

## Enforceable Undertaking



**WORKSAFE ACT**

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

## Enforceable Undertaking

Date: 11 DEC 2019

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

Section 216.

By: Chase Building Group (Canberra) Pty Ltd

ACN 165 180 432

### Privacy statement

WorkSafe ACT 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 WorkSafe ACT 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.cmtedd.act.gov.au/legal/privacy>.

## Enforceable Undertaking

### SECTION 1 - GENERAL INFORMATION

#### a. Details of the person proposing the undertaking

<i>Residential address:</i>	153/41 Eastlake Parade, Kingston, ACT, 2604
<i>Postal address (if different from residential address):</i>	
<i>Telephone contact number:</i>	(02) 6239 1288
<i>Mobile contact number:</i>	0417 297 263
<i>Email address:</i>	dh@chase-group.com.au
<i>Legal structure:</i>	Proprietary Limited Company ACN 165 180 432
<i>Type of business:</i>	Construction
<i>Commencement date of the entity:</i>	6 <sup>th</sup> August 2013
<i>Number of workers: (Full Time / Part Time)</i>	74
<i>Products and Services:</i>	Residential, retail and commercial property design and construction.
<i>Comments:</i>	

#### b. Details of the alleged contravention

It is alleged by WorkSafe ACT that on 30 January 2019 in Braddon in the Australian Capital Territory, that Chase Building Group (Canberra) Pty Limited (Chase) had a health and safety duty within the meaning of section 30(a) of the WHS Act (the WHS Act), specifically the primary duty of care required by section 19 of the WHS Act, and it is alleged that Chase failed to comply with that duty.

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

On 30 January 2019, a pre-cast concrete panel fell from the fifth floor of a residential building site (the site). The panel struck an adjacent building, utility vehicle and vehicle spare parts.

WorkSafe ACT alleges that Chase did not comply with its primary health and safety duty pursuant to section 19 of the WHS Act as it did not do all that was reasonably practicable to ensure the health and safety of its workers and others by:

1. Failing to manage the specific hazards associated with panel installation
2. Failing to implement a safe system of work for panel installation.

#### d. An acknowledgement that WorkSafe ACT alleged a contravention has occurred

Chase acknowledges that WorkSafe ACT has alleged that Chase has contravened the WHS Act.

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

No injuries arose from the alleged contravention.



## Enforceable Undertaking

### 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
30.01.19	Workplace Visit	WPV-P05757-VFZPIY		Site Closed – Non-disturbance as per Prohibition Notice
30.01.19	Workplace Visit	WPV-P05757-VGICR9		Site Closed – Non-disturbance as per Prohibition Notice
30.01.19	Prohibition notice	PN-W-P05757-VFZPIY-1	As a result of an incident that occurred on the 30 January 2019 an inspection identified that the various scaffold systems employed on site could pose a risk to workers health and safety.	Site Closed – Action taken to address rectification works on scaffold. Independent engineer engaged to review the scaffold. Independent WHS inspector engaged to review the scaffold. Scaffold plans confirmed by installer and engineer. WorkSafe ACT attendance to review and authorise closure of Prohibition Notice.

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

Chase 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 other persons 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)

No injuries occurred as a result of the alleged contravention. EAP counselling has been made available to workers.

### 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

Chase's Corporate Integrated Management System was developed by an external WHS consultant comprising a Corporate IMS Manual, supported by a Project Management Plan, specific guidelines, checklists, annexures, registers

<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.



## Enforceable Undertaking

and forms.

The Chase WHS Management System is certified to AS/NZS 4801 and is accredited by the Office of the Federal Safety Commissioner (OFSC) Accreditation Scheme.

The current audit program includes annual AS 4801 audits and annual OFSC audits.

Chase engaged an external WHS consultant to perform monthly active assurance audits to assess the implementation of systems, evaluate the risk controls employed by workers, and provide a detailed monthly active assurance report to the business.

Internal audits are also conducted as per the audit schedule – incorporating reviews of management plans, risk management processes, effectiveness of inductions, training records, tool box talks, Risk Registers, SWMS and identification of other tasks that may pose a risk to safety.

Chase's audit programs are supported by internal Safety Inspections, Task Observations, and Senior Leadership Observations:

- Safety inspections are completed by Chase's Project Teams, Safety Team, and Senior Management, and are conducted on a weekly, monthly and quarterly basis;
- Task observations are conducted in relation to specific tasks performed by workers on Chase's various projects. These are performed by Chase's Project Teams and Safety Team on a weekly basis; and
- Chase's leadership team also conduct quarterly Senior Leadership Observations on the various sites.

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

Chase's Senior Management Team has consulted with Chase staff, including the Project Team members for the site.

Chase has also consulted a number of industry and other organisations in preparing this EU proposal to ensure the proposal will offer substantive benefits to business, industry and community.

