

Enforceable undertaking proposal



Date:

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 **Ullrich Aluminium Pty Ltd**

ACN 70 001 697 445

#### 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>	[REDACTED]
<i>Postal address (if different from residential address):</i>	[REDACTED]
<i>Telephone contact number:</i>	[REDACTED]
<i>Mobile contact number:</i>	[REDACTED]
<i>Email address:</i>	[REDACTED]
<i>Legal structure:</i>	Body corporate
<i>Type of business:</i>	Manufacture & sale of aluminium products
<i>Commencement date of the entity:</i>	Registered from 1 <sup>st</sup> July, 2000
<i>Number of Workers: (Full Time / Part Time)</i>	325 Employees in Australia
<i>Products and Services:</i>	Warehousing & sale of aluminium products
<i>Comments:</i>	Ullrich Aluminium Pty Ltd produces a wide range of Aluminium products for marine, industrial, commercial, domestic and designer applications. The company has branches in all the Australian States and Territories as well as New Zealand. It has 625 Employees overall. The company head office is located at Carole Park in Queensland. Mr Gilbert W Ullrich is the CEO.

**b. Details of the alleged contravention**

It is alleged by Access Canberra WorkSafe that on 18 September 2015 pursuant to sub-sections 19(1) & (3); section 21 of the Work Health & Safety Act 2011 ("the Act") and section 32 of the Work Health & Safety Act 2011 Failure to comply with health and safety duty – category 2 that:

- as a person conducting a business or undertaking and having a safety duty under the Act;
- Ullrich Aluminium Pty Ltd ("Ullrich Aluminium") failed to comply with its duty to its Workers at the branch located at 10 Arnott Place, Hume, ACT, and
- thereby exposed an individual to a risk of death or serious injury or illness.

Date:

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

On 18 September 2015, an individual Worker at the ACT branch of Ullrich Aluminium located at 10 Arnott Place Hume, ACT, fell from a Forklift truck (FLT) and sustained serious injuries. The Worker had been lifted on the Forklift tines while standing in the metal stillage and undertaking stocktake duties.

The metal stillage had been incorrectly picked up by the Forklift operator and subsequently rolled off the tines, spilling the injured Worker onto the concrete floor below and causing the Worker to sustain serious injuries.

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

It is acknowledged by Ullrich Aluminium that Access Canberra WorkSafe has alleged that Ullrich Aluminium has contravened sub-sections 19(1) & (3); section 21 of the Work Health & Safety Act 2011 ("the Act") and sections 219 and 220 of the Work Health & Safety Regulation 2011 ("the Regulation")

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

It is understood by Ullrich Aluminium, with reference to information provided via its Workers' Compensation insurer (CGU), that the injured Worker suffered the following injuries:

- fractured L4/5 vertebrae;
- fractured sacrum;
- fractured anterior column of the left acetabulum;
- fractured left scaphoid bone (requiring internal fixation with a pin);
- fractured left radial neck, and
- fractured left metacarpal (requiring internal fixation with wires)

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

Notices received:

Yes (provide details)       No

Date Issued	Notice Type	Notice Number	Contravention	Action taken in response to Notice
21/9/2016	Improvement Notice	I 5200	Breach of clauses 219 and 220 of the WHS Regulation 2011	See below

**Actions taken in response to Notice:**

- 1) The two-sided metal stillage was permanently removed from use at the ACT branch immediately following the incident on 18 September 2015.
- 2) Ullrich Aluminium's Group OH&S Supervisor travelled to the ACT branch site on Monday 21<sup>st</sup> and Tuesday 22<sup>nd</sup> September 2015 to further investigate the 18 September 2015 incident; to meet with Access Canberra WorkSafe Inspectors and to also visit the injured Worker.

- 3) A survey was undertaken by the Group OH&S Supervisor of all other Forklift attachments in use at the ACT branch. The survey confirmed that no other Forklift attachments were in use at the ACT branch.
- 4) The metal stillage has not been and will not be replaced by an approved Work Box (i.e. different names Man Cage; Man Basket, or Safety Cage – Work Box hereafter). Alternative methods of counting stock from ground level during a stocktake at the ACT branch have been implemented that do not require the use of a Work Box.

