



**Access
Canberra.**

*Work Health and Safety Act 2011 (WHS Act) –
Work Health and Safety Regulation 2011 (WHS Regulation)*

Enforceable undertaking proposal

Date: **June 2019**

Enforceable undertaking

Undertaking to – Access Canberra - given for the purposes of part 11 of the *Work Health and Safety Act 2011 (WHS Act)*.

Section 216.

By Glade Group Pty Ltd

ACN 613 193 909

Privacy statement

Access Canberra 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 the Access Canberra given for the purposes of part 11 of the WHS Act. This information will be managed within the requirements of the current ACT government privacy policy.

The department 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. The department 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 can be found at <http://www.cmd.act.gov.au/legal/privacy>.

SECTION 1 - GENERAL INFORMATION**a. Details of the person proposing the undertaking**

<i>Residential address:</i>	Unit 2, 80- Copper Cres, Beard
<i>Postal address (if different from residential address):</i>	N/A
<i>Telephone contact number:</i>	0488 442 222
<i>Mobile contact number:</i>	0488 442 222
<i>Email address:</i>	hello@gladegroup.com.au
<i>Legal structure:</i>	Company
<i>Type of business:</i>	Asbestos Removal
<i>Commencement date of the entity:</i>	2016
<i>Number of workers: (Full Time / Part Time)</i>	6/3
<i>Products and Services:</i>	Asbestos Removal
<i>Comments:</i>	N/A

b. Details of the alleged contravention

It is alleged by Worksafe ACT that in July 2017 Glade Group Pty Ltd did not comply with Section 33 of the Work Health & Safety Act 2011 whilst undertaking asbestos removal works at a residential property.

c. Details of the events surrounding the alleged contravention, e.g. incident details

On 12 May 2017 Glade Group was advised by a Client that they had works coming up at a residential property and asbestos removal would likely be required.

Glade Group subsequently undertook friable asbestos removal (lagging) works from a bathroom at the residential property on 3 July 2017 during which time a licensed asbestos assessor undertook background air monitoring, a visual clearance inspection and clearance air monitoring.

On 4 July 2017 Glade Group was advised by the Client that a minor amount of lagging had been identified during the removal of the concrete floor in the bathroom. A representative from Glade Group arrived at the residential property within one (1) hour of being advised of the unexpected find and undertook removal of the minor amount of lagging. However, it is alleged that this removal was not undertaken in strict accordance with Glade Group's Asbestos Removal Control Plan or Section 33 of the Work Health & Safety Act 2011.

The owner of the residential property made a complaint regarding the removal process to the Client. A meeting with Glade Group, the owner of the residential property and the Client was held on 19 July 2017. At this meeting Glade Group agreed to undertake, at its own cost, an environmental clean of the bathroom and engage an asbestos assessor of the owners choosing to monitor and certify the works. These works were subsequently undertaken on 21 July 2017.

d. An acknowledgement that Access Canberra alleged a contravention has occurred

It is acknowledged that Worksafe ACT has alleged that Glade Group Pty Ltd has contravened the WHS Act 2011.

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

Glade Group Pty Ltd is not aware of any injuries sustained relating to this matter.

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

Notices received:

Yes (provide details) No

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

Glade Group Pty Ltd takes its Work Health Safety commitments seriously and commits to complying with its responsibilities under the WHS Act 2011. Glade Group will ensure, so far as reasonably practical, the health and safety of all workers and those who may be affected by its business or undertakings.

When an alleged contravention is associated with an injury/illness

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

There were not known injuries relating to the allegation made by Worksafe ACT.

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

Does the contravention involve injury to person?

Yes No

i. If the matter involves a fatality or very serious injury¹, a claim to demonstrate that exceptional circumstances exist that the enforceable undertaking is a more appropriate response than pursuing prosecution

Does the contravention involve a fatality or very serious injury¹?

Yes No

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

Glade Group has an existing occupational Health and Safety System compliant with OHSAS 18001:2007 which encompasses annual third party audits.

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

The four (4) Directors of Glade Group Pty Ltd have had input relating to the preparation of this Enforceable Undertaking.

