



**Access
Canberra.**

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

Enforceable undertaking proposal

Date: 16 January 2018

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 **Glass Tech Australia Pty Ltd**
ABN **16 156 002 149**
ACN **156 002 149**

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

Residential address:	3 Arnott Street HUME ACT 2620
Postal address (if different from residential address):	As Above
Telephone contact number:	(02) 6181 2991
Mobile contact number:	040 439 7132
Email address:	davidangel@glass-tech.com.au
Legal structure:	Private Company
Type of business:	Glass Manufacturing and Supply
Commencement date of the entity:	1 October 2013
Number of workers: (Full Time / Part Time)	30
Products and Services:	Glass Tech Australia is the largest glass specialist in Canberra, supplying glass products to both commercial customers and private individuals.
Comments:	

b. Details of the alleged contravention

It is alleged by WorkSafe ACT that on 26th May 2017, at 3 Arnott Street Hume in the Australian Capital Territory, Glass Tech Australia Pty Ltd, ACN 16156002149 (Glass Tech), had a health and safety duty pursuant to the *Work Health and Safety Act 2011*, and it failed to comply with that duty, thereby exposing an individual to a risk of serious injury.

See attached reports

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

The injured person was employed as a delivery driver by Tumut Freight Service and was attending the Hume premises in the course of his duties.

On 26.5.2017, the injured driver had delivered a consignment of glass panels to the Hume premises. He was standing next to his truck whilst an employee of Glass Tech unloaded the panels from the other side of the truck using a forklift.

When the Glass Tech employee went to lift one of the panels, he knocked over the other panels, creating a "domino effect", resulting in the injured worker being hit in the head by a falling glass panel.

d. An acknowledgement that Work Safe ACT alleged a contravention has occurred

It is acknowledged that WorkSafe ACT has alleged that Glass Tech contravened the WHS Act.

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

The driver suffered a concussion, rib fractures, as well as compression fractures to the C6 and C7 Vertebrae.

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

Notices received:

☒ Yes (provide details) ☐ No

See attached documents

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

Glass Tech Australia is committed to complying with its obligations under the WHS Act and ensuring, so far as reasonably practicable, the health and safety of all workers and those who may be affected by its business or undertaking. Glass Tech Australia will, so far as reasonably practicable; provide a safe and healthy workplace for its workers, guests and visitors.

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

The injured person was not an employee of Glass Tech, he was a delivery driver.

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.

This matter has been referred to Glass Tech's insurer pursuant to a personal injury claim. It is not clear what support the insurer has provided.

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

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

The workplace convened weekly safety meetings for its employees; it also had an Occupational Health & Safety Committee as well as weekly walk through safety audits.

Safety meetings are attended by all staff start of week shift Mondays, we discuss previous issues brought up the resolutions that have been put in place.

Also discuss previous safety audits what is required by staff to maintain there housekeeping and machinery issues etc.

The role of O.H.S, committee is to monitor the safe working environment in Glass – tech factory, to conduct Audits to identify potential risks and rectify these issues.

Two people from the O.H.S. committee will do a mid week walk through audit to recognise potential hazards

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

WorkSafe enforceable undertaking has been discussed by O.H.S Committee and will be delivered to staff via weekly safety meeting **should** the submission be accepted by the **Regulator**.

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

Glass Tech Australia, its officers and its employees are deeply committed to the safety of all workers, guests and visitors. Glass Tech Australia sincerely regrets the alleged contravention and extends its sympathy to the injured worker, the injured worker's family, and all others who have been affected by the alleged contravention.

Glass Tech Australia is committed to ensuring, so far as reasonably practicable, the ongoing health and safety of its workers, guests and visitors. This undertaking provides it with the ability to make significant improvements in relation to health and safety within the organisation and its workforce, over and above the minimum standards required by law, for the benefit of its workers and guests.

m. Any rectifications made as a result of the contravention

Engaged safety consultants Matrix Systems on an ongoing basis to monitor safety and assist in implementing any necessary changes to Glass Tech practice.

All glass products will be delivered in containers to avoid a repeat of this incident (overhead crane unloading)

Training for multiple employees for forklift operation. (financial assistance for all staff to obtain industry licences)

Total amount spent on rectifications

To this point \$7200.00

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

Glass Tech Australia acknowledges that the undertaking may be published on the WorkSafe ACT website and may be referenced in WorkSafe ACT's publication.

