

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by Mark Ambridge, General Manager on behalf of Topcoat Specialist Coatings Limited (Topcoat).

This enforceable undertaking is given on the day and date that it is accepted and signed by the regulator. The undertaking and its enforceable terms will operate as a legally binding commitment on the part of the person from the date it is given.

WorkSafe respects your privacy and is committed to protecting personal information. The information provided in this document is for an undertaking given to WorkSafe under Part 4 of the Health and Safety at Work Act 2015. This information will be managed within the requirements of both the Privacy Act 1993 and the Official Information Act 1982.

There is an expectation that WorkSafe will generally publish the undertaking in full on its website.

Terms and definitions:

Contravention means an action which offends against the *Health and Safety at Work Act 2015* and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.

HSMS means a Health and Safety Management System.

Person means an individual who or a legal entity which has a duty under the Health and Safety at Work Act 2015 and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.

Health and Safety legislation means *Health and Safety at Work Act 2015* and associated regulations.

Enforceable undertaking means an enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with WorkSafe. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

1. GENERAL INFORMATION

1.1 Details of the person/persons/entity giving the undertaking

Nominated person: (point of contact for WorkSafe communications)

Mark Ambridge – General Manager - Topcoat Specialist Coatings Limited

Street address:

Mailing address: PO Box 58512, Botany, Auckland 2163

Work phone: 09 – 274 9491

Mobile phone: [REDACTED]

Email : mark@topcoat.co.nz

Type of legal entity: Limited company

Industry: Construction Industry – Specialist Coating Applicators

Workers: Full time: 36

Part time: 1

Casual/ Contractors: 2

Products and services:

Topcoat Specialist Coatings offer a range of solutions to repair, protect and waterproof concrete structures. From low impact surface protection, concrete repairs and/or polishing

Comments:

Topcoat Specialist Coatings have been EMA members for more than a decade and our staff and Directors regularly attend their presentations.

Our personnel have attended the training through the EMA to a level 6 Diploma level.

1.2 Detail the contraventions

Topcoat has been charged with two offences under section 36(1)(a), 48(1) and (2)(c), of the Health and safety at Work Act 2015 in relation to an incident on 21st February 2017

The alleged contraventions are that being a PCBU Topcoat, failed to ensure, so far as was reasonably practicable;

- 1) The health and safety of workers who worked for the PCBU, while at work in the business or undertaking, and that failure exposed its workers to a risk of death or serious injury, arising from scaffold collapse.
- 2) The health and safety of workers who activities in carrying out work were influenced or directed by Topcoat, including Opus International Consultants Limited workers, while they carried out the work, namely working on the scaffold erected underneath the Panmure Bridge, and that failure exposed those workers to a risk of death or serious injury, arising from scaffold collapse.

It is being reasonably practicable for Topcoat to have:

- 1) Ensured that the load calculations and design drawings for the scaffold were reviewed by an engineer prior to the scaffold being built.
- 2) Ensured that the load calculations and design drawings for the scaffold were sent to Opus engineers prior to the scaffold being built.

1.3 Detail the events surrounding the contravention

Topcoat was the successful tenderer for the Auckland Transport restoration work of the Panmure Bridge as part of the Southern Area Road Corridor Maintenance contract which was managed by Opus International Consultants Limited 'Opus'.

This work included the;

- Stripping rust from the structure
- Cleaning and preparing the surfaces for painting
- Painting the surfaces
- Epoxy protective coating the steel surfaces
- Water blasting and Sandblasting of structures and repairs of concrete columns as to prepare for coatings

The works were to be carried out in four stages and expected to take around five months to complete.

The nature of the works meant that Topcoat workers needed to access to the concrete and steel structure on the underside of the bridge. A scaffold was required to allow the workers to do that work.

Affordable Scaffolding Limited 'ASL' was contracted by Topcoat as a scaffolding expert to design and erect scaffolding so that Topcoat workers could access areas of the bridge required to complete maintenance and painting work.