As Ullrich Aluminium has branches throughout Australia, the company undertook a review of the use of Work Boxes and other Forklift attachments throughout the entire organisation with the view to implementing more strict controls in this regard. This process is currently in various stages of implementation. With reference to the Improvement Notice issued by Access Canberra WorkSafe Inspectors on 21 September 2015, further steps taken to date by Ullrich Aluminium include:

- A company-wide email being issued on the day of the incident to all Ullrich Aluminium Australian branches which required that any Work Boxes in use throughout the organisation were to be immediately grounded. All Work Boxes have remained grounded since that time and their continued use, under any circumstances, has now been discontinued nationally.
- A company survey has also revealed that where Work Boxes were in use at other sites/branches they all were design-compliant. The ACT Branch was the only site found to have been using a stillage for lifting personnel.
- Results of the above survey has been provided to Ullrich Aluminium’s Forklift leasing company to check each Forklift at those sites using various attachments to ensure that each is compliant with the relevant Standards.
- Consistent with the changes implemented at the ACT branch, the company is also reviewing alternative work methods in other branches where Work Boxes had been in use. Where a number of branches/sites had been using Work Box/ Forklift for access to overhead cranes for servicing (i.e. where that branch/site did not have crane access platforms) these locations are now using Elevated Work Platforms (i.e. Scissor Lifts) to access the cranes.
- A training package is currently being prepared with the view to all company Forklift drivers who use Forklift attachments being required to undertake it. This will be implemented as a part of the Undertaking – refer to Strategy 5.
- The above item has also prompted Ullrich Aluminium to review changes to the Forklift Competency Assessment process to the effect that a Forklift driver will also be required to demonstrate competency with any attachments that they are required to use. This will come into effect as part of Strategy 5.
- Safe Work Procedures for the use of Forklift attachments are also under review.

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

Ullrich Aluminium hereby confirms that it is committed to complying with its obligations under the Act and Regulation, and further confirms that it has taken and will continue to take all reasonably practicable steps to prevent recurrence of this type of incident and to ensure the health and safety of its Workers and other persons in accordance with those obligations.

**h. The details of the type of Workers Compensation provided (if the injured person(s) is a worker of the person)**

The injured Worker received Workers’ Compensation benefits which included wages, hospital and other medical costs. He also undertook a Return to Work Program as organised by Ullrich Aluminium and its insurer CGU. Through the Return to Work Program a variety of rehabilitation services were provided which included vocational assessments and assistance with alternative job seeking.

**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

The injured Worker was an Employee of Ullrich Aluminium.

The following support has been provided to the injured person(s) or injured person(s) family:

September 2015	A Rehabilitation Coordinator was immediately appointed to manage all aspects of the injured Worker's anticipated rehabilitation and return to work process.	This also included psychological support if required.
September 2015	Ongoing communication and support with regard to the recovery and rehabilitation processes.	Canberra Branch Manager and some of the branch Employees visited the injured Worker in hospital on several occasions by way of support.  The Group Safety Supervisor also visited the injured Worker in hospital to advise him as to the recovery and rehabilitation support which would be available to him.
November 2015 to March 2016	Ullrich Aluminium provided Suitable Duties at the ACT workplace (i.e. administrative duties) consistent with injured Worker's medical restrictions. It also engaged in a graduated Return to Work Plan with the injured Worker with the view to gradually increasing his work hours over time until he was working normal hours.	This Return to Work Plan was flexible in that the injured Worker was also able to attend his ongoing medical and rehabilitation appointments.
April 2016	The Rehabilitation Provider undertook a Vocational Assessment by way of considering other vocational options that the injured Worker may have been capable of undertaking.	In late March 2016, the injured Worker advised the Rehabilitation Coordinator however that he was not confident about being able to return to his former position. Accordingly, a process of Vocational Assessment and identification of suitable alternative employment goals was undertaken with the injured Worker in anticipation of the injured Worker not returning to fulltime work with Ullrich Aluminium.
June 2016	The Rehabilitation Provider assisted the injured Worker with the development of an updated Resume in preparation for him seeking an alternative position.	This also included assisting the injured Worker to identify suitable vacancies and complete cover/application letters with different versions of his Resume' and cover letters being provided for his different goals.
August 2016 to September 2016	The injured Worker was medically certified as being able to work normal full time hours. The Rehabilitation Provider accordingly assisted the injured Worker with identifying 7 different job vacancies and applying for these positions.	This also included setting up a Work Trial with the possibility of entering into formal retraining.
September 2016	In September 2016, the injured Worker received a personal injury damages settlement under the ACT Workers' Compensation scheme. On or about the same date the injured Worker gave notice of his intention to resign from his employment with Ullrich Aluminium. Accordingly, no further vocational or Work Trial activities have been undertaken since that date and the injured Worker's Workers' Compensation claim has been closed.	
September 2015 to September 2016	The injured Worker received benefits during the currency of his Workers' Compensation claim as outlined earlier herein.	