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

Glade Group sincerely regrets the alleged contravention and will strive to ensure, so far as reasonable practicable, the ongoing health and safety of its workers and other stakeholders.

m. Any rectifications made as a result of the contravention

Environmental Clean of Property
A meeting with Glade Group, the owner of the residential property and Glade Groups Client was held on 19 July 2017. At this meeting Glade Group agreed to undertake, at its own cost, an environmental clean of the bathroom and engage an asbestos assessor of the owners choosing to monitor and certify the works. These works were subsequently undertaken on 21 July 2017.

¹ 1. An injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or parts of the body, for example, amputation above the knee or elbow. This term is not defined in the WHS Act; it is used within this document to identify certain circumstances which will trigger additional steps in the enforceable undertaking process.

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Total amount spent on rectifications

TBC

n. An acknowledgement that the enforceable undertaking may be published and publicised

Glade Group Pty Ltd acknowledges that this enforceable undertaking may be published and publicised by WorkSafe ACT.

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

Glade Group Pty Ltd has the ability to comply with the terms of this enforceable undertaking.

p. Statement regarding relationships with beneficiaries

Glade Group Pty Ltd acknowledges that there are no known current relationships with any of the beneficiaries outlined in this undertaking, other than current employees.

q. Intellectual property licence

Glade Group Pty Ltd grants WorkSafe ACT a permanent, irrevocable, royalty free, worldwide, non-exclusive licence to use, reproduce, distribute, electronically transmit and electronically distribute this enforceable undertaking.

r. The person may be required to provide a statutory declaration

N/A

s. Acknowledgement of enforceable undertakings overview and guidelines

Glade Group Pty Ltd has read and understood publications relating the Enforceable Undertakings Overview as accessed on the Access Canberra Website.

SECTION 2 – ENFORCEABLE TERMS

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

Glade Group commits that it has in place processes and procedures to prevent occurrence of the type of incident alleged in this undertaking. Glade Group will continue to take practical steps to seek to ensure no occurrence of the type of incident alleged in this undertaking.

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

Glade Group commits to take all reasonable practical steps in respect of the ongoing effective management of work health and safety risks.

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

Glade Group commits to disseminating the information regarding this undertaking in the workplace. The information will be delivered through a company meeting and toolbox talks within three months of the commencement of the undertaking.

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

Glade Group commits to participate constructively in all compliance monitoring activities of this undertaking. Evidence to demonstrate compliance can be provided on request.

It is acknowledged that Worksafe ACT may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to Worksafe ACT. It is acknowledged that Worksafe ACT may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe ACT's expense.

STRATEGIES THAT WILL DELIVER BENEFIT TO WORKERS, INDUSTRY AND THE COMMUNITY.

e. STRATEGIES THAT WILL DELIVER WORKER BENEFITS

Strategy 1 – Engage Contractor to undertake review and additional audits of Safety Systems
– Estimated Cost \$20,000

Scope

Glade Group currently has an existing ISO accredited system that complies with the principles of OSAS18001:2007 and is externally audited annually. However, Glade Group proposes to go a **step further** and engage **additional resources** to provide assistance with **WHS advice and job specific audits**. Having a third-party undertake more regular audits, and in particular site audits, will allow for better understanding of WHS requirements by both the office and site staff allowing for continuous improvement throughout the company.

Tangible Outcome

Additional resource with the ability to provide current WHS advice to the company and assistance on project specific works as required. All glade Group Staff to benefit through greater understanding of internal WHS system and external legislative responsibilities.

Beneficiaries / audience

Glade Group Staff

Delivery method

Engage suitable contractor to review current systems update systems as required.

Timeframe

A suitable contractor to be engaged within 12 weeks of commencement of this undertaking.

Safety Outcome

Trained contractor able to influence Glade Groups systems and provide on-going improvement.