On the day of the incident (February 21st, 2017) the scaffolder workers of ASL were beginning to build the third section of the scaffold, while also continuing to dismantle the first section.

On the day of the incident four Topcoat workers (1 Foreman and 3 Paint Applicators) were working.

Three were working in the second section and a fourth worker on the first section.

At approximately 9:45am, the scaffolders from ASL were in the process of passing planks over the second section when the collapse occurred.

Approximately 5 workers (three from Topcoat) were injured in the collapse and suffered minor to moderate injuries.

1.4 Detail any enforcement notices issued that relate to the contravention

Apart from a Non-disturbance notice (WSNZ00114) issued to Topcoat 6 weeks after the incident on the 5/4/2017 no other enforcement notices were issued.

1.5 Detail the rectifications to the workplace or work practices made because of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)

The following rectifications occurred:

- A. After the incident Topcoat took a review of the internal procedures to ensure that this event shall not reoccur, this included:
 - o An employment of a full time Compliance Manager to:
 - o Review internal procedures, policies and standard operating procedures
 - o Develop and implement HSMS systems beyond the standard requirements to ACC WSMP Programs
 - o Train and develop internal staff
 - o Review and develop risk assessment for all new and existing contracts
 - o Develop and budget for training through a training needs analysis
 - o Develop and improve worker consultation and communication processes
- B. Management attended Contractor and Contracts management training
- C. Committed to an external certification body that is accredited to JAS-ANZ for certification to the ISO 45001:2018 Health and Safety Management System to ensure compliance to an international standard.

1.6 Total amount of money spent on rectifications

RECTIFICATION	AMOUNT (INCL GST)
TRAINING OF WORKERS IN:	\$26,626.87
<ul style="list-style-type: none"> • HEALTH AND SAFETY REPRESENTATIVE TRAINING (5 WORKERS) • REFRESHER TRAINING FOR THE 3 VICTIMS INCLUDING HEIGHT, CONSTRUCTION AND CONFINED SPACE • CONTACTOR MANAGEMENT TRAINING (7 WORKERS) • DANGEROUS GOODS COMPLIANCE (1 WORKER) • ELEVATED WORK PLATFORM (4 WORKERS) 	
RECRUITMENT COSTS OF A COMPLIANCE MANAGER	\$7,634.85
PURCHASE AND IMPLEMENTATION OF COMPLIANCE MANAGEMENT SOFTWARE	\$6,744.75
BCITO (WORKER SKILL DEVELOPMENT)	\$3,905.00
H&S CONFERENCE & SEMINARS (EMA) (2 WORKERS)	\$4,213.60
TOTAL	\$49,125.07
	(Including GST if any)

Internal costs incurred for rectifications have not been included in the costed amount above.

1.7 Detail the injury sustained, or illness suffered by victim(s) or other(s) because of the contravention, the potential for fatal injury of future fatal illness

There were four Topcoat workers onsite on the day of the incident. Three workers sustained minor/moderate injuries. ACC medical records show the injuries as;

- [REDACTED] (Fracture of rib, bruising and abrasion to elbow/forearm)
- [REDACTED] (Bruising to hip, thigh and buttock)
- [REDACTED] (Cut to finger and bruising to chest)

[REDACTED] who suffered moderate injuries returned to work 16 working days after the incident and has made a full recovery.

The other two workers who sustained minor injuries did not require time off work for the physical injuries and were offered and accepted 8 days of paid leave to recovery from the incident.

The fourth worker [REDACTED] suffered no physical injury.

[REDACTED] attended an initial counselling session with a psychologist, additional sessions were offered but not taken up. [REDACTED] was offered this consultation but declined.

Although none of the workers were seriously harmed because of the Incident, Topcoat acknowledges that there was the potential for a more serious injury and this has been considered as part of the offer of amends including emotional harm.