## Enforceable undertaking proposal

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**i. If the matter involves a fatality or very serious injury<sup>1</sup>, 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 injury<sup>1</sup>?

Yes

No

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

Ullrich Aluminium has an existing Work Health and Safety Management System (WHSMS) based on AS/NZS4801:2001 which is still in development. The WHSMS has not been audited as at the date of the incident. Procedures were also in place with regard to the use of Forklifts and the related training and competency requirements.

**k. The details of any consultation undertaken, or proposed to be taken, within the workplace regarding the proposal of an enforceable undertaking**

Ullrich Aluminium has consulted with senior Management and other key personnel by way of canvassing their views as part of the process of preparing this proposal. It is further intended that the reasons for the lodgement of this Enforceable Undertaking proposal and its implications for the company's workforce will be more generally canvassed with Ullrich Aluminium's workforce, including with reference to the relevant Safety Outcomes as identified herein, via a series of Toolbox Meetings to be held in the workplace within 2 months from the implementation of this Undertaking.

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

Ullrich Aluminium deeply regrets that the 18 September 2015 incident occurred and has taken and will continue to take all steps that are necessary to ensure that such an incident does not occur again. The company also deeply regrets that the injured Worker sustained injuries because of the incident.

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

No Forklift attachments of any kind are to be used again at the ACT branch.
Work Boxes attached to Forklifts were banned across all Ullrich Aluminium operations nationally immediately following the incident.
A complete survey of all Ullrich Aluminium sites was undertaken to identify what Forklift attachments were in use on those sites. Particular emphasis was focused on those sites that had Work Boxes and whether they were compliant with the relevant Australian Standards.
The information from the above survey was provided to Ullrich Aluminium's Forklift leasing company to ensure that Forklifts were in compliance with additional load plate requirements for attachments. The Forklift leasing company installed any additional load plates that may have been required.
The ACT branch Manager has undertaken specific safety training for Managers and Supervisors.
Ullrich Aluminium has improved its site induction processes so that all SWMS and Safe Work Procedures are to be signed off.
A new Employee Handbook has been developed and issued to all Employees. This replaced an existing handbook and incorporates more specific safety information as well as providing company Human Resources information to support the induction process. All existing Employees have been required to undertake a re-induction and have been issued with their own personal copy of the Employee Handbook.

<sup>1</sup> 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.

Since the incident occurred, several articles have been published in Ullrich Aluminium internal magazine which have addressed safety issues (e.g. "Your Safety is No Accident"; "If it Looks Unsafe, Then it Probably Is"; "Common Sense and Accident Prevention Go Hand In Hand" and "Kari Puri – Transport and Warehousing – Forklift/ Truck Accident" (from WorkSafe NSW).

Prior to the 18 September 2015 incident, Ullrich Aluminium identified several safety and other issues (not related to this incident) at the old ACT premises where this incident occurred. A decision was made to relocate from the old ACT premises to a purpose-built building which better suited the requirements of the business and improved safety on the site as well. The 18 September 2015 incident added specific impetus to this decision.

In January 2016, the ACT branch also moved into the new premises at a cost of approximately \$2.5 million. It has been apparent since this relocation that the new environment provided a better physical and psychological context for the injured Worker to undertake suitable duties and to also manage the collateral impact of the incident on the other Employees of the branch.

In late September 2016, an Employee Assistance Program (EAP) was implemented at a cost of \$20,000 over two years. The EAP is intended to assist Ullrich Employees with personal issues both inside and outside of work and access to the EAP is available to all Ullrich Aluminium Employees at no cost.

Unfortunately, because of the time taken to develop and implement the EAP, it was not in place until after the injured Worker had resigned from employment with Ullrich Aluminium.

Total amount spent on rectifications

Approximately \$35,000 to date spent on direct action rectifications  
Approximately \$2.5 million on new premises.

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

Ullrich Aluminium acknowledges that the Enforceable Undertaking may be published on the WorkSafe ACT internet website and may be referenced in WorkSafe ACT publications.