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Glass Tech Australia will, within 30 days of the date of this undertaking, cause a public notice to be published in the Canberra Times (online and in print) which will be prepared using the script noted in Annexure 1. **Glass Tech Australia, will also participate in a media briefing/release with the Regulator detailing relevant information about the undertaking and the incident.**

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

Glass Tech Australia has the financial ability to comply with the terms of this enforceable undertaking and can provide evidence if requested.

p. Statement regarding relationships with beneficiaries

Glass Tech Australia has no relationship with the parties who will receive benefits under this undertaking, other than as an employer and member of the industry and community.

q. Intellectual property licence

Glass Tech Australia grants WorkSafe ACT a permanent, irrevocable, royalty free, worldwide, non-exclusive licence to use, reproduce, distribute, electronically transmit, and electronically distribute, adapt, and modify any materials developed as a result 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

Glass Tech Australia has read and understood the Enforceable Undertakings Overview (WSACT HB 0069) provided by WorkSafe ACT and accessible on its website.

SECTION 2 – ENFORCEABLE TERMS

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

Glass Tech Australia advises that the conduct that led to the contravention has ceased. Glass Tech Australia commits to ensure the alleged contravention does not reoccur. In implementing the rectifications above, Glass Tech Australia has taken and will continue to take all reasonably practical steps to prevent the recurrence of this type of incident.

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

Glass Tech Australia commits that it will take all reasonably practicable 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)

Glass Tech Australia commits to disseminating information about this undertaking to all relevant parties, including all workers*and work health and safety representatives associated with its business. This information will be delivered through leadership meetings, as well as work health and safety committee meetings.

Glass Tech Australia commits to including details and information about this undertaking in the first annual report published after the date that the undertaking is accepted.

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

It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with Glass Tech Australia.

Evidence to demonstrate compliance with the terms will be provided to WorkSafe ACT by the due date for each term. The evidence provided to demonstrate compliance with the undertaking will be retained by Glass Tech Australia until advised by WorkSafe ACT that the undertaking has been completely discharged. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to alternative enforcement action.

It is acknowledged that WorkSafe ACT may undertake other compliance monitoring activities to verify that 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 – Upgrading machinery to reduce manual handling on process lines

Estimated Cost \$128,000.00 investment over and above other plant costs.

Scope / description

An extensive upgrade of Glass Tech's machinery to reduce manual handling times is proposed. This will include the acceleration of the move to mechanisation of the loading and unloading component of its processing lines.

This is a robot design to manually load glass on a process line, 2 robots for our polishing line which reduces the need for operators to manually load and unloading glass.

Sound proofing of the blower dryer will reduce noise exposure to our employees, thus enabling a comfortable work environment.

Tangible Outcome

These upgrades will reduce the reliance on non-automated processes and minimise the impact of human error on the safety of employees and other stakeholders.

The risk of repetitive strain injuries will reduce to line operators with the introduction of this machinery.

Beneficiaries / audience

All Glass Tech Australia employees, stakeholders, customers and visitors will benefit from a commitment to reduce the repercussions of human errors.

Delivery method

To be installed in our Hume factory in double edge polishing line

Timeframe

Immediate should Regulator approves this submission

Safety Outcome

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The move to mechanisation will:

- a) reduce consequential injury as a result of human activity;
- b) increase precision in Glass Tech Australia's:
 - a. manual handling processes;
 - b. quality of finished product to reduce defects that could cause injury;
- c) decrease the requirement of human intervention in manual handling;
- d) decrease the need for employees and other stakeholders to be in situ in potentially hazardous locations in the business;

Strategy 2 – Engaging safety consultants Matrix Systems on an ongoing basis to monitor safety and assist in implementing any necessary changes to Glass Tech practice.

Estimated cost \$2 500.00 per annum.

Scope / description

Ongoing commitment by Glass tech to ensure safety audit is conducted by Matrix Systems every 2 months for our Hume facility.

Tangible Outcome

The engagement of Matrix Systems will assist Glass Tech Australia to ensure that it is complying with best practice safety standards, and will assist in enhancing its ability to improve upon and maintain its safety record.

Beneficiaries / audience

Management and employees of Glass Tech Australia

Delivery method

At Glass Tech Hume Factory on a monthly audit followed with consultation to O.H.S. committee members

Timeframe

Ongoing

Safety Outcome

To enhance Glass Tech auditing and implementation skills for a more effective O.H.S committee

Strategy 3 – Introduction of a Safety Reward Scheme

Estimated Cost - \$28 800.00 (allocation of \$800.00 per month)

Scope

Glass Tech is introducing a reward scheme to encourage individual employees who are prepared to take on external safety training. The program will be reviewed after 3 years with the possibility of extension.