Strategy 2 – Provide training to employees in Conduct Asbestos Assessments Associated with Removal CPCBC5014A – Estimated cost \$20,000

Scope

Asbestos removal employees are required to go through the following training:

- CPCCE3014A – Remove non-friable asbestos
- CPCCE3015A – Remove friable asbestos
- CPCBC4051A – Supervise asbestos removal (only required if undertaking supervision)

To assist in the further development of our employees understanding of the more nuanced and technical aspects of the asbestos removal process (particularly the process conducted by asbestos assessors) Glade Group proposes to have our seven employees undertake an additional course 'CPCBC5014A – Conduct Asbestos assessment associated with removal'. This **additional training** will provide our employees with additional abilities with regard to risk assessing asbestos containing materials. This training will assist our employees obtaining an asbestos assessors licence (if desired).

Tangible Outcome

Glade Group employees will have further education relating to the asbestos industry and be better able to understand and identify risk associated with asbestos containing materials. Glade Group employees will also have taken the first step in a potential new career path as an asbestos assessor.

Beneficiaries / audience

Glade Group Employees

Delivery method

Face to face training or online over two days with course notes provided.

Timeframe

The aim is to have each employee complete the course during 2019.

Safety Outcome

Increased knowledge of the asbestos industry and risk assessing asbestos containing materials. This will be particularly helpful when Glade Groups Employees come across previously unidentified asbestos containing materials.

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Date: June 2019

Total amount to be spent on benefits to workers

\$ 40,000

F. STRATEGIES THAT WILL DELIVER INDUSTRY BENEFITS

Strategy 4 – Face fit Testing
\$30,000 - 35,000

– Estimated Cost

Scope

Both qualitative and quantitative face fit testing methods are widely used for testing respiratory protective equipment (RPE). Whilst qualitative testing is widely used to determine the seal quality of half-face masks, the method does rely on a person's sense of smell and/or taste to determine the mask's effectiveness, as well as the worker's honesty regarding what they are sensing. Quantitative face fit testing, however, does not rely on the person, and uses such methods as a particle count to effectively measure the quality of the mask's seal.

Glade Group proposes to deliver a benefit to the industry by **providing Quantitative face fit testing to the industry for a period of 18 months**. This will be done by hiring a 'TSI Portacount' and providing free fit tests once a month for a period of 18 months. The TSI Portacount Pro' is the only fit tester on the market that can test all different kinds of masks. Whilst undertaking the face fit test the wearer will also gain knowledge about how best to maintain and clean their masks. Glade Group feels that introducing **a currently non-existing quantitative fit testing to the Canberra region** will encourage local employers to have their workers undergo quantitative fit testing which will be a clear benefit to workers in the asbestos industry and other industries where face masks are used.

Glade Group will actively promote and advertise this service to the relevant industry members and wider ACT community. The Glade Group will advise WorkSafe ACT of the promotional plan and will undertake further promotion if reasonably requested to do so.

Glade group has no plans to offer this service, even for a fee, at the cessation of the 18 month period as it is not considered commercially viable to do so.

Tangible Outcome

Workers in industries that use face masks will have correct fitting face mask and be educated on how to use and maintain their masks.

Employers will also be confident that they have supplied their workers with the correct fitting face masks.

Beneficiaries / audience

Workers will be able to have the correct face mask

Delivery method

Free Face fit tests will be offered at either the Glade Group office in Beard or (depending on the number (at least 5) of face fit tests required) a local worksite or another location as agreed.

Timeframe

Free Face fit tests will be offered on the second Monday of every month for a period of 18 months. Face fit tests would commence in the first quarter of financial year 2019/20.

Safety Outcome

Workers required to wear face masks will have correct fitting face masks.

Total amount to be spent on benefits to industry

\$30,000 - \$35,000

f. STRATEGIES THAT WILL DELIVER COMMUNITY BENEFITS

Charitable donations over multiple years

Strategy 7 – Mens Link

– Estimated Cost \$10,000

Scope

A \$6,000 donation in financial year 2019/2020 and a \$4,000 donation in financial year 2020/2021

A cash donation, over multiple years, to MensLink to assist them in their ongoing work supporting young men across the Canberra region.

MensLink provide assistance to young men to:

- Encouraging them to speak up and get help (a particular problem in our industry)
- Provide intensive short term counselling
- Provide longer term mentoring

Tangible Outcome

A cash donation over multiple years to MensLink.