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

Ullrich Aluminium acknowledges that it has the financial ability to comply with the terms of this Enforceable Undertaking proposal and can provide evidence in this regard.

**p. Statement regarding relationships with beneficiaries**

Ullrich Aluminium acknowledges there are no known current relationships with any beneficiaries outlined in the Enforceable Undertaking other than the current Employees of Ullrich Aluminium and the injured Worker.

**q. Intellectual property licence**

Ullrich Aluminium hereby grants Access Canberra a permanent, irrevocable, royalty free, worldwide non-exclusive license to use, reproduce, distribute, electronically distribute, adapt, and modify any materials developed as a result of the acceptance of this Enforceable Undertaking.

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

N/A

**s. Acknowledgement of enforceable undertakings overview and guidelines**

Ullrich Aluminium has read and understood *Enforceable Undertakings – An Overview – Guidelines for proposing an Enforceable Undertaking* as listed 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**

Ullrich Aluminium hereby provides a commitment that the behaviour that led to the contravention has ceased and that it will take whatever practicable steps to prevent recurrence of this type of incident.

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

Ullrich Aluminium hereby provides a commitment that it will exercise its best endeavours to 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)**

Ullrich Aluminium hereby provides a commitment to disseminate information about the Enforceable Undertaking within its various workplaces, including to any members of Health and Safety Committees, Health and Safety Representatives, Workers and any other relevant parties.

This information will be disseminated via Management and Staff meetings, Toolbox Talks and general publication and will be completed within two (2) months (i.e. 60 days) of the Enforceable Undertaking taking effect.

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

Ullrich Aluminium hereby provides a commitment to participate constructively in all compliance monitoring activities of this Enforceable Undertaking and acknowledges that the Enforceable Undertaking rests with the person who has given it. Evidence to demonstrate compliance will be provided to Access Canberra WorkSafe Inspectors by the relevant due date.

Ullrich Aluminium acknowledges that Access Canberra WorkSafe Inspectors may undertake other compliance monitoring activities to verify the evidence 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 WorkSafe ACT that the Undertaking has been completely discharged.

Ullrich Aluminium acknowledges that Access Canberra WorkSafe Inspectors may initiate additional compliance monitoring activities, such as Inspectors, as considered necessary at Access Canberra WorkSafe expense.



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

**e. STRATEGIES THAT WILL DELIVER WORKER BENEFITS**

**Strategy 1 – Employment of a part-time WHS Supervisor – Estimated Cost: \$40,000**

**Scope:** Ullrich Aluminium confirms that it has a full-time WHS Manager who oversees work health and safety compliance and other relevant matters on a national level. The further employment of a part-time WHS Supervisor is intended to assist the current WHS Manager by increasing the resources available to better manage and improve the safe work practices and safety behaviours at every Ullrich Aluminium branch site.

It is anticipated that the part-time WHS Supervisor will be directly involved in facilitating and overseeing the implementation of the Enforceable Undertaking and any outcomes that may be required after auditing of the WHSMS.

**Tangible Outcome:**

- The full-time WHS Manager will be able to be more proactive by way of providing increased support to site management and supervision.
- The part-time WHS Supervisor will be able to proactively consult with site management and teams about the implementation of the Undertaking and will be able to implement audit findings.

**Beneficiaries / audience:** All Managers, Supervisors and Employees of Ullrich Aluminium.

**Delivery method:** Part-time casual appointment.

**Timeframe:** Spread over the period of the Enforceable Undertaking.

**Safety Outcome:**

- The thrust of the Undertaking is to provide Managers and Supervisors with the opportunity to better understand their leadership roles within the already established Work Health and Safety Management System (WHSMS) as well as their understanding of their personal safety responsibilities in this regard.
- Through improved engagement with Managers and Supervisors, facilitating the sharing of specialist safety knowledge with all Ullrich Aluminium Employees.
- With greater Manager and Supervisor engagement, it is envisaged that Employees will be more empowered and better equipped to not only identify hazards before commencing a task but to also proactively report hazards and rectify them with the view to avoiding an injury outcome.

**Strategy 2 – Implement Health & Safety Representative (HSR) arrangements at each branch site (26 sites)**

**Estimated cost: \$55,000**

**Scope:** With the exception of a couple of branch sites, Ullrich Aluminium currently uses "Other Arrangements" as the method of consultation with Workers with a primary focus on Toolbox Talks.