1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (Including in 3.12.3)

DESCRIPTION OF PAYMENT	GROSS AMOUNT
[REDACTED] (ACC TOP UP, MEDICAL, PHARMACY, PHYSIO, COUNSELLING AND INITIAL AMENDS)	\$1,753.24
[REDACTED] (ACC TOP UP, MEDICAL, PHARMACY, COUNSELLING AND INITIAL AMENDS)	\$2,000.00
[REDACTED] (ACC TOP UP, MEDICAL, PHARMACY, COUNSELLING AND INITIAL AMENDS)	\$1,108.95
[REDACTED] (INITIAL AMENDS)	\$1,500.00
ADDITIONAL PROPOSED AMENDS OF:	\$1,173.69
[REDACTED]	\$1,500.00
	\$1,500.00
	\$3,000.00
	\$1,000.00
	\$1,000.00
	\$1,000.00
	\$1,000.00
TOTAL PAYMENTS	\$16,535.38

1.9 Detail any consultation with the victim(s) as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution

Of the four workers, one left in April 2018 who has been contacted since by [REDACTED] and provided with the EU Factsheet from WorkSafe NZ and the other returned to university studies in 2017. The other two workers remain in Topcoats employment and are supportive of the EU as an alternative to a prosecution.

1.10 Detail any consultation with sector/industry on whether an enforceable undertaking would be an acceptable alternative to prosecution

Topcoat Specialist are members of the Allnex federation. Bernard Scott the Allnex president has been contacted and agreed that the members will benefit from the EU proposal, specifically in streamlining future Contractors Pre-Qual requirements.

Topcoat have consulted with CHASNZ (Construction Health and Safety NZ) on this EU proposal and the initiatives that CHASNZ are undertaking with standardising health and safety pre-qualification schemes for the construction industry. The CHASNZ undertaking and the support of this EU proposal are detailed in Section 3.4.

1.11 Detail the support provided by the person to the victim(s), other(s)

The following support was offered/provided to the victims;

- General Manager arrives on site to support victims
- Three workers transported to Middlemore Hospital for medical evaluation and treatment
- Company Director visited them on the day at the hospital
- All next of kin were contacted and advised of the incident.
- All released from hospital on the day of incident.
- Topcoat paid first full weeks wages for three injured workers.
- Topcoat paid 20% of wages to top up ACC payment.
- Medical, pharmacy, physio and counselling accounts paid by Topcoat.
- Ongoing contact to track recovery and return to work duties

1.12 Detail any current HSMS implemented and maintained by the person

Topcoat as a small to medium employer has advocated good Health and Safety practices in the business. Topcoat entered the ACC WSMP programme in 2014 when we employed 19 people, to demonstrate and validate our commitment to safety against other larger organisations in the same industry.

Safety management is part of our everyday life and is demonstrated through our engagement and participation of our workers and flat management structure with our safe systems of work.

Continuous improvement practice is at the heart of our HSMS and everyone is part of the 'identify, monitor and review' process which is facilitated through several means such as;

- Site induction for employees and contractors for project/contract work
- Job Safety Analysis and Site-Specific Safety Plans
- Daily Prestart meetings with workers and site foreman
- Online inductions for contract principals
- Health and Safety commitment with various stakeholder representation
- Reporting of hazards as they arise with incident forms, notifications, equipment unsafe tags, take Managers and Foreman hold specific safety duties to ensure their own teams are being engaged and participating in health and safety
- Managing and/or monitoring contractors and their risks
- H&S Committee meetings that are held monthly represented by Management and Staff
- All Management Review meetings have a H&S component in the agenda

On-site hazards and risks are managed daily by a team of committed people.

1.13 Detail the level of auditing undertaken on the HSMS, including compliance audits and audit frequency

At the time of the incident Topcoat held tertiary audit status in the ACC WSMP (Workplace Safety Management Programme). This programme was audited 01/09/2016 and the audit certificate remains valid until 31/08/2018. Annual self-assessments and in May this year we undertook an ISO 45001:2018 internal GAP analysis. This is also a procedure in place for internal auditing.

