

Workplace Health and Safety Undertaking

Workplace Health and Safety Act 1995

Undertaking to the Chief Executive, Department of Industrial Relations given for the purposes of Section 42 of the *Workplace Health and Safety Act 1995*

by

SWIFT ENGINEERING PTY LTD

ABN 26010631099

Background

1. Swift Engineering manufacture, install and repair a diverse range of Steel, Stainless Steel and aluminium products. These products are supplied to companies directly or indirectly, for extensive use throughout the resources sector. Swift Engineering was established in 1976. Swift Engineering has doubled in size in the last three years and now has a total of 125 employees. Of those employees 100 are full time employees with 20 Apprentices and 5 casual. Swift Engineering employ mainly Boilermakers and Welders.

Incident

2. On the 25th May 2006 at approximately 10:45 am, the forklift operator noticed that the fork assembly had come partially off of the top guide, so he drove the forklift around to the back of the tool store and advised the Store Supervisor. On inspection it was noticed that the right hand side lower keeper was broken and not in the lower guide. [REDACTED] IS 42 raised the fork assembly and removed the serviceable left hand side lower keeper so that a replacement for the broken one could be sourced. When he had removed the left hand side lower keeper he gave it to the workshop supervisor. [REDACTED] IS 42 then went to undo the broken keeper. The bolt was tight so he pulled hard on the bolt which caused the fork assembly to raise freeing itself from the top guide and falling onto his lower legs crushing them.

FINAL EU dated:

3. Swift Engineering had a policy that maintenance to equipment, was carried out by a contractor if internal competencies were not adequate.

Acknowledgment

4. "It is acknowledged that WHSQ has alleged the Swift Engineering Pty Ltd has contravened provisions of the *Workplace Health and Safety Act 1995*. These allegations are considered very serious and the Company has conducted its own investigations into both the incident itself and the necessary remedial measures required to ensure there is no repetition of the incident.

Alleged contravention

5. It is alleged that as a result of the failure to discharge the said workplace health and safety obligation [REDACTED] IS 42 [REDACTED] sustained grievous bodily harm.

Statement of regret

6. As a relatively small organisation every employee is considered to be part of the Swift Engineering family and as such when an employee is injured there is great concern felt for the injured employee and their family. One of Swift Engineering's goals is to eliminate all injuries to its workers by continually improving the equipment used, the competence of all and the environment that they work in.

All of Swift Engineering's Directors and Senior Management as well as a number of employees visited [REDACTED] IS 42 [REDACTED] when he was in hospital and offered assistance to his family. Swift Engineering also constructed a ramp at [REDACTED] IS 42 [REDACTED] house so that when he left hospital and was in a wheelchair he had access to his house.

Since the accident Swift Engineering has employed a full time Training Officer to systematically review all of the training needs of the employees and to ensure the competency required is achieved. The WH&S Officer has attended the 2006 Safety Conference in Brisbane and the WH&SQ 2006 Work Safe Week workshop in Mackay, the Training Officer and one other has attended a WH&S Officers course, the Training Officer has attended the WorkCover workshop in Mackay in November 2006.

Swift Engineering sincerely regrets that this incident occurred at its Boundary Road workshop. Swift Engineering management are committed to the safety of its employees as evidenced by Swift Engineering opting for the Enforceable undertaking. We believe that this shows Swift Engineering's commitment to improve safety and reduce accidents.

Assurance about future behaviour

7. Swift Engineering Management make assurance that they will endeavour to ensure that an accident of this nature does not happen again and that systems are put in place.

Terms of undertaking

8. Swift Engineering is proposing to carry out the following undertakings:

- By 01 January 2008 Swift Engineering will provide WH&S Officer training for an additional 3 employees to ensure that increased knowledge of the WH&S requirements for the organisation are known (Approx cost \$3,500 + 200 manhours).
- By 01 January 2008, Swift Engineering will provide Supervisory WH&S training for all its Supervisors (Approx cost \$4,125 + 260 manhours).
- By 01 January 2008, Swift Engineering will provide Safety Committee Training for all WH&S Committee members and an ongoing commitment that all future Safety Committee members will receive Safety Committee Training (Approx cost \$600 + 64 manhours).
- By 01 January 2008, Swift Engineering will provide WH&S auditor training for 3 employees (Approx cost \$6480 + 72 manhours)

OHS Management System Audits

9. Swift Engineering will commit to implementing an OHS management system consistent with AS/NZ 4801:2001 *Occupational Health and Safety Management System – Specification with guidance for use*; throughout the company (Approx cost \$40,000).
10. Swift Engineering does not currently have a formal documented OHS management system. We will develop a system that is consistent with the requirements of AS/NZ 4804:2001, *Occupational Health and Safety Management Systems General guidelines on the principles, systems and supporting techniques* within 6 months of signing of the undertaking and implementation commenced within 12 months. An initial third party audit of the new system shall be undertaken 12 months after the signing of the undertaking. A further two audits of the workplace against the above standard shall be undertaken at 12 monthly intervals. These third party audits would be undertaken against the requirement defined in AS/NZ 4801:2001 *Occupational Health and Safety Management System – Specification with guidance for use*.
11. Swift Engineering has selected David Randall & Associates to perform these OHS management system audits (Approx Cost \$10,000).
12. Audit reports shall be forwarded by the auditor to the company, with a copy also sent direct to the General Manager, Workplace Health and Safety Queensland.
13. Within 30 days of receipt of the auditor's written report Swift Engineering will advise the General Manager, Workplace Health and Safety Queensland of their intended action in addressing each of the report's recommendations.