This initiative is designed to improve the interaction between Managers and Supervisors with more junior level Workers in the health and safety context by having a HSR to facilitate various risk identification processes and to work with Managers and Supervisor to develop suitable controls in order to reduce these risks, so far as reasonably practicable.

All Workers in the relevant workgroup would have access to the HSR in addition to their Supervisors. Accordingly, it is believed that this will improve safety communication and lead to better safety outcomes overall.

**Tangible Outcome:**

Improved overall safety communication at the Worker - Supervisor interface which will expedite the process by which concerns and ideas are able to be raised with regard to the respective identification of hazards and implementation of suitable controls.

**Beneficiaries / audience:** Managers, Supervisors and Workers of Ullrich Aluminium.

**Delivery method:** Via a Registered Training Organisation (RTO) presentation of the accredited 5-Day HSR training course in each State and Territory in which Ullrich Aluminium has branches/sites.

**Timeframe:** Within 12 months of the acceptance of this Undertaking.

**Safety Outcome:**

- Improved overall consultation and communication about health and safety matters.
- More direct Worker representation in relation to health and safety matters.

**Strategy 3 – 2-Day National Supervisors Safety Seminars (3 seminars to be held)**

**Estimated Cost - \$45,800**

**Scope:**

- Supervisors are key safety drivers at the grassroots level because of their safety interactions with Workers on a day-to-day basis. To increase our Supervisory safety skill levels, a series of 2-day safety seminars will be held for all Supervisors across all Ullrich Aluminium branches/sites nationally.
- The 2-day seminars will be held at 3 key venues around Australia (i.e. Brisbane (QLD), Melbourne (VIC) & Newcastle (NSW)). Supervisors will attend the venue closest to their branch/site.
- The Australian Industry Group (AiGroup) will facilitate the seminars. The topic material is drawn from AiGroup's standard courses but will be modified to contextualise the training to Ullrich Aluminium specific operations.

The seminars will comprise a comprehensive training programme on the following topics:

- Safety for Managers and Supervisors Course (1day)
- Risk Management
- Incident Investigation
- Behavioural Safety Techniques.

**Tangible Outcome:**

- Supervisors becoming more familiar with the relevant state Work Health & Safety legislation; both the company's and their statutory responsibilities under that legislation, and the risk identification process.
- Supervisors will also develop greater skill with regard undertaking risk assessments and establishing effective control techniques to manage those risks. They will also receive information about behavioural safety techniques as well as incident investigation processes.

**Beneficiaries / audience:** All Supervisors nationally.

**Delivery method:** An external training provider (AiGroup) will facilitate the conferences and workshops at 3 venues around Australia (i.e. Brisbane (QLD), Melbourne (VIC) & Newcastle (NSW)). Supervisors will attend the closest venue to them.

**Timeframe:** Seminars to be held within 12 months of the Undertaking being accepted.

**Safety Outcome:**

- This training will assist Ullrich Aluminium, so far as reasonably practicable, to ensure that its Supervisors are fully aware of and understand the safety systems in place and also their own role in not only enforcing these systems but also educating other Workers about them.

- Supervisors will be better equipped to recognise safety risks and to take effective action to eliminate or minimise those risks in consultation with the Workers who they supervise.

**Strategy 4 – 1-Day National Managers Safety Leadership Seminars (2 seminars to be held)**

**Estimated Cost - \$32,000**

**Scope:**

- Ullrich Aluminium acknowledges that Managers must show leadership and drive safety within their area of responsibility while working with Supervisors and Workers under their direction and control. To increase their understanding of their vital roles in this regard two 1-day safety leadership seminars will be held for all Managers across all of Ullrich Aluminium branches/sites nationally.
- The seminars will be held at 2 venues around Australia (i.e. Brisbane (QLD) & Melbourne (VIC). All Managers will attend the closest venue to them.
- An external training provider that specialises in behavioural safety training will facilitate the seminars. The topic material will be contextualised to Ullrich Aluminium operations.

The seminars will comprise the following topic:

- Safety Leadership for Managers Course (1-day duration)

**Tangible Outcome:**

- Managers will receive information to assist them in understanding the activators to safety behaviours and how to demonstrate leadership by pro-actively implementing strategies to influence and improve organisational safety and operational performance.
- The one-day workshop is also designed to develop an understanding of strategies by which Managers can demonstrate commitment to improving the overall safety focus. The workshop encourages a deeper understanding of what activates the correct behaviour and how to encourage a positive safety environment.