Glass Tech is also currently in discussion with the Canberra Institute of Technology with regards to upcoming courses and the possible provision of in house training.

Tangible Outcome

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The reward scheme aims to incentivise and encourage employees to maintain and enhance their safety knowledge and skills.

Beneficiaries / audience

All Glass Tech Australia employees and stakeholders will benefit from increased corporate knowledge about best practice safety methods.

Delivery method

Rewards for employees who undertake eligible classes at the Canberra Institute of Technology. These courses may include but not limited to industry training such as Fork lift – truck- Vehicle unloading crane operation etc.

As well as opportunity to participate in in-house training on manual handling courses for all employees.

Timeframe

Three years (with the possibility of extension)

Safety Outcome

To enhance our employee's opportunities, and educate them in industrial accredited course's leading to a better understanding of safe work practices.

Total amount to be spent on benefits to workers

\$ 164300.00 (over 3 years)

F. STRATEGIES THAT WILL DELIVER INDUSTRY BENEFITS

Strategy 1 – Supply of glass stock, hardware and consumable to the glazing trade course at the Canberra Institute of Technology (CIT)

Estimated Cost \$50,400.00

Scope

Glass Tech Australia has approached the Canberra Institute of Technology to supply glass stock, hardware and consumables for the glazing trade course. This commitment would initially be over a three year period, and is conservatively costed at \$1,400.00 per month.

See attached document (email)

Tangible Outcome

This commitment will assist in the training and induction of new apprentices and students in the glass industry.

Beneficiaries / audience

Glazing trade students. C.I.T.

Delivery method

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The materials will be used by CIT students and teachers as part of the ongoing learning in the glazing trade course.

Timeframe

Initial three year period.

Safety Outcome

The provision of materials and consumables to the glazing trade course will enhance learning outcomes, and also afford the opportunity to foster a greater awareness of safety concerns. There will also be less need for CIT to carry excess stock for long periods of time, which will free up classroom space.

Strategy 5 – Industry training to trade teachers at CIT

Estimated cost \$5,000.00

Scope

Glass Tech has approached the Canberra Institute of Technology to offer ongoing industry training to trade teachers at CIT, with particular emphasis on industry and technological changes with respect to glass processing and manufacturing.

See attached document.

Tangible Outcome

This support will enable CIT instructors to continue to offer up-to-date, industry standard, teaching and instruction to its students to ensure they are ready to operate in a changing work environment. Instructional advice will also be provided on various machines.

Beneficiaries / audience

CIT teachers and students.

Delivery method

Orientation days will be conducted in our Hume facility, with C.I.T. teachers and students

Timeframe

This would be part of a three-year ongoing commitment, with the possibility of extension beyond 2021.

Safety Outcome

The provision of training to CIT instructors will enhance learning outcomes, in particular by ensuring CIT continues to provide instruction that is as up-to-date and relevant as possible, including with respect to safety outcomes.

Strategy 6 – Orientation days and factory tours for students

Estimated Cost - \$15 000.00

Scope

As part of its commitment to CIT, Glass Tech Australia will offer guided tours to students and faculty to promote changes in the industry, and enhance students' understanding of the day to day application of their knowledge in an industry setting.

See attached email correspondence.

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Tangible Outcome

Students will be able to witness the day-to-day operations of the glazing industry, and also make contacts for future employment.

Beneficiaries / audience

CIT students.

Delivery method

Guided tours through the factory.

Timeframe

Three-year period.

Safety Outcome

The tours will be an opportunity for students to develop an increased awareness of the practicalities of safety in the workplace.

Total amount to be spent on benefits to industry

\$70,400.00

f. STRATEGIES THAT WILL DELIVER COMMUNITY BENEFITS

Strategy 7 – Donation of a vehicle to the ACT Red Cross Transportation Unit and the purchase of two Laboratory Freezer Units

Estimated Cost \$60,665.76 ????????

Scope

Glass Tech Australia has approached the ACT Red Cross Transportation Unit and offered to supply a Ford Mondeo diesel titanium station wagon to be used as an on-call vehicle for the organisation.