14. Swift Engineering will within six months, fully implement the recommendations resulting from the OHS management systems audits, unless exempted by the chief executive of the Department of Industrial Relations as being unreasonable.

Benefits to Workers

15. Undertakings that are being proposed that will be of benefit to the company's workers, include:
- By 01 January 2008, Swift Engineering will implement an Employee Assistance Program for all Swift Engineering employees (Approx cost \$3,000).
 - By 01 January 2008 Swift Engineering will upgrade its paper based incident and accident recording system to an electronic data base system that will facilitate the recording and data analysis of workplace incidents. This links with the WH&SQ Manufacturing Industry Action Plan (2004-2007) Goal of: Improved data management and analysis (Approx cost \$4,000 + 40 manhours)
 - By 30 June 2007 Swift Engineering will offer all of its employees and spouses Senior First Aid Training at no cost to them (Approx cost \$5,000).
 - By 01 January 2008 Swift Engineering will present every employee with two battery operated fire detectors for use in their homes (Approx cost \$1,300).

Benefits to Relevant Industry

16. Undertakings that are being proposed that will be of benefit to the Manufacturing industry, is by 01 January 2008 Swift Engineering will conduct a ½ day, 50 seat, WH&S seminar on "Injury Sources – The critical Few" which consists of: human, gravitational, and vehicular energies and is conducted by InterSafe Consultants.
17. This seminar will be targeted at the local manufacturing workshops in Mackay. The information in this seminar will link with the Queensland Workplace Health and Safety Strategy Priority Mechanisms of Injury Action Plan 2005 – 2007 which identifies the key workplace health and safety activities to be undertaken across industry to target the following identified mechanisms of injury:
- Musculoskeletal disorders
 - Slips, trips and falls
 - Hitting and being hit by objects
- The expected cost of running this seminar will be \$5,500

Benefits to the General Community

18. Undertakings that are being proposed that will be of benefit to the general community, are by 01 January 2008 Swift Engineering will donate \$10,000 for the procurement of 2 X 12 man Rapid Deployment Kits that has been identified by the local Queensland Ambulance Service as an asset that would be beneficial to the local community during emergency situations.

Other Terms

19. Swift Engineering will at Toolbox meetings deliver information (through open access to the full Enforceable Undertaking document) to its Workplace Health and Safety Committee and/or Workplace Health and Safety Representatives and/or staff setting out the details of the terms of the Enforceable Undertaking.
19. Swift Engineering proposes to use David Randall & Associates as independent auditors to review conformance with this undertaking and to report results to the company and to the General Manager, Workplace Health and Safety Queensland. The first compliance audit is to be undertaken eight months after the signing of the undertaking, then at six monthly intervals, until all matters are completed. These compliance audits must also verify and report on costs expended implementing the various elements of the undertaking.
20. Costs associated with monitoring the undertaking are estimated to be (\$5,000).

Costs.

21.

“The following costs shall be payable to the department:

- (i) Investigation Costs in the amount of \$1,713.40, representing the reasonable investigation costs arising out of the incident.
 - (ii) Consideration costs of \$800.00 (EIGHT HUNDRED DOLLARS).
 - (iii) Monitoring costs of \$1,335.00 (ONE THOUSAND THREE HUNDRED AND THIRTY FIVE DOLLARS) representing costs to the department in monitoring this undertaking.
 - (iv) Costs of \$600.00 (SIX HUNDRED DOLLARS) being the costs to the Department in publishing the “Notice of Acceptance.”
22. The total amount of \$4448.40 will be due for payment 30 days after receipt of the department’s invoice.
23. The estimated value of this undertaking is \$103,553.40. Swift Engineering is committed to investing a minimum of \$103,000 on this undertaking which will significantly enhance the company’s safety systems and provide benefits to industry and the community.

Accordingly, if the 'actual' total expenditure associated with the delivery of the undertaking is less than \$103,000, the cost difference will be added to the donation being made to the Queensland Ambulance Service at clause 17. Payment of any additional donations will be payable prior to the undertaking being formally concluded.

24. This undertaking will be deemed to be formally concluded when the Chief Executive Officer confirms in writing that the undertaking has been satisfactorily executed.

THE TOTAL VALUE OF THE UNDERTAKING IS A MINIMUM OF \$103,000



Brent Cran
Director Swift Engineering

Dated atthis [redacted] day of [redacted] 2007

**ACCEPTED BY THE CHIEF EXECUTIVE, DEPARTMENT OF INDUSTRIAL
RELATIONS PURSUANT TO SECTION 42E OF THE
WORKPLACE HEALTH AND SAFETY ACT 1995.**

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Peter Henneken
Director-General, Department of Industrial Relations

Dated atthis 31st day of May 2007