**Beneficiaries / audience:** All Managers nationally.

**Delivery method:** An external training provider specialising in safety behaviour training will facilitate the seminar at 2 venues around Australia (i.e. Brisbane (QLD) & Melbourne (VIC). All Managers will attend the closest venue to them.

**Timeframe:** Seminars to be held within 12 months of the Undertaking being accepted.

**Safety Outcome:**

- This training will assist Ullrich Aluminium, so far as reasonably practicable, in ensuring that its Managers are fully aware of and understand the safety systems in place and their leadership role in those systems.
- It will empower Managers to initiate effective action to eliminate or minimise safety risks in consultation with Supervisors and Employees.
- It is envisaged that this Manager training will also complement the behavioural and other safety training that the Supervisors will receive.

**Strategy 5 – Implement Forklift Refresher and Attachment Training and Competency Assessment**

**Estimated Cost - \$36,540**

**Scope:** Forklifts are considered to be the most hazardous equipment in use across all of Ullrich Aluminium sites. Ullrich Aluminium has approximately 140 Forklift drivers across 26 sites nationally.

The purpose of this item is to improve the competency process in place for Ullrich Aluminium Forklift drivers. It will not only verify the competency of all Forklift drivers throughout the company but also ensure that they actually have the practical skills and knowledge to safely operate the Forklifts. This will also apply to safe use and competency to operate any Forklift attachments in use at various sites.

The training will comprise the following course outcomes:

- Plan and prepare for Forklift operations
- Shift load using a Forklift and secure site
- Hazard management
- Refuelling – battery, gas or diesel.
- Attachments – safe use.

**Tangible Outcome:**

Forklift drivers will receive information to assist them in better understanding the hazards associated with operating Forklifts as well as any attachments that may be required to be used with a Forklift.

**Beneficiaries / audience:** All Workers nationally who are required to drive a Forklift on any Ullrich Aluminium site.

**Delivery method:** An external training provider specialising in Forklift safety (Crown Forklifts) will facilitate the training at all 26 sites around Australia. The training is anticipated to take 3 hours per group Forklift session with a further 30 minutes associated with each attachment that the particular Forklift driver may be required to use.

**Timeframe:** Training to be completed within 12 months of the Undertaking being accepted.

**Safety Outcome:**

This training will assist Ullrich Aluminium, so far as reasonably practicable, in ensuring that its Forklift drivers are aware of and understand the hazards associated with operating a Forklift and any attachments that may be required to be used.

The training will also, so far as reasonably practicable, demonstrate that each Forklift driver is competent to use the Forklift as well as any attachments.

**Strategy 6 – Implement an On-Line Induction System**

**Estimated Cost - \$16,350**

**Scope:** Ullrich Aluminium have identified a need to deliver a more structured, detailed and consistent induction process for several targeted areas of the company's operations.

The three target areas are:

- General Warehouse Induction
- Fabrication Induction
- Extrusion Plant Induction.

The General Warehouse and Extrusion Plant inductions are already in existence in the form of a PowerPoint presentation. The Fabrication Induction currently uses the General warehouse induction format but a more specific induction presentation will need to be developed.

Ullrich Aluminium will develop the On-Line Induction System in conjunction with Axion, a specialist provider of On-Line Induction Systems.

The induction material will be developed with specific sections with competencies built in where the participant will not be able to progress to the next section until they successfully answer the questions for the section they are undertaking. Results will be logged and a certificate issued.

The development of the induction material will also include behavioural safety information from the Supervisor's and Manager's Seminars discussed earlier.

Ullrich Aluminium's induction rules currently state that each Worker must be re-inducted on a 2-yearly basis. The On-Line Induction System will flag up when inductions are due and record when they have been completed. Induction records will also be easier to manage.

**Tangible Outcome:**

It will improve the integration of new Workers generally into the organisation subject to more standardised information also being supplied to all Workers which is appropriate to their specific work area.

**Beneficiaries / audience:** All Managers, Supervisors, Workers and some labour-hire contract Workers.

**Delivery method:** This is an On-Line platform that will be made available to participants via a log-in at whatever time is most suitable to them. Participants can log-in from any Ullrich Aluminium computer or also off-site from the participant's own computer.

**Timeframe:** All presentations to be developed and implemented within 24 months of the Undertaking being accepted.

**Safety Outcome:**

An improved and more streamlined induction process with competencies built-in as the participant progresses through the presentation.