1.14 Detail the consultation undertaken or proposed to be undertaken, in relation to this undertaking

There was wide consultation undertaken within the various stakeholder groups (workers, management, contractors, suppliers and officers) during the post incident review and rectifications that were undertaken in Section 1.5. In addition, there was;

- Recruitment of a full-time compliance manager
- Training needs analysis
- Review of how we manage hazards and risks including;
 - Emergency Management
 - Supervision
- Improvements to near miss and incident reporting
- Review of management goals and objectives
- HSNO review
- Increase of internal audits and inspections
- Plant and equipment management

2: GENERAL TERMS

The person acknowledges and commits to the general terms set forth in the sub-terms below.

2.1 Acknowledgement that the regulator alleges a contravention occurred as detailed in term 1.2

Topcoat acknowledges that WorkSafe alleges a contravention occurred.

2.2 Statement of regret that the contravention occurred

Topcoat deeply regrets the harm to the victims because of the incident and acknowledge the affect this incident has had on the victims. Whilst the incident had the potential for a more serious event we are thankful that the victims only suffered minor to moderate injuries.

We are committed to our obligations under the Health & Safety at Work Act 2015.

We acknowledge that compliance is not sufficient to justify WorkSafe accepting this undertaking in lieu of proceeding with the prosecution of the charge that has been laid against both companies.

2.3 Statement of the reasons why, on balance, the person considers this undertaking is the most appropriate response to the contravention

Topcoat understands that the stated purpose of an enforceable undertaking in WorkSafe's policy is to benefit the workers or the workplace, the wider industry or sector and/or the community while also considering the nature of the misconduct, submissions from any interested party (including any victims), history of compliance and current commitment to remedy the misconduct.

By reference to those purposes / criteria, in summary Topcoat:

1. Topcoat Specialist Coatings is a small to medium company that provides employment to 39 people in Auckland and 16 people in Christchurch of which some of the employment in Auckland is from direct involvement with South Auckland development initiatives.
2. No previous convictions or enforcement notices.
3. Have cooperated fully with WorkSafe in its investigation of this incident. That included its detailed responses to enquiries as to the due diligence on the part of its officers. No charge has been laid alleging breach of duty of any officer.
4. No enforcement action because of the incident
5. Have undertaken rectifications to the value of \$49,125 to date.
6. Amends and support to victims to the value of \$15,535 to date.
7. Will benefit workers and workplace to the value of \$54,372 by:
 - Undertaking safety-based literacy and numeracy training for 6 workers for a period of 2 hours per week for 20 weeks and assessment against NZQA Unit Standard 497 for demonstration of knowledge of workplace health and safety requirements.
 - Undertake an assessment and audit of the Health and Safety Management System by the independent auditor Telarc against the international standard ISO 45001.
8. Will benefit industry to the value of \$75,000 by Topcoat funding CHASNZ and Telarc to simplify and standardise the health and safety prequalification criteria/business rules, in New Zealand, for civil and construction tenders. The output of this engagement will be a "Good Practice Framework" for external and internal organisations to adopt and provide a consistent approach to this issue, which will support greater certainty and lower compliance burden and costs too small to medium businesses being contracted in these industries.
9. Will benefit and support the local South Auckland community to the value of \$30,000 by part funding the New Zealand Howard League for Penal Reform to provide a South Auckland Unlicensed Drivers Programme through the Southern Initiative Job Placement Service (Auckland Council based programme) for the first year.

This joint proposal above is not of a kind that can be achieved by prosecution and achieves tangible benefit to workers which could not be addressed elsewhere and at zero cost to other industry workers.

It is submitted that the steps Topcoat proposes are proportionate in this case.

