

# Application for an enforceable undertaking

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June 2019

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of entity or, partnership or individual applying for this undertaking

Inframax Construction Limited

# Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe New Zealand by

Name of the person or persons who will be signing this undertaking in section 4:

Chris Hayward

On behalf of:

Inframax Construction Limited

Name of the entity giving this undertaking (if an individual or sole trader, leave blank – complete in all other cases)

Inframax Construction Limited

This enforceable undertaking is given on the day and date that it is accepted and signed by WorkSafe. 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.

Do not refer to the victim by name in this document. Please refer to the victim/worker/employee/volunteer/other term as appropriate.

WorkSafe respects your privacy and is committed to protecting personal information. The information provided in this document is for the purpose of 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.

TERM	DEFINITION
Contravention	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	A Health and Safety Management System.
Person	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> 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	<i>Health and Safety at Work Act 2015</i> and associated regulations.
Enforceable undertaking	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).

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# 1. General information

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

Name of person(s) making this undertaking: (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

Chris Hayward

Name of entity: (if applicable, leave blank if an individual)

Inframax Construction Limited

Type of legal entity: (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

Registered company

Nominated contact person: (the same person listed above/one of those listed above)

Chris Hayward

Physical address:

Cnr Waitete Road and Ahora Ford West  
Te Kuiti 3910

Postal address: (if different from physical address)

PO Box 242  
Te Kuiti 3910

Work phone: 07 878 8725

Mobile phone:

Email:

Industry: **Roading and infrastructure**

Workers (enter numbers):

Full-time: 150      Part time:      Casual:

Description of the products and services provided by the business or undertaking:

Inframax has road construction and road maintenance crews based in Te Kuiti, Otorohanga, Taupo, and Stratford. These crews perform all scales of civil construction works, including:

- Local authority area wide pavement treatment / pavement rehabilitations
- Local authority minor / safety improvement projects
- Driveway construction
- Forestry road construction
- Hard stand construction
- Farm track construction and upgrade

Inframax supplies and delivers aggregate throughout the central North Island.

Currently, Inframax crews maintain 3,565 km of local authority roads and state highways in the central North Island.

Inframax also carries out earthwork projects and manages several quarries across the central North Island in the Otorohanga, Waitomo and Ruapehu Districts, supplying aggregate for road construction, road maintenance, farm earthworks, forestry roading, bridge / underpass construction and industrial hardstand projects.

Comments:

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## 1.2 Detail of the contravention

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WorkSafe New Zealand (WorkSafe) alleges that Inframax, being a PCBU having a duty to ensure, so far as is reasonably practicable, the health and safety of workers who work for the PCBU, including the victim, while the workers were at work in the business or undertaking, namely lowering the ramps on a low load trailer, registration number B367G, did fail to comply with that duty and that failure exposed workers to a risk of death or serious injury arising from the uncontrolled descent of the right hand side ramp of the trailer.

WorkSafe alleges that there were four reasonably practicable steps that Inframax failed to take to ensure the health and safety of its workers:

1. Installed an engineering control, for example a ratchet, on the trailer.
2. Developed, documented, implemented and monitored a standard operating procedure for the lowering of the ramps that included an exclusion zone.
3. Placed warning signs on the ramps to warn workers to remain clear.
4. Ensured the hydraulic rams on the trailer were charged with hydraulic oil.

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### 1.3 Detail the events surrounding the contravention

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In the week preceding the incident, a transport operator employed by Inframax noted a leak in the right hand side hydraulic ram of the low loader trailer. He was instructed by Inframax's

workshop manager to take the trailer to a local engineering workshop that was a preferred provider of engineering repair services to Inframax. The transport operator delivered the trailer to the workshop, where he spoke to an engineer, and agreed that the hydraulic ram seal should be replaced.

The workshop removed the hydraulic ram, carried out the seal replacement and refitted the hydraulic ram to the trailer. The Workshop did not re-pressurise the hydraulic ram with oil (known in the industry as charging the ram). An invoice dated 8 October 2019, was issued to Inframax for the repair work. The workshop then phoned the workshop manager at Inframax to collect the trailer. A transport operator from Inframax then picked up the trailer and drove it back to the Inframax yard, where the truck and trailer were parked.

On Monday 14 October, the victim returned to work following a week of leave. He was preparing to use the truck and trailer, when he observed that the trailer was due for a new Certificate of Fitness (COF). He moved the trailer into the wash-bay adjacent to the Inframax workshop, to pressure wash it, prior to taking it to the local VTNZ station.

At approximately 11.40 am, the victim was fatally injured as a consequence of being hit by the right-hand ramp of the trailer as it fell uncontrollably from the vertical position. It appears that he removed the safety chains securing the ramp in the upright position, in preparation for lowering it. The right-hand ramp fell on him while he was behind the trailer.

#### 1.4 Detail any enforcement notices issued that relate to the contravention as detailed in term 1.2

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
11 / 08 / 2010	Prosecution		Failure to ensure safety	Fine - \$43,000
DD / MM / YEAR				Reparation - \$17,500
DD / MM / YEAR				

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

Inframax has taken the following steps following the incident:

1. Briefings to its staff on 20 October 2019 following the incident, and at its 2020 New Year start-up meetings, to pass on the results of its incident investigation. The October 2019 meeting was attended by six members of the victim's family, and two family members spoke.
2. Placed a commemorative decal to the victim on the doors of a new truck that would have been allocated to him.
3. Added a ratchet locking device to the safety chains on its low-loader trailers.
4. Placed warning notices on the rear of the ramps of low-loader trailers, stating the required exclusion zones that need to be maintained when moving behind an elevated ramp.
5. Issued an early Safety Alert to its staff, describing the steps to be taken when using the hydraulic ramp system on low-loader trailers.
6. Prepared new Safe Operating Procedures for use of low-loader trailers, including raising and lowering of the ramps, (ICL-HLS-SOP-002 Working Near Suspended Loads, ICL-HLS- SOP-006 Lowering and Raising Of Transport Trailer Ramps, and ICL-HLS-SOP-007 Loading and Unloading Transport Trailer).
7. Added to its equipment hand-back process to include a document that requires its suppliers of engineering maintenance and repair services to verify that requested work has been completed. The documented hand-back procedure requires the status of all repairs, maintenance and service work to be documented, and to confirm that engineering equipment that is being handed back is, in a fit and safe condition for work.
8. Provided details of the incident and Inframax's response to the Road Transport Association, and the Heavy Haulage Association, the national trade association for companies associated with transporting heavy equipment.
9. Engaged an external consultant to review its health and safety management system, and to assist in the development of a new system that aims to improve accessibility and effectiveness, and places higher priority on reviewing and consistent application of critical risk controls.
10. Introduced a new incident recording and risk management software system (SHEAssure), with a mobile application, enabling more uptake of the system and its use on-site.
11. Further development of a competency assessment process for drivers, which includes an external assessor that reviews each driver and plant operator. Nearly all drivers and operators have been assessed in the last year. This process will be used for new drivers / operators, and to review existing drivers / operators, every three years.

#### 1.6 Total amount of money spent on rectifications

##### Rectification Cost

Insertion of ratchet load tensioning system to seven low loader trailers operated by Inframax. \$5,058

Preparation and publishing of Safe Operating Procedures \$12,689

Competency assessment of all plant operators \$34,618

Engagement of independent consultant to provide advice and direction for review of health and safety management system \$62,437

Introduction of a new software system, SHEAssure \$87,774

Total \$201,943

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**1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the *potential* for fatal injury or future fatal illness**

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The victim suffered crush injuries that were fatal.

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**1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.12.3)**

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Describe the victim(s) relationship to you/the entity in question: (eg employee(s)/shareholder/director/family member/contractor, etc. If the relationship has more than one dimension, for example a family member who is also an employee and a director and/or shareholder of the business, or an employee who is a shareholder (etc) - then please describe this)

The victim's employment contract described him as a "machine operator and general labourer". His duties included the driving of any earthmoving machine or appliance as well as to operate vehicles for transport. His contract was signed on 31 March 2005, and his duties in 2019 were consistent with his original role.

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Detail offer of amends or payments:

Provision of wages being the difference in ACC income compensation and the income that would have been earned by the victim [REDACTED]

Funeral costs - [REDACTED]

Establishment of trust fund [REDACTED]

Workplace Lump Sum policy payment made on 20 November 2019 (subsequent to premiums paid by Inframax) [REDACTED]

Total Sum of Inframax Assistance [REDACTED]

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**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**

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In December 2020, Inframax contacted the family again to inform them of its response to the charging documents received from WorkSafe, and, in particular, its intention to seek an Enforceable Undertaking. It explained the reasons for pursuing an Enforceable Undertaking, including its views about the worker, community and industry benefits that would result from the commitments it was preparing to make.

The family responded positively to the concept of an Enforceable Undertaking and stated that it believed this was a preferable option, rather than prosecution.

Inframax met with the victim's family on 4 May 2021 to confirm its continued support for the Enforceable Undertaking. The victim's family confirmed its support and provided useful comments on the proposed undertakings which has prompted revisions to this application. The family wish to continue consultation during the implementation of the Enforceable Undertaking.

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**1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution**

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Inframax is a member of the Road Transport Association. It has consulted with the Association who have provided Inframax with contacts in the Heavy Haulage Association, the NZ Truck-Trailer Manufacturer's Federation, and key trailer manufacturers and repairers such as Modern Transport Engineers and TRT. Inframax has advocated the widespread adoption of ratchet load tensioning systems for the ramps on low loader trailers to these organisations. Its advocacy of these systems has not yet been accepted by the Heavy Haulage Association. This reveals that there is a need for further advocacy for appropriate risk controls for the wide range of low loader transport trailers currently being used in New Zealand. Inframax has consulted with Waka Kotahi and sought assistance with communicating guidelines for the risk controls that are available and should be adopted for low loader transport trailers. Waka Kotahi has stated that it "... would be happy to work to include an ability to point transport operators to the guidance ... or distribute the guidance in a way where there is one source of truth to ensure the information remains relevant and up to date", (see Attachment 1).

Inframax is a member of the Business Leaders Health and Safety Forum (BLHSF). It consulted with the Forum to participate in its communications programme in which Inframax will describe the incident and its subsequent pathway to improved risk controls.

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

DATE	DESCRIPTION OF SUPPORT	COMMENTS
DD / MM / YEAR	See overpage.	
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
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DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		

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### **1.11 Detail the Support Provided to or Proposed by the Person to the Victim's Family**

Inframax has formally apologised to the wife and family of the victim and expressed the company's sincere regret that the incident occurred.

Inframax has been committed to ensuring that the victim's immediate family have been supported from the time of the incident; in particular that there has been no financial stress as a result of the incident. Details of the financial support provided are set out in Section 1.8.

The support that has been provided to date has also included:

- Regular visits by senior managers. Frequency was approximately once per week during the remainder of 2019, and since then, approximately once per month.
- Regular family contact and telephone calls by the CEO and Chairman of the Board.
- Assistance with house and garden maintenance for both the victim's wife and his mother. This included transporting a digger and supplying materials for construction of a swimming pool.

Inframax has been in consistent contact with the victim's family to provide them with information about the incident, its investigation, its follow-up actions, and the enforcement actions being taken by WorkSafe. During these discussions, Inframax has emphasized that:

- The incident occurred as a result of systemic failures and was not attributable to actions taken by the victim.
- There were several systemic failures identified in Inframax's investigation, and Inframax assumes responsibility for these systemic failures.
- Inframax has implemented actions to address each of these.
- Inframax has communicated these improvement actions to relevant industry groups so that the lessons learnt from this tragic incident can be used to reduce the potential of a similar incident.

Inframax's response to enforcement action by WorkSafe is based on accepting responsibility for the systemic failures under its control and pursuing options that maximize the opportunity for the lessons learnt to be applied to other organisations.