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

Chase, its officers and employees are committed to the safety of all workers and other persons who may be affected by its business or undertaking. Chase sincerely regrets that the incident on 30 January 2019 occurred, and is committed to ensuring, so far as reasonably practicable, the ongoing health and safety of its workers and other persons. This undertaking provides the ability to make further improvements in relation to health and safety.

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

Item	Details
1	<b>Consultation and Action on immediate project</b> Chase consulted with the entire project team, consulting engineers, and various subcontractors following the incident to review the project operations and safety management systems.
2	<b>Safety alert</b> On 13/05/2019 WorkSafe ACT issued a Safety Alert for Precast Panel Structure Safety which was distributed by Chase to all staff. To support the WorkSafe ACT Safety Alert, Chase issued a subsequent SEQ Alert to all staff briefly outlining the



## Enforceable Undertaking

Item	Details
	incident which occurred on 30 January 2019 and the protocols to be completed for precast panel installation and brace removal stages. This also contained links to the WorkSafe ACT Safety Alert, applicable Australian Standards, and Codes of Practice.
3	<b>Quarterly Safety Share bulletins to all staff</b> The CEO of Chase has implemented a quarterly Safety Share process to enhance communication of quarterly bulletins to all staff. This process includes discussions on a current topic for the business operations derived from industry or company incidents/events.
4	<b>Systems Review by external WHS professional consultant</b> Chase engaged external specialist WHS consultancy services of Evolution QSE Pty Ltd to conduct a review of the IMS and WHS management system at corporate, project, and task levels encompassing all WHS procedures, management plans and forms.
5	<b>Revised Precast Panel management process and forms</b> Chase reviewed and revised its procedures and forms for precast panel installation.
6	<b>Review of contractor SWMS</b> Chase conducted a full review of all precast panel erection SWMS from subcontractors on all sites where precast panel erection is underway.
7	<b>Refresher training to the site Project Management Plan</b> Chase engaged an external WHS consultant to provide face-to-face refresher training to the project team members on its WHS management system, codes of practice and Australian Standards, project management plans, procedural forms as well as precast panel installation and brace removal requirements.
8	<b>Enhanced Inspection Framework</b> Chase has enhanced its framework for inspection and task observation across its projects. This has been developed to engage all levels of Chase and its subcontractors on the project.

Total amount spent on rectifications

**\$103,330.97**

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

Chase acknowledges that the enforceable undertaking may be published on the Access Canberra website and may be referenced in WorkSafe ACT's publications.

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

Chase has the financial ability to comply with the terms of this undertaking.

### **p. Statement regarding relationships with beneficiaries**

Chase has no relationships with the parties who will receive benefits under this undertaking, other than as an employer and industry member, or member of the community.



## **Enforceable Undertaking**

### **q. Intellectual property licence**

Chase grants, or will procure a grant to, WorkSafe ACT for a permanent, irrevocable, worldwide, royalty free, non-exclusive licence to use, reproduce, electronically transmit, electronically distribute, 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.

Chase does not have any previous convictions under health and safety laws.

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

Chase has read and understood the *Enforceable Undertakings Overview and Guidelines* provided by WorkSafe ACT and accessible on the Access Canberra website

## **SECTION 2 – ENFORCEABLE TERMS**

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

Chase commits that the conduct that led to the alleged contravention has ceased.

In implementing the rectifications listed above, Chase has taken and will continue to take reasonably practicable steps to prevent recurrence of this type of incident.

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

Chase 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)**

Chase commits to disseminating information about this undertaking to workers, and work health and safety representatives associated with its business.

The information will be delivered through leadership meetings, work health and safety committee meetings and toolbox meetings.

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

Chase commits to participating constructively in all compliance monitoring activities regarding this undertaking.

Evidence demonstrating compliance with the terms of this undertaking will be provided to WorkSafe.

The evidence provided to demonstrate compliance with the undertaking will be retained by Chase until advised by WorkSafe ACT that the undertaking has been completely discharged.

It is acknowledged that WorkSafe ACT may undertake other compliance 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 inspection, as considered necessary at WorkSafe ACT's expense.

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



## **Enforceable Undertaking**

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

#### **Strategy 1 – Employ additional Safety Manager Resource – Estimated cost \$ 200,000**

##### **Scope**

Chase will establish a supporting Safety Manager role within the Chase Group of businesses in addition to the Group Manager – SHEQ. This position will be responsible for the delivery and assurance of the safety management practices at project level implementation, including oversight of the safety practices and compliance activities on projects.

The Safety Manager will:

- Promote safety leadership within the business under guidance from the Chase Group Manager
- Provide instruction, assistance, governance and technical guidance to project teams and management of the new safety management systems and processes developed
- Enable Chase to provide more effective implementation of the systems and processes
- Monitor the progress with oversight of the project processes including compliance and performance reporting.