Glass Tech will donate over a twelve month period 2 Laboratory Freezer units to enable Red Cross to of donated breastmilk for premature babies in Australian hospitals. The facility will receive and test donor breastmilk, pasteurise and bottle it, and distribute it to hospitals in NSW/ACT and nationally. This will improve the lives of thousands of the most vulnerable Australians.

There will be a further cash donation of a figure to be determined after the purchase of second freezer.

The determined figure will bring the overall commitment to a total of \$300,000.00

See attached email correspondence.

Tangible Outcome

Expansion of the ACT Red Cross capability to facilitate community needs.

Beneficiaries / audience

The Australian Red Cross Service to provide necessary services to the Canberra area such as community transportation and medical support.

Delivery method

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Donation of car described above.

Timeframe

Immediate delivery should this submission be approved

Safety Outcome

Improved efficiency in Red Cross transportation in delivering there services to the greater Canberra community.

Total amount to be spent on benefits to the community **\$60665.00**

Total cost of the strategies proposed (e-g) **\$295365.00**

Cash Donation to Red Cross

The amount of this donation will be determined after the purchase of the second freezer (this is to account for the US currency variations)

Total amount to be spent on strategies **\$300,000.00**

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

Glass Tech Australia is committed in 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 WHS Act.

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

Glass Tech Australia have established occupational health and safety committee with weekly tool box meetings and random safety audits, to monitor safety issues.

See attached diagram

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

Glass Tech Australia is committed to having its safety system audited by its independent auditing team, in accordance with established timeframes. Glass Tech Australia commits to annual audits of the independent auditing team.

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

Glass Tech Australia acknowledges that all the audit reports received from the auditor will be made available to Work Safe ACT within 30 days of being completed along with a letter certifying that the report has not been altered from the copy provided to it by the auditor. Glass Tech Australia acknowledges that it will provide a written report to Work Safe ACT within 30 days of providing the audit report to Work Safe ACT advising that intended action in addressing each of the report's recommendations.

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

Glass Tech Australia commits to ensuring that the recommendations resulting from the OHSMS audit will be fully implemented

l. Timeframe

Within one month of receiving the audit report, unless Work Safe ACT offers a variation of the undertaking due to the actions being unreasonable.

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SECTION 3 – OFFER OF UNDERTAKING

I offer this undertaking and commit to the terms herein.

Signed



Name

Ben Owen

Position

operational Manager

Dated at

2/03/2018

this

(suburb)

day of

June

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OR

As a duly authorised person of

I offer this undertaking and commit to the terms herein.

Signed (duly authorised person)

Name

Position

Dated at

this

(suburb)


day of

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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

Work Safety Commissioner

Access Canberra

Dated at

Dickson

this

seventh

(suburb)

day of

March

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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*.

On 26 May 2017, a delivery driver, delivering glass sheeting to Glass Tech Australia's (**Glass Tech**) factory in Hume, sustained an injury to his neck while the glass was being unloaded. WorkSafe ACT investigated the incident and subsequently alleged that Glass Tech **Australia** contravened section 32 of the *Work Health and Safety Act 2011* (**Act**).

This notice is placed under the terms of an enforceable undertaking and Glass Tech acknowledges acceptance of an undertaking that is enforceable under the Act, as settlement of the abovementioned alleged contravention. The enforceable undertaking requires the following actions:

1. An extensive upgrade of Glass Tech's machinery to reduce manual handling.
2. Implementation of work health and safety (WHS) training programs for employees of Glass Tech.
3. Performance of annual external audits of Glass Tech's Work Health and Safety Management System.
4. Engaging safety consultants on an annual basis to monitor safety and assist in implementing any necessary changes to Glass Tech's practice.
5. Introduction of a reward scheme to encourage individual employees to undertake external safety training.
6. Implementation of a reporting system to enable workers to report safety incidents and to identify WHS hazards.
7. Implementation of a safety induction program for workers commencing on site.
8. Engagement with the Canberra Institute of Technology and commitment to:
 - a. supply glass stock, hardware and consumables for the glazing trade course;
 - b. provide ongoing industry training to Trade teachers;
 - c. facilitate guided tours, of the Hume factory, to students and faculty to promote changes in the industry, and enhance students' understanding of the day to day application of their knowledge in an industry setting.
9. Supply to the ACT Red Cross:
 - a. Ford Mondeo diesel titanium station wagon to be used as an on-call vehicle for the organisation.
 - b. Two Laboratory Freezer units upon signing of this agreement and a further cash donation to assist with the purchase of a third Laboratory unit (as per strategy 7)

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