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## 1.12 Detail any current HSMS implemented and maintained by the person

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Describe how health and safety risks are managed, including types of procedures or policies or standards:

Inframax has a health and safety management system that is integrated and aligned with its core business processes. This has been purposefully developed so that health and safety management is part of business planning, contract tenders and construction and operational management.

Key elements of the system include:

- High level of engagement and focus by directors and senior managers in developing an annual health and safety plan, reporting and assessing performance against that plan.
- A reformatted company-wide health and safety committee which includes managers and health and safety representatives, which addresses new issues and provides a vehicle for discussion between managers and workers.
- A health and safety manual. This has been developed as a “one-stop” source of

information about management processes such as hazard and risk assessment, worker engagement, training, monitoring, auditing and incident and emergency response.

- Critical risk control standards, which ensure that the consistent minimum controls for critical risks are adopted across all the company’s operations.
  - Safe Operating Procedures (SOPs) have been developed from the critical risk standards, to ensure that critical risk controls are incorporated into methods of work.
  - Company-wide safety rules which set out some simple, fundamental rules that are applicable to all construction and operations, (ICL-HLS-GDL-002 Inframax Lifesavers (Mandatory Safety Rules)).
  - Observations and inspections of operations and equipment by all levels of managers to ensure that there is regular engagement with workers and that plant and equipment are adequately maintained and in safe operational condition.
  - An electronic risk assessment and incident management system with a mobile application (SHEAssure) is being progressively implemented. This will enable managers and supervisors to complete pre-start risk assessments and to record observations, inspections and incidents. It will generate data that can be analysed and reported, including in monthly reports to the Board.
- The system has been independently certified against the requirements of the international standard for health and safety management systems, that is ISO 45001.

System documents are currently available as part of Inframax’s Integrated Management System and are available on a common drive. The system is currently being transferred to a sharepoint site to improve access and availability.

The HSMS is further supported by the SHEAssure information management system. This has been developed to simplify risk and incident management. Most importantly, it contains a mobile application enabling managers, supervisors and workers to access inspection checklists and other resources, and to input incidents and hazards, while at project and operational sites.

The recent HSMS improvement programme has improved the accessibility and effectiveness of the system, benefiting all workers. Some elements of this programme had commenced before the incident. The incident created increased impetus and urgency for this programme. Hence an independent, external consultant was engaged to review Inframax’s systems and programme to ensure its effectiveness and to provide ongoing facilitation and direction.

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

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Inframax's integrated management system is audited annually by Telarc. This covers the 9001 quality management system (ISO 9001) and the health and safety management system (ISO 45001).

In November 2019, Inframax engaged an independent external consultant to review its health

and safety system. This review concluded that Inframax possessed documented risk controls that covered all its hazards and risks. However, many documented risk controls were difficult to access, exacerbated by unnecessary duplication within the system. These issues are being addressed through:

- Progressive implementation of a new electronic system for risk assessment, monitoring and incident management (SHEAssure).
- Review of the health and safety manual and the critical risk standards.
- Transfer of the system to a sharepoint.

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

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As discussed in section 1.9 and 1.10 above, Inframax has consulted with the victims' family with regard to the incident and its causes, and its intent to seek an Enforceable Undertaking.

Inframax is consulting with the following organisations with whom it wishes to partner with while it performs the undertakings set out in this application:

- Modern Transport Engineers (MTE) NZ Ltd to develop further engineering controls for its low-loader trailers. MTE's work will be lead by Harry Clarke, a Heavy Vehicle Specialist Certifier (<https://www.nzta.govt.nz/assets/resources/heavy-vehicle-specialist-certifiers/heavy-vehicle-specialist-certifiers-list.pdf>).
- Road Transport Association, The Heavy Haulage Association, the NZ Truck-Trailer Manufacturer's Federation, and Civil Construction NZ, to participate in a programme to communicate the facts and circumstances of this incident, how Inframax has investigated and implemented further risk controls to ensure safer operation of the ramps on low-loader trailers and to provide guidelines to industry on appropriate risk controls for low loader trailers.
- Neil Rogers of Neil Rogers & Associates to review the risk controls that are being adopted by Inframax, and to contribute to the development of industry guidelines. Neil Rogers is also a Heavy Vehicle Specialist Certifier. He specializes in heavy duty mechanical design for heavy vehicles and has provided expert advice to WorkSafe.
- Waka Kotahi to assist in the communications programme for industry guidelines.
- Life Care Consultants to identify enhancements to its workplace health programmes.
- The Business Leaders Health and Safety Forum to develop a case study project in which Inframax will describe the systemic reasons for this incident, and its pathway to enhanced engineering risk controls and its processes for addressing its responsibilities under section 34(1) of the Health and Safety at Work Act 2015 to consult, co-operate and co-ordinate activities with regard to the service, maintenance and repair of safety critical components on mobile equipment.
- SiteSafe to develop a training programme that enables Supervisors to achieve the New Zealand Certificate in Workplace Health and Safety Practice (Level 3).
- Local high schools to identify candidates for cadetships with Inframax. Inframax will take on two school-leavers from the local Piopio, Te Kuiti, and Otorohanga area that are 16 or over with a drivers license and interested in the transport industry. Inframax will train them through to being a fully qualified Class 5 driver as well as health and safety representative training.

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## **2. General terms**

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

### **2.1 Acknowledgement that WorkSafe alleges a contravention occurred as detailed in term 1.2**

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Inframax acknowledges that WorkSafe alleges that Inframax has contravened sections 36(1)(a), 48(1) and 48(2) of the Health and Safety at Work Act 2015 in relation to the incident detailed in section 1 above. Inframax has taken this incident and WorkSafe's allegations very seriously. This is reflected in the remedial steps identified in this Enforceable Undertaking.

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### **2.2 Statement of regret that the contravention occurred**

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Inframax continues to extend its remorse to the family and whanau of the victim. Inframax sincerely regrets that the incident on 14 October 2019 occurred, and that the family of the victim have suffered significant emotional harm as a consequence.