##### **Tangible Outcome**

Recruitment of a dedicated Safety Manager.

##### **Beneficiaries / audience**

Chase, its officers and workers on all projects will benefit from this resource.

##### **Delivery method**

Recruit a suitably qualified and experienced Safety Manager to the position.

##### **Timeframe**

Identify and engage a Safety Manager upon acceptance of this undertaking.

##### **Safety Outcome**

Provision of a resource to lead WHS management systems implementation including (but not limited to):

- Monitoring and assurance of safety outcomes
- Better implementation of system and practices  
Increased interaction and mentoring with staff at project level
- Engagement with workers and subcontractors to promote safety in all areas of the workplace.

#### **Strategy 2 – Wellness Program – Estimated cost \$ 160,000**

##### **Scope**

This strategy involves a partnership with qualified psychologist Lacey Clews to deliver a Wellness Program aimed at enhancing the mental health and wellbeing of all Chase employees and their families. Chase employees will attend tailored and confidential individual sessions with a qualified psychologist as well as having access to a designated suite of consultations, psychometric assessments and individual monitoring. The Program will also include the delivery of bespoke mental health awareness workshops to Chase, as well as reporting for the senior management teams.

##### **Tangible outcome**

- Confidential individual mental health and wellbeing check-ups for all Chase employees with a qualified psychologist
- Access to a qualified psychologist for Chase employees and their families
- Organisational seminars on mental health related issues
- Reporting to Chase's senior management team on mental health and wellbeing initiatives, de-identified trends and patterns, and recommended actions



## Enforceable Undertaking

### Beneficiaries / Audience

- Chase employees
- Immediate family members of Chase employees
- Broader ACT construction industry

### Delivery method

Engagement of a qualified psychologist to deliver the Wellness Program

### Timeframe

The Wellness Program will run for two years from acceptance of this undertaking.

### Safety Outcome

- Increased mental health, wellbeing, and resilience of Chase employees and their families
- Increased awareness of the importance of mental health
- Enhanced psychosocial safety on Chase work sites
- Safer workplaces

Total amount to be spent on benefits to workers

\$360,000

## f. STRATEGIES THAT WILL DELIVER INDUSTRY BENEFITS

### Strategy 3 – Purchase Tower Crane for CIT HRW Training Facility – Estimated Cost \$216,080

#### Scope

This strategy involves Chase partnering with Canberra Institute of Technology (CIT) to identify, source, fund, and install a tower crane for use during completion of high-risk work licence (HRWL) courses for tower crane operators, dogmen and riggers.

The purchased tower crane will be the first of its kind in an Australian HRWL training facility, supplying a dedicated and unhindered training resource for CIT to conduct its training and assessment of tower crane operators, riggers and doggers. This will also facilitate the completion of training and qualifications relating to installation of precast concrete elements, anchorages, and associated propping.

The purchased tower crane will increase accessibility to a practical operational training experience under the controlled conditions of the CIT training facility.

#### Tangible Outcome

1. Purchase and installation of a tower crane.
2. Two-year service of the tower crane
3. Dedicated and unrestricted training facility in the ACT region for HRWLs.
4. Significantly improved training opportunity for trainee tower crane operators, riggers and dogmen installing precast concrete elements, including installation, engineering and verification requirements, and brace removal.

#### Beneficiaries / audience

- All CIT trainees undertaking and completing the tower crane, doggers and rigging courses in the ACT and surrounding construction industry more broadly
- Enhanced reputational benefit for CIT
- Enhanced reputation for the ACT more broadly as a jurisdiction offering training excellence in construction

#### Delivery method

Procurement and installation of a Tower Crane.



## Enforceable Undertaking

### Timeframe

Within 9 months from acceptance of this undertaking.

### Safety Outcome

- Enhancement of the CIT High-Risk training facility to include a one-of-a-kind dedicated tower crane training facility.
- Facilitate unrestricted access for trainee crane operators, doggers and riggers to an operational tower crane.
- Training of more skilled workers in Tower Crane Operations, Rigging and Dogging within the ACT Construction Industry.
- Increased confidence and awareness regarding tower cranes on ACT and regional construction sites.

Total amount to be spent on benefits to Industry

\$216,080

## STRATEGIES THAT WILL DELIVER COMMUNITY BENEFITS

### Strategy 4 – Young Worker Safety Education Program – Estimated Cost \$55,000

#### Scope

This strategy involves Chase collaborating with the Construction Industry Training Council (CITC) and production agency VMation to develop and deliver a web-based interactive e-learning program for young workers - addressing WHS responsibilities, obligations and risk management concepts.