2.4 Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur

Topcoat confirms that the behaviour, activities and other factors which caused or led to the contravention have ceased and should not reoccur.

2.5 Acknowledgment of the policy published by the regulator for the acceptance of an undertaking

Topcoat has read and understood the enforcement Undertaking Operational Policy July 2017.

2.6 Acknowledgement that this undertaking will be published and publicised in full

Topcoat acknowledges that the undertaking will, if accepted, be published on WorkSafe's website in full and may be referenced in WorkSafe material.

2.7 Statement of the person's ability to comply with the terms of this undertaking and meet the projected costs of the activities

Topcoat has the financial ability to comply with the terms of this undertaking and have provided evidence by way of financial accounts from Walker Wayland Auckland Limited, Chartered Accountants for the period ending 31/03/2017 with this undertaking to support this declaration.

2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

None save the worker as employee.

2.9 Statement regarding Intellectual Property

Topcoat grants WorkSafe a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed because of this undertaking.

This licence includes the right to use, copy, modify and distribute the materials.

2.10 Acknowledgement that the person may be required to provide a statutory declaration

Topcoat acknowledges that it may be required to provide a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by WorkSafe.

2.11 Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by the regulator, that this undertaking has been completely discharged.
4. 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 enforcement action.
5. It is acknowledged that WorkSafe may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to WorkSafe.
6. It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.
7. It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to WorkSafe, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

3.0 ENFORCEABLE TERMS

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking

Topcoat is committed to the performance of the activities as detailed above in this application and specifically commits to perform the activities details in section 3.3 below, which will ensure the ongoing effective management of risks to health and safety in the future conduct of the business and this enforceable undertaking.

3.2 A commitment by the person to disseminate information about this undertaking to workers, and other relevant parties

In the event the enforceable undertaking (EU) is accepted, it will be disseminated to workers by;

- Minuted discussion on the EU progress and outcomes will be discussed at Health and Safety Committee meetings
- Minuted discussion on the EU progress and outcomes at regular management meetings
- Updates to general staff on the EU progress and outcomes at the regular staff meetings

Dissemination will occur within 3 months of acceptance of this EU.

3.3 Activities to be undertaken to promote the objectives of the safety legislation that will deliver benefits for workers and/or work and/or the workplace

<i>Activity</i>	<i>Cost \$(Incl GST)</i>	<i>Timeframe</i>
<i>Undertake an initial audit assessment (Stage 1) of ISO 45001 (International Health and Safety System Management Standards) by the independent auditing organisation Telarc.</i>	\$2,139	Within 6 months of EU Acceptance
<i>Undertake the full audit (Stage 2) of ISO 45001 (International Health and Safety System Management Standards) by the independent auditing organisation Telarc at the Auckland and Christchurch sites.</i>	\$8,970	Within 18 months of Stage 1 assessment.
<i>Year 1,2 and 3 review assessments of ISO 45001 by Telarc at the Auckland and Christchurch sites.</i>	\$22,563	Within 42 months of Stage 2 completion.
<i>Health and Safety Literacy and Numeracy Worker Training of 6 workers including;</i> <ul style="list-style-type: none"> • <i>Initial assessments for reading, writing and numeracy using the TEC Assessment Tool, and group interviews to determine speaking and listening skills.</i> • <i>Initial, midway and final reports would be provided giving specific information on individuals and their skill levels and the curriculum to be covered.</i> • <i>40 hours of training (2-hour sessions once a week for 20 weeks)</i> • <i>At the end of the programme, an additional 4 hours (2 x 2-hour sessions) would be provided for no extra charge to allow for absences during the programme.</i> 	\$20,700	Within 18 months of EU Acceptance.