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

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Inframax fully recognizes that no payment or reparation or other offer of amends will restore the loss experienced by the family and whanau of the victim. However, Inframax believes that the commitments and actions that will be taken under the terms of this Enforceable Undertaking are a more constructive response to the incident than a court-imposed financial penalty. Inframax believes that significantly more benefit will be obtained by directing effort and resources to proactive activities that will benefit its managers, supervisors and workers, other workers, particularly in the transport sector, and the local community in which Inframax operates.

Inframax has accepted responsibility for the incident and expressed this to the victim's family. It is genuinely remorseful and is willing to make significant commitments of both time and money, to improve health and safety within its own operations and within the transport sector.

For these reasons, Inframax believes that an Enforceable Undertaking is an appropriate response to this incident. The initiatives that have been proposed will have positive benefits in the following areas:

- The family of the victim will have financial security from the support that has been provided by Inframax. In addition, the family have assurance that Inframax will always be responsive to any of their needs.
- While Inframax has already introduced interim improvements into its own business, these initiatives will facilitate more extensive research and consultation that will lead to further improvement in engineering and risk controls for low-loader trailers, as well as introducing and continuing a number of initiatives to improve its health and safety leadership, culture and management system, and the health and safety of its workers.
- The initiatives in this Enforceable Undertaking are intended to reduce the risk that a similar incident will occur in the future, in the transport and construction sector. The initiatives address both organizational factors and engineering controls that were contributing factors to the incident that resulted in the loss of life for the victim. Inframax will work with a heavy vehicle expert engineer, a transport industry communications consultant and with relevant national organisations to prepare industry guidelines and to ensure that identified improvements to risk controls can be communicated and promoted as widely as possible.
- The Enforceable Undertaking will enhance the opportunities for local young people to be supported in the development of workplace competencies as well as health and safety awareness. There will be opportunities for these young people to work in their local communities and utilize their capabilities in local organisations.

These initiatives are further to the specific improvements Inframax has already introduced that are aimed at preventing a similar incident. These include:

- A documented hand-back process when plant and equipment is returned from a provider of maintenance and repair services. This process ensures that Inframax is fully aware of the status of returned plant and equipment.
- Installation of ratchet load tensioning devices on the ramps of its low loader trailers. These reduce the potential for an uncontrolled descent of the ramps. The EU will support further development of engineering controls that will be introduced into Inframax and communicated to the transport industry.
- Development of a new Safe Operating Procedure (SOP) for the operation of low-loader trailers, and inclusion of this SOP in Inframax's folder of SOPs, to ensure its ready availability to all transport operators.
- Placement of signs on the rear of the ramps of low loader trailers, warning of the need to maintain an exclusion zone behind a trailer with an elevated ramp.
- Further communication of Inframax's Safety Rules, with particular emphasis on ensuring understanding and compliance with the rule for maintaining exclusion zones in the fall zones of elevated loads.

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## **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**

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Inframax carried out a comprehensive investigation of the incident. This investigation identified the failed risk controls and contributory factors that lead to these failed controls. These contributory factors included the absence of a safe operating procedure for low loader trailers and a robust hand-back procedure following external service and maintenance of engineering equipment. These failed risk controls and contributory factors have been addressed.

In addition, Inframax has carried out a fundamental review of its health and safety management system, following the incident, using independent expertise. In addition to the specific measures for the operation of low loader trailers, it has also made a number of company-wide improvements, including a new incident management system, the introduction of critical risk reviews, and improvements to the useability and accessibility of its documented processes. It prepares an annual health and safety plan which includes continual improvement projects. It reports on progress against this plan to each of its Board meetings.

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## 2.5 Acknowledgment of the policy published by WorkSafe for the acceptance of an undertaking

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(write the name of the person(s) or entity giving the undertaking)

Chris Hayward (CEO, Inframax Construction Ltd)

has read and understood the Enforcement Undertaking Operational Policy.

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

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(write the name of the person(s) or entity giving the undertaking)

Chris Hayward (CEO, Inframax Construction Ltd)

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

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

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(write the name of the person(s) or entity giving the undertaking)

Inframax Construction Limited

has the financial ability to comply with the terms of this undertaking and have provided evidence by way of

(type of evidence provided)

Inframax is registered under the Companies Act 1993 and is wholly owned by the Waitomo District Council. Inframax is a Council Controlled Trading Organisation as defined in Section 6 of the Local Government Act 2002. The Company is incorporated and domiciled in New Zealand with this undertaking to support this declaration.

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In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

Inframax Construction Limited

will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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## 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

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Inframax has current relationships with the following organizations:

- The Business Leaders Health and Safety Forum
- SiteSafe
- Executive Coaching Centre
- Vertical Horizontz
- Waka Kotahi
- Modern Transport Engineers
- EHSconsult, an independent, professionally qualified health and safety consultant
- Cosman Parkers, an independent, professionally qualified health and safety consultant
- Civil Construction New Zealand
- Road Transport Association
- Life Care Consultants.

Aside from the relationships listed above, Inframax is not aware of any other current relationships with the proposed beneficiaries outlined in this Enforceable Undertaking.

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## 2.9 Statement regarding Intellectual Property

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(write the name of the person(s) or entity giving the undertaking)

Inframax Construction Limited

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 as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

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

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(write the name of the person(s) or entity giving the undertaking)

Inframax Construction Limited

acknowledges that it may be necessary for WorkSafe to obtain 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

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## 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 WorkSafe, 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.

(write the name of the person(s) or entity giving the undertaking)

Inframax Construction Limited

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### 3. 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**

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Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

Inframax is committed to continuous improvement and the effective management of risks to the health and safety of its workers and those affected by its work activities.