The e-learning program will be designed for:

- students contemplating entry into the construction industry
- delivery to secondary school students and apprentices in schools
- review by students prior to entering a construction site
- accessibility to students in their own time

The e-learning program developed under this strategy will be designed in a way that will enable the development of future complementary training modules on related construction industry topics at a competitive price point.

CITC will consult with WorkSafe ACT, the construction industry, the ACT Education Directorate and other Catholic and private school bodies on the content of the e-learning program.

CITC will coordinate delivery of the e-learning program and associated information sessions to students, in conjunction with relevant industry practitioners and WorkSafe ACT personnel.

#### Tangible Outcome

Web based e-learning program for students and young workers about WHS in the construction industry.

#### Beneficiaries / audience

- Secondary school students, apprentices, and young workers entering the construction industry in the ACT – with potential for national dissemination
- Families of young workers
- ACT and regional construction industry
- Workplaces more broadly
- State and Territory WHS regulators
- Secondary schools



## Enforceable Undertaking

### Delivery method

Web-based education program – to be delivered in schools, and tertiary institutions, with potential for delivery on private devices also.

### Timeframe

Within 2 years of acceptance of this undertaking.

### Safety Outcome

- Enhanced safety of young people in the construction industry
- Increased awareness of WHS risks on construction sites among young workers
- Greater awareness and more informed experience for young workers entering construction industry
- Early education on risk management principles
- Reduced injuries and incidents involving 'new' entrants on worksites
- Safer work sites

### Strategy 5 – Menslink - Partnership – Estimated cost \$25,000

#### Scope

This strategy involves a \$25,000 donation to Menslink to assist with the promotion of mental fitness and support for young men in the ACT and surrounding region.

#### Tangible Outcome

Two 'one-off' donations to Menslink, being a \$12,500 donation in 2019 and a \$12,500 donation in 2020

#### Beneficiaries / audience

- Young men within the Menslink assistance program and network
- Families and friends of Menslink mentees
- Workers on Chase construction projects/workplaces
- Broader ACT community

#### Delivery method

- Two separate donations to Menslink of \$12,500 each

#### Timeframe

- Initial donation on acceptance of this Enforceable Undertaking and second donation 12 months thereafter

#### Safety Outcome

- Support the Menslink functions and youth support services

Total amount to be spent on benefits to the community

\$80,000

Total amount to be spent on strategies

\$656,080



## **Enforceable Undertaking**

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

Chase is committed to linking the promotion of the benefits arising from 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)**

Chase is committed to ensuring its existing Work Health and Safety Management System complies with AS/NZS 4801 and the Office of the Federal Safety Commissioner WHS Accreditation Scheme.

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

Chase is committed to having its Work Health and Safety system audited by an accredited third-party auditor that meets Australian Standards in accordance with established timeframes. It acknowledges that the auditor selected to perform the audit will meet the qualification requirements as set by WorkSafe ACT and that details of the auditor's qualifications against the stated requirements will be provided with the audit reports to WorkSafe ACT.

### **j. A commitment to provide a copy of each finalised WHSMS audit report to WorkSafe ACT**

Chase acknowledges that audit reports received from the auditor will be made available to WorkSafe ACT within one month of being received together with a letter certifying that the report has not been altered from the copy provided to Chase by the auditor.

Chase acknowledges that it will provide a written report to WorkSafe ACT within one month of providing the audit to WorkSafe ACT advising the intended action in addressing each of the report's recommendations.

### **k. A commitment to implement the recommendations from these audits (unless otherwise negotiated with WorkSafe ACT)**

Chase commits to ensuring that the recommendations resulting from the WHSMS audit will be fully implemented within six months of receiving the audit report, unless otherwise agreed by WorkSafe ACT.

### **l. Timeframe**

Chase commits to implementing the aforementioned strategies within 24 months of acceptance of the undertaking or as agreed in consultation with WorkSafe ACT.



## Enforceable Undertaking

### SECTION 3 – OFFER OF UNDERTAKING

As a duly authorised person of

**Chase Building Group (Canberra) Pty Ltd**

I offer this undertaking and commit to the terms here in.

Name:

ANDREW JOLLEY

Position:

CHAIRMAN

Signed:

*Andrew Jolley*

Dated at

KINGSTON

this

10<sup>th</sup>

(Suburb)

Day of

DECEMBER

2019

(Month)

(Year)

*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 WorkSafe ACT. The enforceable undertaking will be concluded on written advice from WorkSafe ACT when all requirements of the undertaking have been satisfactorily executed.*

I accept this undertaking as an enforceable undertaking under section 216 of the *Work Health and Safety Act 2011*.

Name:

GREG JONES

Position:

Executive Branch Manager, Workplace  
Protection  
Work Safety Commissioner  
WorkSafe ACT

Signed:

*Greg Jones*

Dated at

Dickson

this

11<sup>th</sup>

(Suburb)

Day of

December

2019

(Month)

(Year)