- *Assessment unit standard 497 (demonstrate knowledge of workplace health and safety requirements)*

<i>Total estimated cost of benefits for workers and/or work and/or workplace</i>	<i>\$54,372</i>
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3.4 Activities to be undertaken to promote the objectives of the safety legislation that will deliver benefits for the wider industry or sector

Activity	Cost \$(Incl GST)	Timeframe
<p><i>Many contract principals are relying on Contractor Pre-qualification (PreQual) as a risk mitigation treatment when relying on contracting relationships yet there is no common good practice framework or consistency in the evaluation of contractor pre-qualification questionnaires.</i></p> <p><i>CHASNZ (Construction Health and Safety NZ) is a charitable trust developed to provide leadership of health and safety in the construction industry. Board representation includes:</i></p> <ul style="list-style-type: none"> • <i>Civil and Infrastructure Contractors – Steve Killeen (CEO, Downer NZ)</i> • <i>Commercial Building Contractors – Rick Herd (CEO, Naylor Love)</i> • <i>Residential Building Contractors – Nigel Smith (Managing Director, Milestone Homes)</i> • <i>Small and Medium sized Contractors – Graham Burke (Chair, Specialist Trade Contractors Federation)</i> • <i>Government – Nicole Rosie (CEO, WorkSafe New Zealand)</i> • <i>Unions – Richard Wagstaff (President, NZCTU)</i> • <i>Public Sector Client – Shane Ellison (CEO, Auckland Transport)</i> • <i>Private Sector Client – Susan Huria (Director, Ngāi Tahu Property)</i> • <i>Consultants – Darryl-Lee Wendelborn (MD, Beca NZ)</i> • <i>Independent – Francois Barton (Executive Director, Business Leaders' H&S Forum)</i> <p><i>CHASNZ are undertaking a project for the standardising of health and safety pre-qualification schemes for the construction industry. Their objective is to simplify and standardise the prequalification criteria/business rules,</i></p>		

in New Zealand, for civil and construction tenders. The project includes:

- *Create a New Zealand Construction industry core criteria using the H&S elements of the UK PAS91 as a model.*
- *Develop a Health and Safety pre-qualification assessment process and assessor competency framework.*
- *Establish an umbrella organisation including terms of reference, operating protocols, and member rules.*

PAS91 is a UK Publically Accessible Standard that was developed in 2017 for Contractor Pre-Qualification in the Construction Sector.

Topcoat will provide funding of \$50,000 to CHASNZ to support the project and the New Zealand localisation of PAS91. An output of this will be a standardised Contractor Pre-Qualification Questionnaire which will be publically available to industry.

\$50,000

Within 18 months of EU Acceptance

Topcoat believes that this project will become the "Good Practice Framework" for external and internal organisations to adopt and provide a consistent approach to the issue of contractor pre-qualification, which will support greater certainty and lower costs and compliance burden for small to medium enterprises (SME) being contracted in these industries. An example of this would be a SME gains contractor pre-qualification status across industry by;

- *Subscribing to a single approved contractor pre-qualification programme provider (member scheme) or;*
- *Gaining certification in an approved health and safety management standard or scheme.*

Telarc Limited will be performing the audit process of the member scheme to ensure independent assurance and verification of the approved contractor pre-qualification programme providers.

In regard to SMEs gaining certification in an approved health and safety management standard or scheme Topcoat will provide funding of \$25,000 to Telarc for the adoption and alignment of the Good Practice Framework within Telarc's Q-Safe and M-Safe audit schemes.

\$25,000

Within 18 months of EU Acceptance

Q-Safe and M-Safe (Manufacturing Centric) is a HSMS audit scheme developed specifically for the small to medium business sector by Telarc. This scheme includes critical elements of ISO 45001 (AS/NZS 45001 when adopted) and key HSWA duties and obligations.

CHASNZ will recognise Q-Safe/M-Safe as the evidence required for the common core pre-qualification criteria of the project.

A contractor pre-qualification gap analysis/assessment guide will be created and made publically available for Contract Principals and SME's to evaluate Q-Safe/M-Safe as a good practice scheme/standard for adoption.