The specific actions that Inframax intends to take to ensure that risks to its workers and others are identified and effectively managed during future operations include:

- Ensuring that its directors and senior managers remain committed to oversight of its health and safety management, through regular review of the health and safety plan and critical risk controls at meetings of both senior managers and the Board. A programme for the commitments contained in the Enforceable Undertaking will be provided to the Board, and progress against this Plan will be reported at each Board meeting.
- Ensuring regular engagement between managers and workers in both formal and informal processes.
- To ensure that it has an effective and accessible health and safety management system, with the inclusion of important processes (pre-start risk assessment, inspections and observations and incident management) able to be performed in a mobile application.
- Ongoing reviews of critical risk controls and integration and communication of these controls in Safe Operating Procedures and pre-start risk assessments.
- Providing ongoing training and competency assessment for its workers.
- Sharing learnings from incidents and other events across all managers and workers, to ensure there is an understanding of the critical risks within its construction and operational activities.
- Undertaking various assurance activities, including audits of sites against the requirements of Inframax's critical risk standards.

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

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(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

Inframax commits to share information about this Enforceable Undertaking with its workers and other relevant organizations.

Dissemination will be achieved by taking the following steps to share information about this Enforceable Undertaking:

- Prepare a PowerPoint presentation that will be presented at one of its regular company breakfasts. These breakfasts are regularly scheduled in each of the towns in which Inframax operations are based (Te Kuiti, Otorohanga, Stratford and Taupo). This will follow-up from previous breakfasts which have been used to keep workers informed of the incident and subsequent developments.
- Brief Health and Safety Representatives and Health and Safety Committee members on the content of the Enforceable Undertaking so that they can be a point of contact for any workers.
- Post a copy of the Enforceable Undertaking on the sharepoint so that it is accessible to workers. A summary of the commitments will be posted to all noticeboards.
- Providing details of the EU and working with Waka Kotahi, Civil Construction New Zealand, Business Leaders Health and Safety Forum, the Road Transport Association and Heavy Haulage Association, to ensure wider industry communication and learning of the incident

Dissemination will occur within 120 days of the date of this Enforceable Undertaking.

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Dissemination will occur by: DD / MM / YEAR

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### **3.3 Activities to be Undertaken to Promote the Objectives of the Health and Safety Legislation that will Deliver Benefits for Workers and/or Work and/or the Workplace**

Since the incident, Inframax has made further progress on a health and safety improvement programme that has addressed both specific risk controls and organizational factors relevant to the incident, as well as wider HSMS and engagement improvements.

Commitments to further activities will include ensuring further best practice engineering controls for its low-loader transport trailers, a comprehensive health and safety organizational development programme, with specific programmes directed at directors, managers, supervisors and workers, and further enhancements of its workplace health programme.

ACTIVITIES Outline the activity and the expected outcomes	COST (\$)	TIMEFRAME
1. Engineering and Other Controls for Low-Loader Trailer Hydraulic Equipment		
<p><u>Engineering Controls and other Risk Controls to Prevent the Uncontrolled Descent of Trailer Ramps</u></p> <p>Immediately following the incident, Inframax fitted ratchet load tensioning devices to the ramps of its seven low loader trailers. These prevent the uncontrolled descent of the ramps.</p> <p>Inframax has now engaged Modern Transport Engineers (MTE, <a href="https://www.modtrans.co.nz/">https://www.modtrans.co.nz/</a>) to assess each of its trailers and identify best practice engineering controls. MTE has provided a preliminary recommendation that all Inframax trailers be fitted with double acting hydraulic cylinders that remove the need to push the ramp to lower it, as well as ram modifications so that all ramps are inclined backwards. In combination with ratchet load tensioning devices, these controls will achieve best practice engineering risk controls for these trailers. Safety signage will be fitted to show the area of risk at the rear of trailers. The safe operating procedure (SOP) for these trailers will be reviewed again to ensure that it adequately addresses the additional engineering control.</p> <p>The ram modifications commenced in July 2021 and will be completed by December 2021.</p>	<u>\$91,000</u>	<u>By December 2021</u>
<p>The addition of drop protection valves to the hydraulic systems of its loaders and excavators that have not come equipped with these safety devices.</p> <p>The drop protection valve works commenced in June 2021 and will be completed by December 2021.</p>	<u>\$9,000</u>	<u>By December 2021</u>

## 2. Safety Leadership Development and Training

Inframax's package of training and upskilling is designed to address health and safety capabilities across all levels of the company, from directors to front-line workers. Some of the programmes build on existing initiatives and some of these are new. These have been targeted at levels beyond compliance with the HSWA and with a view to supporting and growing health and safety capability across the whole company. Another focus of the programme is to establish a platform and team environment that enables continued long-term development and progression of safety initiatives, proactive leadership and development through mentoring and coaching. This is aimed at generating a mindset that is innovative and progressive. This is an approach focused on going beyond training of health and safety compliance requirements.

The objectives for this programme are:

- To support the ongoing development of the health and safety culture within Inframax by providing knowledge of leadership requirements.
- To develop the knowledge of managers, supervisors and workers so that they understand the alignment between effective and efficient operations, and health and safety. These programmes go beyond compliance because participants will learn about this alignment. They will learn that optimised risk controls support efficient operations.
- To support the professional development of the health and safety function so that it can support the leaders of Inframax to lead this cultural change.

### Health and Safety Training for Directors

The Inframax Health and Safety Plan for 2021-2022 includes provision for increased activity by the directors. Specifically, directors are now scheduled to attend health and safety breakfasts and strategy meetings to ensure that governance decisions are properly being effected at an operational level.

Directors will also undertake the Institute of Directors course Advanced Health and Safety Governance (<https://www.iod.org.nz/governance-courses/advanced-health-and-safety-governance/#>).

\$2,760

By December 2021

## 2. Safety Leadership Development and Training (Cont'd)

### Health and Safety Leadership Development for Managers

\$75,000

March 2021 to  
June 2022

Inframax has identified the need for its senior managers to be aligned on their knowledge and commitment to health and safety. Inframax will engage the Executive Coaching Centre (<https://www.eccltd.co.nz/>) to facilitate a leadership development programme to its senior managers. It will engage EHSconsult (Hans Buwalda <https://www.linkedin.com/in/hansbuwalda/>) to provide expert health and safety content.