Beneficiaries / audience

Support MensLink in providing assistance to young men to:

- Encouraging them to speak up and get help
- Provide intensive short term counselling
- Provide longer term mentoring

Delivery method

A cash donation over multiple years to MensLink

Timeframe

A \$6,000 donation in financial year 2019/2020 and a \$4,000 donation in financial year 2020/2021

Safety Outcome

Support MensLink in providing assistance to young men to:

- Encouraging them to speak up and get help
- Provide intensive short term counselling
- Provide longer term mentoring

Strategy 8 – The Ricky Stuart Foundation

– Estimated cost \$10,000

Scope

A \$4,500 donation in financial year 2019/2020 and a \$5,500 donation in financial year 2020/2021. A cash donation, over multiple years, to the Ricky Stuart Foundation to assist them in their ongoing work supporting the after care for autistic people and help families who struggle daily with autism.

Tangible Outcome

A cash donation to The Ricky Stuart Foundation over multiple years.

Beneficiaries / audience

By supporting the Ricky Stuart Foundation we can make a direct difference into autism and the families affected.

Delivery method

Enforceable undertaking proposal

Date: **June 2019**

A cash donation to The Ricky Stuart Foundation over multiple years.

Timeframe

A \$4,500 donation in financial year 2019/2020 and a \$5,500 donation in financial year 2020/2021.

Safety Outcome

By supporting the Ricky Stuart Foundation we can make a direct difference into autism and the families affected.

Total amount to be spent on benefits to the community **\$20,000**

Total cost of the strategies proposed (e-g)

Total amount to be spent on strategies **\$90,000 - \$95,000**

g. A commitment regarding linking the promotion of benefits to the enforceable undertaking

Glade Group is committed to linking any promotion of the benefits arising from this undertaking to this undertaking and acknowledges that this undertaking was entered into as a result of an alleged contravention of the Work Health and Safety Act 2011.

h. A commitment to establish and maintain (or maintain if a system already exists) an occupational health and safety management system (OHSMS)

Glade Group is committed to ensuring that its existing ISO accreditation will continue to comply with the principles of OHSAS 18001:2007:

i. A commitment to ensure the OHSMS is audited by third party auditors

Glade Group commits to ensuring that its existing safety systems will continue to be externally audited.

j. A commitment to provide a copy of each finalised OHSMS audit report to Access Canberra

Glade Group acknowledges that the audit report once received from the auditor will be made available to WorkSafe ACT within 30 days along with a letter certifying that the report has not been altered from the copy provided by the auditor.

Glade Group acknowledges that within 30 days of providing the auditor's report, it will provide a written report to WorkSafe ACT outlining any intended action to address each of the auditor's recommendations.

k. A commitment to implement the recommendations from these audits (unless otherwise negotiated with Access Canberra)

Glade Group commits to ensuring that the recommendations results from external audits will be fully implemented within six months of receiving the auditor's report, unless otherwise agreed with WorkSafe ACT.

SECTION 3 – OFFER OF UNDERTAKING

I offer this undertaking and commit to the terms herein.

Signed

[Signature box]

Name

[Name box]

Position

[Position box]

Dated at [] this [] (suburb)

day of [] 20 []

OR

As a duly authorised person of

Glade Group

I offer this undertaking and commit to the terms herein.

Signed (duly authorised person)

[Signature]

Name

Ewan Dickenson

Position

Director

Dated at [] this 3 (suburb)

day of June 20 19

[]

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 Access Canberra. The enforceable undertaking will be concluded on written advice from Access Canberra 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

[Signature]

Name

Bradley Cummings

Position

Assistant Director

Dated at Dickson this 11th (suburb)

Access Canberra

day of JUNE 20 19

ANNEXURE 1 – PUBLIC NOTICE OF ACCESS CANBERRA ACCEPTANCE OF UNDERTAKING

Notice of Acceptance of an enforceable undertaking under Part 11 of the *Work Health and Safety Act 2011*.

The full undertaking and general information about enforceable undertakings will be available at www.accesscanberra.act.gov.au