Telarc Limited is a Crown Entity Subsidiary and is 100% NZ owned by the Accreditation Council. Telarc are recognised as a Certification /Registration Body by JAS-ANZ (Joint Accreditation System - Australia and New Zealand).

Total estimated cost of benefits for wider industry or sector

\$75,000

3.5 Activities to be undertaken to promote the objectives of the safety legislation that will deliver benefits for community

<i>Activity</i>	<i>Cost \$(Incl GST)</i>	<i>Timeframe</i>
<p><i>Topcoat have been supporting and using a job placement service from ARA Auckland Airport Jobs and Skills Hub (www.araskills.org.nz) which connects South Auckland communities with businesses working at and around Auckland Airport to fill the thousands of jobs needed to build and run 'the airport of the future' over the next 30 years.</i></p> <p><i>One of the bigger issues we found for finding placements were candidates with a Drivers Licence (Restricted or Full) and for many of these people the cost is an issue.</i></p> <p><i>Topcoat proposes to part fund the New Zealand Howard League for Penal Reform to provide a South Auckland Unlicensed Drivers Programme through the Southern Initiative (Auckland Council based programme) for the first year.</i></p>	<p>\$30,000</p>	<p>Within 12 months of EU Acceptance</p>
<p><i>Total estimated cost of benefits for community</i></p>	<p>\$30,000</p>	

3.6 Agreement to pay WorkSafe's recoverable costs

Topcoat agrees to pay WorkSafe's costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receipt of the WorkSafe invoice:

COSTS	MINIMUM SPEND
TOTAL RECOVERABLE COSTS	\$11,845 (Including GST if any)

3.7 Acknowledgement regarding any promotion of the person in relation to this undertaking

Topcoat agrees that it will not undertake any activities that may promote or benefit the person without explicitly linking that activity / benefit to this undertaking.

3.8 Where WorkSafe considers appropriate in the circumstances, developing a commitment to (establish and maintain OR maintain) an HSMS

3.8.1 Topcoat acknowledges there is a formal documented HSMS acceptable to WorkSafe that satisfies the principles of AS/NZS 4804:2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques

3.8.2 Topcoat acknowledges that the HSMS will be maintained in accordance with AS/NZS 4804:2001 Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques.

3.9 If a HSMS is required, a commitment to ensure that the HSMS is audited by third party auditors

See Section 3.3 for commitment to undertake an audit to ISO 45001 or equivalent by independent auditors Tefarc.

3.12 Minimum spend

3.12.1 Topcoat combined commits to a minimum spend of \$187,752 (excluding rectifications of \$49,125) for this undertaking

3.12.2 Topcoat agrees to spend any residual amount arising from an original term not being completed or being less costly than estimated in this undertaking. Agreement on how to spend this residual will be sought from WorkSafe.

3.12.3 Topcoat acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND (INCL GST IF ANY)
FINANCIAL AMENDS PAID TO VICTIMS	\$16,535
BENEFITS TO WORKERS/WORKPLACE	\$54,372
BENEFITS TO INDUSTRY	\$75,000
BENEFITS TO COMMUNITY	\$30,000
WORKSAFE'S RECOVERABLE COSTS	\$11,845
ESTIMATED COST OF THE UNDERTAKING	\$187,752

4.0 Execution

Undertaking given by Mark Ambridge in my own right and in my capacity as General Manager of Topcoat Specialist Coatings Limited.

On the 4th of October, 2018.

Signature of the person giving the undertaking:

[Redacted signature]

Undertaking given before me:

Witness name:

[Redacted witness name and address]

Witness address:

Witness signature:

[Redacted witness signature]

5: Acceptance

This undertaking is accepted by WorkSafe.

On the 08 of 10, 2018.

Signature of the person accepting the undertaking:

[Redacted signature]

Name of WorkSafe representative:

Simon Humphries

witness: Cordell Wei,

Address: 86 Customhouse Quay

[Redacted contact information]