The programme will present leadership models and facilitate the senior team to apply these in the context of health and safety leadership. This programme will also include some modules on culture change, and the senior team will apply these within Inframax. Managers will then be required to develop action plans to apply their learning from workshops.

In addition to these facilitated workshops, the senior team will be provided with individual executive coaching, each month. The aim will be to challenge the managers to step up their leadership and to build their motivation to achieve an improved safety culture.

This programme has commenced. Inframax's CEO has prepared an action plan and its senior managers are currently being supported in the planning and preparation of their own action plans.

## 2.Safety Leadership Development and Training (cont'd)

<p><u>Health and Safety Training for Supervisors</u></p> <p>Inframax recognizes the contribution that its supervisors make to its health and safety culture and performance. It aims to further develop their understanding and commitment through supporting 12 supervisors and leading hands to complete SiteSafe's two day supervisor course, (<a href="https://www.sitesafe.org.nz/training/our-training-courses/supervisor/">https://www.sitesafe.org.nz/training/our-training-courses/supervisor/</a>). Completing this programme will enable participants to improve construction site safety through changed work practices, actions and attitudes. Each participant will receive six Level 4 NZQA credits.</p> <p>Inframax recognizes that a training workshop can only be the initial component of a learning process that results in participants bringing enhanced knowledge and skills to their work. Inframax will also commit to follow-up coaching for these supervisors, based on the same model as is being used for its managers. Each supervisor will receive regular, individualized coaching with an external facilitator, using the same process of requiring each to develop and implement action plans that enhance their health and safety leadership.</p>	<p><u>\$10,000</u></p>	<p><u>July 2021 to February 2023</u></p>
<p><u>Health and Safety Representative Training</u></p> <p>There are 13 trained health and safety representatives in Inframax. It recognizes the value of further training for both its existing representatives and for new representatives. Inframax will fund further training for representatives such that it has a minimum of 10 representatives trained up to Level 4.</p>	<p><u>\$10,000</u></p>	<p><u>July 2021 to February 2023</u></p>
<p><u>Increasing Health and Safety Expertise</u></p> <p>Inframax recognizes the importance of qualified health and safety advisors and the need to develop this capability within the local population. It will fund an advisor through the NEBOSH International General Certificate in OHS.</p>	<p><u>\$4,500</u></p>	<p><u>July 2021 to December 2022</u></p>

## 2.Safety Leadership Development and Training (cont'd)

<u>Worker Competencies</u> There will be further development of worker competencies through: <ul style="list-style-type: none"><li>• Mandatory field-based health and safety training to be delivered to all front-line workers during 2020-2023.</li><li>• External independent competency assessment for all drivers and plant operators, with coaching to enhance competencies along a graduated scale.</li></ul> <u>Delivery of this initiative is already underway and will be continued to 2023.</u>	<u>\$51,000</u>	<u>July 2020 to February 2023</u>
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## 3. Workplace Health Programme

<u>Passport to Wellness</u> This initiative is designed to identify and support those Inframax workers who are currently at risk of, or have the potential to develop, Cardiovascular Disease (CVD). Identification of risk is performed utilising the current health information of the workers contained within the cohort health monitoring programme with further stratification possible by identifying age, gender, and ethnicity of the worker. Workers with current CVD health issues will be prioritized as they pose the greatest risk, followed closely by those workers at risk of developing CVD. Upon completion of the CVD risk stratification, the worker is contacted to gauge their initial participation interest within the programme, and where appropriate, are offered the opportunity to join and set their own personal health goals over the next 12 months. Continuous coaching and support towards achieving these goals will be provided. The intended outcome of the passport initiative is to see an improvement of the workers CVD risk through support and education.	<u>\$30,000</u>	<u>July 2021 to February 2023</u>
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Workplace Health Programme (Cont'd)

Fatigue Education

\$29,500

July 2021 to  
February 2023

This programme is designed to provide education, training, and monitoring of the fatigue levels within Inframax with the intention to improve visibility of the issue allowing for additional resource to be assigned with the overall aim to reduce fatigue levels resulting in a safer workplace.

Fatigue education and training will provide managers, supervisors and workers with insight into the cause of fatigue, what impact elevated fatigue levels has on the safety of workers, what the fatigue levels indicate, and advice and options how to manage fatigue levels.

As part of the programme, Inframax have engaged the use of Fatigue Bands providing insight into a wearers' sleep duration and quality, which has a direct correlation on fatigue levels. The ability of the manager and Life Care representative to have daily insight (Monday to Friday), on a wearers' sleep pattern allows for early intervention of actual and potential fatigue issues.

Fatigue levels are also measured using the questionnaires; Epworth Sleepiness Scale (ESS), Obstructive Sleep Apnoea (OSA) risk scoring, Occupational Fatigue Exhaustion Recover (OFER) scale, providing an overall fatigue rating.

Inframax will adopt and implement best privacy and employment practices to ensure the quantitative and qualitative data set is treated with appropriate care and confidentiality and will be assisted by Russell Drake Consulting through this process.

The direct cost of this programme is \$19,000/ per annum to Inframax.

Total estimated cost of benefits for workers/others

\$312,760

### **3.4 Activities to be Undertaken to Promote the Objectives of the Health and Safety Legislation that will deliver Benefits for the Wider Industry or Sector**

Inframax will initiate a campaign to communicate its experience and solutions with regards to:

- Variable engineering and administrative risk controls used for low loader transport trailers in New Zealand with hydraulically operated ramps.
- Variable practices with regard to the duty to consult, co-operate and co-ordinate with other PCBUs with overlapping responsibilities with regard to the out-sourced maintenance and repair of plant and equipment.

The overall objective of the campaign is to encourage uptake of the risk controls adopted by Inframax for its low loader trailers by other users, particularly small transport operators.