An improved 2-yearly re-induction process.

An improved induction recording process for induction documentation that also tracks when re-inductions are due and provides alerts to relevant administrative personnel.

**Strategy 7 – Development of Safety DVD Which Will Form Part of Induction**

**Estimated Cost - \$10,000**

**Scope:** To develop a DVD designed to improve the company's safety efforts and support the induction process and other training initiatives. Ullrich Aluminium are keen to have a consistent safety message delivered to all existing Workers and new entrants to the company workforce. It is intended that a consistent and standardised safety message is delivered via a DVD which must be shown at commencement of employment or as a top-up when deemed necessary.

The DVD will cover an introduction to the company and safety and behavioural principles which includes "*Golden Rules of Safety*".

**Tangible Outcome:**

The DVD will enhance the induction process by providing a visual introduction into the company and at the same time will enhance the On-Line Induction System.

**Beneficiaries / audience:** All Ullrich Aluminium Workers.

**Delivery method:**

A specialist DVD production company will be engaged to produce the DVD's in consultation with Ullrich Aluminium Workers in the production of the DVD's. Once completed, the DVD's will be shown to Ullrich Aluminium Workers and will form part of the induction process.

**Timeframe:** The first DVD to be completed within 12-months from commencement of the Undertaking.

**Safety Outcome:**

This training via use of DVD will assist Ullrich Aluminium, so far as reasonably practicable, in ensuring that its Workers have the information, knowledge and skills to work safely in our working environments.

**Strategy 8 – Audit of the Work Health and Safety Management System (WHSMS)**

**Estimated Cost - \$25,500**

**Scope:** As per the commitment at item J below, Ullrich Aluminium will engage an accredited third party auditor to audit its WHSMS as it applies to the company operations and with reference to the principles of AS/NZS 4801:2001 Occupational health and safety management systems. This will include two audits during the life of the Undertaking.

**Tangible Outcome:**

- A third-party view of the effectiveness of the company's WHSMS.
- An improved WHSMS.
- More effective management and implementation of the WHSMS procedures.

**Beneficiaries / audience:** All Employees of Ullrich Aluminium.

**Delivery method:** An external third party auditor.

**Timeframe:** The initial audit will be undertaken within 6 months of the commencement of the Undertaking. A second audit will be undertaken 12 months from the receipt of the initial audit report.

It is noted in this regard that the WHSMS currently in place has some elements that are being developed and are yet to be embedded. However, it is anticipated that the WHSMS will be in a completed state within the timeframe outlined above.

**Safety Outcome:**

Conformance between Ullrich Aluminium's WHSMS and the principles of AS/NZS 4801:2001 Occupational health and safety management systems.

Total amount to be spent on benefits to Workers

**\$ 261,150**

**F. STRATEGIES THAT WILL DELIVER INDUSTRY BENEFITS**

**Strategy 9 – Development of a Safety DVD – Forklift Attachment Safety**

**– Estimated Cost \$10,000**

**Scope:** Ullrich Aluminium proposes fund the development of a Training DVD which will focus on Safe Use of Forklift Attachments. The DVD will focus on Forklift safety when using attachments and the importance of stepping back before undertaking and Forklift work with attachments and assessing the risks of the work being undertaken.

The DVD is proposed to demonstrate proper procedures for inspecting, handling, using and storing Forklift attachments.

A Learner's Guide is also to be developed which the Instructor can use to help facilitate the training and provide additional support to the DVD. It will also include:

- a sample outline/training plan for the training session;
- a quiz on the material that was taught in the DVD;
- an answer key to the quiz; and

## Enforceable undertaking proposal

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- an attendance sheet to keep track of the relevant information such as when the training occurred, who was trained and who was the instructor.

### **Tangible Outcome:**

The DVD provides information about safety when using Forklift attachments which can be used in a training format for new and existing Forklift drivers in general industry.

**Beneficiaries / audience:** Ullrich Aluminium Workers as well as general industry in the ACT.

**Delivery method:** The proposed DVD is anticipated to be used within Ullrich Aluminium for Forklift attachment training. It will also to be made available to Access Canberra WorkSafe Inspectors for use in their training programs or on-line formats as they choose fit to utilise.

**Timeframe:** Production of the DVD is anticipated to commence in the second year of the Undertaking and be completed and made available to Access Canberra WorkSafe Inspectors within 6 months from commencement of production.

