the student contribution fee for eligible students. Part of the course will be funded by the NSW Government under the Smart & Skilled Program. Depending on the state funding arrangements available to the students under the Smart & Skilled Program, it is anticipated that the scholarships offered by S & L Steel Fab will cover the student contribution fees of up to 25 students.

Delivery method:

The scholarships will be offered and promoted directly by TAFE NSW. Students will be invited to participate in an application process which will be facilitated by TAFE NSW.

Timeframes:

Task	Timeframe
Engaging with TAFE NSW to promote scholarship and making available funding for scholarships	Completed within 6 months from date of acceptance of the EU
Providing invoices showing payment of scholarship to SafeWork NSW	Completed within 12 months from date of acceptance of the EU
Submitting an evaluation report assessing the impact of the strategy on WHS to SafeWork NSW	Completed within 24 months from date of acceptance of the EU

WHS outcome:

Building greater WHS competence across the community in NSW, particularly in western Sydney and investing in future WHS leaders.

Evaluation:

An evaluation of the strategy's effectiveness and impact on WHS will be conducted and an evaluation report will be provided to SafeWork NSW within 24 months of the acceptance of the EU. The evaluation report will include feedback from the participants on the impact of the course on their WHS skills and knowledge.

Verification:

The strategy will be verified through the provision of the following documentation to SafeWork NSW:

- a) invoices showing payment of the scholarships to TAFE NSW students within 12 months of acceptance of the EU; and
- b) an evaluation report (including scholarship recipient feedback) evaluating the strategy's effectiveness and impact on WHS within 24 months of acceptance of the EU.

Cost Breakdown:

Description	\$ Amount
WHS education scholarship at TAFE NSW	\$48,560
Indirect costs (time and resources for S & L Steel Fab)	\$2,000

Total estimated cost: \$50,560

Total estimated cost of community benefits \$50,560

TOTAL ESTIMATED VALUE OF THE UNDERTAKING \$504,260

Section 3 – Offer of undertaking

As duly authorised persons of S & L Steel Fab, we offer this undertaking and commit to the terms herein.

Signed: [Redacted Signature]

[Duly authorised person]

Name: Jose Luis Santos

Position: Director

Dated at Glendenning this 22nd day

of April, 2022

Signed: [Redacted Signature]

[Duly authorised person]

Name: Jaime Lorenzo

Position: Director

Dated at Glendenning this 22nd day

of April, 2022

Section 4 – SafeWork NSW's acceptance of undertaking

The duration of an enforceable undertaking is determined by the content of the agreed terms. An enforceable undertaking commences and is enforceable once accepted by SafeWork NSW. The enforceable undertaking will be concluded on written advice from SafeWork NSW when all requirements of the undertaking have been satisfactorily executed.

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

Signed: [Redacted Signature]

Name: Valerie Griswold

Position: Executive Director, Investigations and Enforcement.

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

Dated at Sydney this 3rd day of May 2022
[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 12 October 2018, a labour hire worker engaged by S & L Steel Fab Pty Ltd was injured while undertaking welding work using a driven welding positioner at the company’s Glendenning Road premises, Rooty Hill.

SafeWork NSW investigated the incident and subsequently alleged that S & L Steel Fab Pty Ltd contravened section 19(1) of the Work Health and Safety Act 2011.

This notice has been placed under the terms of an enforceable undertaking and acknowledges acceptance of an undertaking, that is enforceable under the Act, from S & L Steel Fab Pty Ltd, ACN: 161 107 615 as finalisation of the abovementioned alleged contravention.

The undertaking requires the following actions:

- Provide Work Health and Safety leadership and due diligence training
- Develop a multilingual audio-visual induction program
- Undertake a WHS Plant Audit
- Develop two Health and Safety in Welding Training courses
- Provide WHS education scholarships to students of TAFE NSW

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