Information and direction will be provided in an industry guidance document and videos. These will describe more robust processes for the hand back of mobile plant, following service, maintenance or repairs to safety-critical components. The industry guidance document, the video and other resources will be made available on a website and promoted through the communications campaign.

The outcome of the communications programme is to make it easy to understand information and resources available to transport and civil contracting operators on a menu of additional risk controls available to improve the safety of low loader transport trailers, and to use Inframax's experience to actively promote additional risk controls for all operators.

Specific objectives include:

- To provide industry guidelines for risk controls for low loader transporter trailers.
- To provide easily accessible resources on additional risk controls to trailer manufacturers, road transport operators, civil contractors and other low loader trailer users.
- To develop promotional material (magazine articles, online content, advertisements, videos, photographs, templates) in conjunction with industry partners to encourage sector-wide uptake of additional risk controls.
- To develop a web-site to specifically host these resources and to link this web-site to those of industry partners and other groups.
- To arrange for Inframax and selected partners to attend industry events, conferences and other relevant events, to promote additional risk controls.
- Ensure Inframax managers are provided with key messages to assist with promotion of the additional risk controls across the sector.

A dedicated campaign website will be developed to house the industry guidelines with their additional risk controls and the resources to enable their implementation. The website will be a 'one-stop-shop' that will provide operators with the necessary background information and downloadable resources to make the required changes to their business and trailers.

The Inframax website will include links through to the dedicated campaign website.

The dedicated website will act as a landing site from the various online and print advertising, promotional content and communication channels developed to promote the additional risk controls. This is an important part of the project. It will present the solutions with a high degree of credibility and accessibility to facilitate significant uptake.

This programme will be developed by Acorn PR (<https://www.acornpr.co.nz/>), which has specialist expertise and experience in the transport industry. AcornPR will also engage

suitable literacy and education design experts to review the language and presentation of the guidance document. AcornPR has experience working in the heavy transport sector and has a track record of engaging effectively with the industry. AcornPR is also on the All-of-Government Panel for marketing and public relations services which means it has been pre-approved by the Government’s procurement experts as providing quality and value for money services for its clients.

Inframax will be intimately involved, with use of its managers in the resource materials and present at events and conferences. In addition, Inframax will engage with the following industry and government organisations:

- Modern Transport Engineers, (MTE, <https://www.modtrans.co.nz/>). MTE has become the largest supplier of specialised transport trailers in Australasia. MTE produces transporters that can carry from 6 tonne up to 1000 tonne. In 2007 the MTE group purchased property in Brisbane Australia and began its Australian operation. In 2018 it purchased Roadmaster Trailer in Rotorua and Auckland. MTE will provide generic engineering drawings and will provide quality assurance for other recommended administrative controls.
- NZ Heavy Haulage Association
- NZ Truck-Trailer Manufacturer’s Federation.
- Road Transport Association
- Road Transport Forum
- Civil Contractors NZ

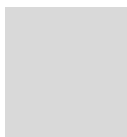
Business Leaders Health & Safety Forum Quality assurance for the industry guidelines and other materials included in this campaign will come from two sources:

- Neil Rogers and Associates. Neil Rogers is a heavy vehicle specialist certifier.
- Cosman Parkes (<http://cosmanparkes.co.nz/>). Cosman Parkes has over 50 years experience in workplace risk management. Its consultants are accredited health and safety professionals who provide quality assured services, with competencies verified by HASANZ and by SafePlus. Cosman Parkes will provide quality assurance of all communication materials that will developed as part of this communications campaign.

Inframax will provide a final draft copy of the industry guidelines to WorkSafe for its review. It will seek assistance from Waka Kotahi for the communication and distribution of the final industry guidelines.

<b>ACTIVITIES</b> Outline the activity and the expected outcomes	<b>COST</b> <b>(\$)</b>	<b>TIMEFRAME</b>
Project management by Acorn PR. Acorn has already completed an initial assessment and have provided a scope of works and costing to implement the activities set out below	\$15,000	<u>September 2021 to December 2022</u>

Technical Review and Quality Assurance by Neil Rogers and Cosman Parkes	\$15,000	<u>September 2021 to December 2022</u>
Travel costs for Inframax managers to attend industry events	\$10,000	<u>September 2021 to December 2022</u>
<p>An industry guidance document for low loader transport trailer operations will be developed. This guidance will be developed in consultation with industry experts (Harry Clarke of MTE ) and industry stakeholder groups (see Attachment 2). It will include a menu of engineering and administrative risk controls for trailer operations. It will include resources that enable users to readily implement the recommended risk controls. This guidance will be prepared in consultation with WorkSafe and Waka Kotahi.</p> <p>Quality assurance will be provided by industry and safety experts (Neil Rogers and Cosman Parkes). It will be reviewed by an appropriate literacy and education design expert.</p>	\$40,000	<u>By March 2022</u>
<p>Content for industry association newsletters and online content and content for industry publications. Each magazine will be approached to run a column launching the campaign, introducing the issue, telling the Inframax story and promoting the solutions.</p> <ul style="list-style-type: none"> <li>• Contractor Magazine</li> <li>• NZ Truck &amp; Driver</li> <li>• NZ Trucking</li> <li>• Transport Talk</li> <li>• Deals on Wheels</li> </ul>	\$20,000	<u>By June 2022</u>
<p>Advertorials in industry publications</p> <ul style="list-style-type: none"> <li>• Full page ‘advertorials’ for use in industry magazines to follow on from the introductory columns. These will feature a QR Code linking to the relevant page on the dedicated website.</li> </ul> <p>E-magazine advertorials to run in industry e-newsletters such as Truck &amp; Chat and Road Torque.</p>	\$60,000	<u>By December 2022</u>