### **Safety Outcome:**

From the internet research undertaken it appears that there is no comparable Australian training DVD relating to Forklift attachments. Given that attachments are used on Forklifts throughout industry in general this DVD will assist in heightening awareness in this broader context.

Total estimated amount to be spent on benefits to industry

## **f. STRATEGIES THAT WILL DELIVER COMMUNITY BENEFITS**

**Strategy 10 – A donation to Neurosurgical Unit, Canberra Hospital, ACT Health**

– Cost: \$30,000

**Scope:** Ullrich Aluminium acknowledges the great work that the Neurosurgical Unit at the Canberra Hospital undertook in treating the injured Worker. In recognition of this, Ullrich Aluminium will make a public donation to the Neurosurgical Unit, Canberra Hospital, ACT Health in the presence of an Access Canberra WorkSafe representative and media.

**Tangible Outcome:** \$30,000 investment in spinal injury research.

**Beneficiaries / Audience:** Members of the ACT public and surrounding areas.

**Delivery method:** By Donation.

**Timeframe:** Four 6-monthly instalments of \$7,500 each over 24-months.

Total amount to be spent on benefits to the community

Date:

**Total cost of the strategies proposed (e-g)**

<b>Benefits to Workers</b>	<b>\$261,150</b>
Benefits to Industry	\$10,000
Benefits to Community	\$30,000
<b>TOTAL AMOUNT TO BE SPENT ON STRATEGIES</b>	<b>\$301,150</b>

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

Ullrich Aluminium is hereby committed to ensuring that any promotion of a benefit arising from this Undertaking will clearly link the benefit to the Undertaking and the fact that the Undertaking was entered into as a result of the alleged contravention.

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

Ullrich Aluminium is hereby committed to maintaining the company WHSMS in accordance with AS/NZS 4804:2001 Occupational health and safety management systems – General guidelines and principles, systems and supporting techniques as it applies to Ullrich Aluminium.

**j. A commitment to ensure the WHSMS is audited by third party auditors**

Ullrich Aluminium hereby commits to ensuring the company WHSMS will be audited by accredited third party auditors that meet the principles of AS/NZS 4801:2001 Occupational health and safety management systems – Specification with guidance for use as set by WorkSafe ACT in accordance with established timeframes.

Ullrich Aluminium acknowledges that the auditors selected to perform WHSMS audits will meet qualification requirements as set by WorkSafe ACT.

Ullrich Aluminium acknowledges that details of the auditor’s qualifications against stated requirements will be provided with audit reports submitted to WorkSafe ACT.

Ullrich Aluminium acknowledges an initial audit will be undertaken within 6 months of the commencement of the Undertaking. A second audit will be undertaken 12 months from the receipt of the initial audit report.

**k. A commitment to provide a copy of each finalised WHSMS audit report to Access Canberra**

Ullrich Aluminium acknowledges that audit reports received from the auditor will be sent to an Access Canberra WorkSafe Inspector within 1 month along with a letter certifying that the report has not been altered from the copy provided to the person by the auditor.

Ullrich Aluminium acknowledges that within 1 month of receipt of the auditor’s written report, an Access Canberra WorkSafe Inspector will be advised of the intended action in addressing each of the report’s recommendations.



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

Ullrich Aluminium commits to fully implementing the intended actions arising from the audit within 12 months from receiving the audit report from the WHSMS auditor unless otherwise agreed by Access Canberra WorkSafe.

### **m. Timeframe**

Ullrich Aluminium hereby commits to implementing the aforementioned strategies within 24 months or as agreed in consultation with Access Canberra WorkSafe.

Date:

SECTION 3 – OFFER OF UNDERTAKING

I offer this undertaking and commit to the terms herein.

Signed

Name

Position

Dated at  this   
(suburb)

day of  20

OR

As a duly authorised person of   
**Ullrich Aluminium Pty Ltd**

I offer this undertaking and commit to the terms herein.

Signed (duly authorised person)

Name   
**Simon Williams**

Position   
**Director**

Dated at  this   
*Kullu Kullu* *12<sup>th</sup>*  
(suburb)

day of  20   
**January** **17**

*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

Name   
**GREG JONES**

Position   
**ACT Work Safety Commissioner**

Dated at  this   
**Dickson ACT** **first**  
(suburb)

Access Canberra  
day of  20   
**February** **17**

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](http://www.accesscanberra.act.gov.au)