<p>Facebook Advertising</p> <p>Facebook will be utilized to advertise and target specific audiences and will feature ads linking back to the dedicated website.</p> <p>An expert media buyer will be engaged to make sure this is targeted at as many small operators and businesses with low-loader trailers as possible.</p>	<p>\$10,000</p>	<p><u>By December 2022</u></p>
<p>Videos and photos (with the approval of the victim’s family) will be used on the dedicated website, in content created for use across industry publications, in advertising where applicable.</p> <ul style="list-style-type: none"> <li>• The video will tell the story of the incident and its impacts on the family, Inframax and the community, followed by the engineering solutions to prevent a similar incident.</li> </ul> <p>The photos will illustrate the kind of trailers affected, the problem and the solutions.</p>	<p>\$15,000</p>	<p><u>By December 2022</u></p>
<p>Develop resources and engage with industry members at events such as:</p> <ul style="list-style-type: none"> <li>• The Contractors Conference</li> <li>• Road Transport Association regional event</li> <li>• Heavy Haulage Annual Conference</li> </ul> <p>Approach conference and event organizers to investigate the opportunity for Inframax managers to present.</p> <p>Present a case study for use by the Business Leaders Health and Safety Forum (and any other organizations requested by WorkSafe).</p>	<p>\$25,000</p>	<p><u>By December 2022</u></p> 

<p>Develop a website that will provide operators with the necessary background information and downloadable resources to make the required changes to their business and trailers.</p> <p>The dedicated website will act as a landing site for the various advertising, promotional content and communication channels developed to promote the additional risk controls. It will include generic specifications and operating instructions for double-acting rams. It will also include a guidance document and downloadable templates explaining the importance of establishing a documented hand-over and hand-back process for equipment maintenance and repair services.</p> <p>A domain name appropriately reflecting the content would need to be purchased. For example, a search for available domain names shows that <i>rampsafety.co.nz</i>, <i>rampsafety.nz</i>, <i>trailersafety.co.nz</i>, <i>trailersafety.nz</i> are currently available.</p> <p>Acorn PR will work with website administrators/developers to build and maintain the site. It will also work with developers to make sure the website is appropriately accessible on search engines.</p>	\$40,000	By December 2022
Total	\$250,000	

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

ACTIVITIES	COST (\$)	TIMEFRAME
<p><u>Cadetship with Inframax Construction</u></p> <p>Improving employment opportunities to the King Country community is important to Inframax, more so for the youth of the region. Inframax will establish a cadetship for a career as a driver at the Te Kuiti branch, that will employ two school leavers (age 16 years and older) and fund their training and professional development through to Class 5 Drivers Licence and health and safety representative training to Unit Standard: US 30265 &amp; 17601.</p> <p>Inframax will set up an internal fund that is equivalent to the Government Apprenticeship Support Programme for two trainees, (that is their wage costs will be subsidised by \$12,000 in Year 1 and \$6,000 in year 2). This fund will also cover their external training costs and training in workplace health and safety.</p>	\$72,000	July 2021 – June 2023
<p><u>Donation to St John, Otorohanga, Te Kuiti and Pio Pio</u></p> <p>Inframax is aware that when a serious or fatal injury occurs, the assistance of local emergency responders is critical. Inframax wishes to support the emergency responders by donating \$5,000 each to the three St John stations in the local area to assist them to continue to provide timely and quality emergency response to the local community.</p>	\$15,000	Within three months of the date of this Enforceable Undertaking
<p><u>Donation to Otorohanga Primary School</u></p> <p>Inframax is dedicated to assisting the wellbeing of pupils at the school that the victim's children attend. Inframax will donate \$20,000 to the Otorohanga South School to support funding of a programme that provides mental health and wellbeing services to the school.</p>	\$20,000	Within three months of the date of this Enforceable Undertaking
<p><u>Health and Safety Coaching to Local School-Leavers</u></p> <p>Inframax is planning to visit the three local high schools (Otorohanga, Te Kuiti and Pio Pio) to provide health and safety coaching to school leavers. It will describe the processes that will face school leavers when they start work, (inductions, PPE and SOPs), and discuss these in the context of reducing safety risks in the workplace. There will be two visits per year to each school.</p>	\$3,000 (Printing costs for resources to provide to schools)	July 2021 – February 2023

Total estimated cost of benefits for the community \$110,000



### 3.6 Where WorkSafe considers appropriate in the circumstances, undertaking a SafePlus Onsite Assessment

Further information about SafePlus can be found here: [worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus](https://worksafe.govt.nz/about-us/who-we-are/our-priorities/safeplus/about-safeplus)

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking. The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.

### 3.7 Minimum spend

(write the name of the person(s) or entity giving the undertaking)

3.7.1 Inframax Construction Limited

commits to a minimum spend of \$ [REDACTED] or this undertaking.

(write the name of the person(s) or entity giving the undertaking)

3.7.2 Inframax Construction Limited

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 amount will be sought from WorkSafe

(write the name of the person(s) or entity giving the undertaking)

3.7.3 Inframax Construction Limited

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	[REDACTED]
Benefits to workers/others	\$312,760
Benefits to industry	\$250,000
Benefits to community	\$110,000
<b>Estimated cost of the undertaking</b> Plus GST (if any)	<b>\$ [REDACTED]</b>

#### 4. Execution

##### Authorised representative of an organisation

Undertaking given by (name of authorised representative)

CHRISTOPHER JAMES HAYWARD

In my own right and in my capacity as (eg President, Chairperson, etc)

CEO

of (eg organisation) (name) INTRAMAX CONSTRUCTION LTD

On the (day) 13<sup>th</sup> day of (month) October, 2024 (year).

Signature of the person giving the undertaking:

Undertaking given before me: Christopher Dean Rothery

Witness name: Christopher Dean Rothery

Witness address: 23 Jarrett Tce  
Cambridge

Witness signature:

#### 5. Acceptance

This undertaking is accepted by WorkSafe.

On the (day) 18 day of (month) October, 2024 (year).

Signature of person accepting the undertaking:

Dr Catherine Gardner

Acting Head of Specialist Interventions

Name of WorkSafe representative: (General Manager, WorkSafe (or delegate))

Undertaking given before me: Aidan Saunder

Witness name: Aidan Saunders

Witness address: 86 Customhouse Quay Wellington

Witness signature: