
Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this application are offered to WorkSafe NZ

by

THE SUPPLYCHAIN LIMITED (NZBN9429038839023)

Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

The commitments in this undertaking are offered to WorkSafe New Zealand (WorkSafe) by

Elizabeth Adrienne Fiona May

On behalf of

The Supplychain 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 / or 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*. **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.

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 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	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).

WORKSAFE NEW ZEALAND
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New Zealand Government

Section 1: General Information

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

Name of person(s) making this undertaking:

Elizabeth Adrienne Fiona May, General Manager Logistics

Name of Entity:

The Supplychain Limited (TSL)

Type of Legal entity:

Limited liability company

Nominated contact person:

Paul Brown, Risk and Safety Advisor

Physical address:

80 Favona Road
Favona
Auckland 2024

Postal address (if different):

Private Bag 93306
Otahuhu
Auckland 1640

Work phone:

+64 9 255 2788

Mobile phone:

Email:

paul.brown1@countdown.co.nz

Industry:

Retail logistics

Workers (enter numbers):

<i>Full-time</i>	<i>Part-time</i>	<i>Casual</i>	<i>Contractors</i>
859	6	26	181

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

TSL's principal business is the operation of distribution centres and the provision of logistics services to support the retail supermarket businesses of Progressive Enterprises Limited (**Progressive**) and its subsidiaries (together, the **Progressive Group**).

Comments:

TSL is a wholly-owned subsidiary of Progressive. Progressive has a number of subsidiary companies. These include General Distributors Limited, which is responsible for operating the Countdown supermarket business; Wholesale Distributors Limited, which is the franchisor of the FreshChoice and SuperValue supermarket businesses; and TSL, which provides logistics services to support those supermarket businesses.

1.2 Detail of the contravention

It is alleged by WorkSafe that TSL, being a Person Conducting a Business or Undertaking (PCBU) failed to ensure, so far as was reasonable practicable, the health and safety of a worker whose activities in carrying out work were influenced or directed by TSL, while the worker was carrying out work (collecting freight from the Auckland Regional Distribution Centre (the ARDC)) and that failure exposed the worker to a risk of serious injury.

In particular, WorkSafe alleges that TSL failed to:

- develop, implement, communicate to forklift operators and truck drivers, and monitor compliance with, a safe system of work for loading curtainsider trucks at the ARDC;
- develop and implement an effective system to adequately monitor and supervise the loading bay during the night shift at the ARDC;
- prohibit the dual loading of curtainsider trucks at the ARDC;
- demarcate the loading bay with adequate site markings including driver safe zones and pedestrian exclusion zones around curtainsider trucks and physically isolate driver safe zones (whether permanent or temporary) at the ARDC; and
- develop and implement an effective system for sharing information between PCBUs concerning incidents and complaints at the ARDC.

1.3 Detail the events surrounding the contravention

The worker was a subcontractor's worker. He was an employee of Bulldog Haulage Limited (**Bulldog**), which was contracted by Linfox Logistics (N.Z.) Limited (**Linfox**) to collect, transport and distribute goods for TSL between various load points and delivery points. One load point is the ARDC, which is managed and controlled by TSL.

In the early hours of the morning on 13 July 2016, the subcontractor's worker was at the ARDC with a curtainsider truck to pick up a load of goods for transportation to various Countdown supermarkets.

The subcontractor's worker arrived in one of the loading bays for curtainsider trucks at the ARDC, communicated with a forklift operator about the loading of his truck, and was advised that the forklift driver would be loading his truck.

The subcontractor's worker proceeded to open the curtains on both sides of the truck and then moved to open the curtains on the trailer unit.

While the subcontractor's worker was in the process of opening the trailer curtains, he was hit by a reversing forklift, operated by a second forklift driver, which ran over his left ankle.

Unbeknownst to the subcontractor's worker, the second forklift driver had decided to assist the first forklift driver with the loading of the subcontractor's worker's truck.

The second forklift driver had picked up a pallet from the loading bay and reversed around the back of the subcontractor's worker's truck, coming into contact with the subcontractor's worker at approximately 1:51am.

The subcontractor's worker suffered multiple fractures in his left lower leg, ankle and foot and required multiple surgeries.

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
None				

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)

Following the contravention and events described at sections 1.2 and 1.3 above, TSL implemented a number of rectification actions to the workplace and its work practices.

- A. Immediately following the contravention, TSL (at the ARDC):
- (a) Prohibited the dual loading of curtainsider trucks.
 - (b) Created a new temporary driver isolation zone for drivers covering doors 39, 40 and 41.
 - (c) Positioned a lead hand/team leader at the linehaul loading area (which is the area used for side loading of curtainsider trucks) for two months to observe truck loading and ensure that truck drivers and forklift operators were abiding by all applicable instructions on loading.
- B. After having further considered the contravention, and having consulted with its employees and the other PCBUs operating at the site, TSL (at the ARDC):
- (a) Completed a risk assessment for side-loading of curtainsider trucks and, following that assessment, updated the relevant standard operating procedures.
 - (b) Worked with Linfox to incorporate the updated standard operating procedures into Linfox's truck driver induction and training programs.
 - (c) Retrained forklift operators on the updated standard operating procedures.
 - (d) Worked with Linfox to design and carry out:
 - (i) new road marking of linehaul loading areas; and
 - (ii) driver wait zones (consisting of driver isolation huts, which provided truck drivers physical separation from forklifts and other machinery) and painted walkways (to indicate the safest route between the driver wait zones and the trucks).
 - (e) Worked with Linfox to review the process for sharing information concerning accidents, incidents, significant near misses and complaints, and implemented a new review and escalation process in relation to this information which includes regular meetings with representatives from TSL and Linfox to discuss health and safety issues, and a procedure for Linfox to provide information regarding any health and safety incidents to TSL which is uploaded directly into TSL's "Pulse" health and safety management reporting system.
 - (f) Undertook an assessment of all mechanical handling equipment (MHE) and ensured "Infolink" (which is a wireless solution used to monitor and manage operator factors, including compliance and impacts) modules were installed on all MHE.
 - (h) In the linehaul loading area:
 - (i) installed additional canopy lighting;
 - (ii) installed a barriered walkway under the canopy;
 - (iii) created pedestrian walkways from the trucks to the barriered walkway; and
 - (iv) modified the pedestrian door at door 40 to allow access into the warehouse from the canopy area (to allow the implementation of a prohibition on pedestrians walking through the adjacent doors used by MHE).
 - (l) Increased the leadership presence on the afternoon and night shifts. Two team leader and three lead hands were appointed to provide increased supervision on those shifts, with a particular focus on the linehaul loading areas.

C. In addition to the rectification actions at the ARDC:

- (a) TSL reviewed the operations at its other distribution centres (Auckland National Distribution Centre (**ANDC**), Palmerston North National Distribution Centre (**PND**C) and Christchurch Regional Distribution Centre (**CRDC**)) in light of the issues identified at the ARDC and implemented any necessary improvements.
- (b) TSL's operations managers attended a three day workshop to review the critical risks within TSL's distribution centre network.
- (c) All members of TSL's senior leadership team attended a 'Safety Leadership for Managers' course provided by IMPAC.
- (d) TSL undertook an extensive programme of work, focussed on safety leadership, to identify and address any systemic behavioural issues in its business that could have contributed to the accident. TSL engaged an experienced third party communications agency to help it do this. This programme included:
 - (i) Consulting with TSL's workers (through a series of workshops involving workers and other key stakeholders) to better understand any systemic behavioural issues, the underlying cause of those issues and the changes that needed to be made to address them.
 - (ii) Following that consultation, undertaking a national workplace health and safety programme designed to engage with workers to highlight the personal impact of accidents and the benefits of a strong health and safety culture. This included:
 - o identifying the eight most important safety rules applicable to work carried out at TSL's distribution centres;
 - o creating an extensive set of collateral in various forms (posters, booklets, stickers) to educate workers on these eight rules; and
 - o undertaking a national road-show, led by the General Manager of Logistics, involving all TSL workers, to emphasise the importance of a culture of meaningful dialogue about safety and launch these eight rules.
- (e) TSL has continued to review the effectiveness of the rectification actions taken and made modifications as necessary.

For ease of reference, attached as Appendix A are photographs showing some of the rectifications.

1.6 Total amount of money spent on rectifications

Rectifications at site of incident

ARDC Rectification	Cost
Install additional canopy lighting	\$17,516
Install barriered walkway	\$5,016
Marking of linehaul loading areas, driver wait zones and painted walkways	\$85,292
Install InfoLink	\$59,531

Rectifications at other Distribution Centres

ANDC Rectification	Cost
Install barriered walkway	\$22,917
New road marking	\$35,478

PNDC Rectification	Cost
Install InfoLink	\$52,922
Install barriered walkway	\$13,330

CRDC Rectification	Cost
Install additional lighting	\$8,746
Install barriered walkway	\$76,000
Install InfoLink	\$24,395

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

The subcontractor's worker suffered multiple fractures in his left lower leg, ankle and foot and required multiple surgeries.

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)

Describe the victim(s) relationship to you / the entity in question -

The worker was an employee of Bulldog. Bulldog is a contractor to Linfox. Linfox is engaged by Progressive to provide collection, transportation and distribution services, including at the ARDC which is managed and controlled by TSL. Therefore, at the time of the contravention, the worker was an employee of a subcontractor.

Detail offer of amends or payments:

Immediately following the accident, TSL did not make direct contact with the subcontractor's worker to discuss an offer of amends or payment in relation to the injuries sustained. This is because it did not want to interfere with any actions which Bulldog or Linfox were undertaking in relation to the subcontractor's worker.

TSL subsequently contacted Linfox to check on the subcontractor's worker's recovery.

On 29 March 2018, TSL, Linfox and Bulldog wrote to the subcontractor's worker to express their sincere regret for the incident and to apologise unreservedly for the serious injury he sustained and the hurt and distress he suffered as a result. In addition, TSL, Linfox and Bulldog jointly offered the total sum of \$40,000 to compensate him for the emotional harm, financial loss and hardship he had suffered as a result of the incident. TSL agreed to make a contribution of \$20,000 towards the voluntary reparation payment. TSL, Linfox and Bulldog also offered to meet with the subcontractor's worker in person to apologise and talk about the changes made in their respective businesses since he was hurt.

The subcontractor's worker accepted the offer of financial compensation.

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

In the 29 March 2018 letter, TSL advised the subcontractor's worker that it intended to apply to WorkSafe for an enforceable undertaking in relation to the incident and proposed to include commitments to undertake several health and safety measures to benefit workers, the industry and the community, including:

- hosting joint education sessions with an external training provider on safe forklift practices, first aid training and first line management to improve supervisory skills for community groups, youth and small businesses in South Auckland;
- hosting a half-day conference for the food and beverage retail sector on the subject of transportation safety; and
- providing health and safety training to workers on a range of issues, including hazard identification and risk management.

TSL advised that it would like to take the lessons it has learned from the incident to benefit the wider community, and to help keep workers in the transportation industry safe by ensuring this type of incident does not happen again.

TSL also advised that it would like to receive the subcontractor's worker's feedback on the proposed health and safety measures to be undertaken by the TSL under the enforceable undertaking, and whether he supports an enforceable undertaking as an appropriate outcome. As at the date of this application the subcontractor's worker has not provided any feedback, although he has accepted the joint offer of financial compensation referred to in paragraph 1.8 above.

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

Progressive is a member of the Business Leaders' Health and Safety Forum. Progressive has consulted with the Chief Executive Officer of the Business Leaders' Health and Safety Forum as to his views on whether an enforceable undertaking would be an acceptable alternative to prosecution. His views were that, given the specific nature of the incident, the clear focus on improving the design of the working environment in the respective distribution centres, investing in health and safety capability (leaders and committees), and the broader assurance assessment with SafePlus all seemed logical and on point. He also considered that the community/sector initiatives were also focused on applied and logical areas that align to the nature of the original failure.

Progressive is also an active participant in the New Zealand Food and Grocery Council's Health and Safety Subcommittee. Progressive has consulted with the Chair of that Subcommittee as to his views on whether an enforceable undertaking would be an acceptable alternative to prosecution. His views were that overall the actions TSL proposed to put in place would not only improve health and safety at TSL and for contractors to TSL, but would also help to raise awareness of the risk of workers being struck by MHE within the industry. He considered that the actions were in proportion to the incident. He also suggested that TSL consider sharing the learning from the incident with the industry by publishing a case study in the New Zealand Food and Grocery Council's newsletter, as this would add benefit to the overall industry and help others to learn from the incident. As a result of this feedback, TSL modified the proposed enforceable terms by including this suggestion at clause 3.4 of this application.

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

DATE	DESCRIPTION OF SUPPORT	COMMENTS
After the injury was sustained	Contact with Linfox to check on the subcontractor's worker's recovery	
29 March 2018	Joint offer of reparation	

1.12 Detail any current HSMS implemented and maintained by the person

TSL's HSMS is encompassed under the Progressive Group's HSMS. All members of the Progressive Group are expected to comply with the Progressive Group's HSMS.

Progressive Group Approach

The health and safety vision for the Progressive Group is "Destination Zero" – that is, to operate its business in a way that causes zero harm to its people, community and environment. The Progressive Group has a Health and Safety Policy which sets out the actions that it will take in pursuing its commitment to putting safety, health and wellbeing at the centre of its business.

Safety and Health Manual (SH Manual)

The standardised safety procedures applicable to all members of the Progressive Group are contained in the SH Manual. Electronic copies of all sections of the SH Manual are available in the Progressive Group's intranet system (which is accessible by TSL).

Risk Registers

Each distribution centre operated by TSL holds a register of identified hazards and risks specific to that site.

Safety and Health Executive Committee

The Progressive Group has a Safety and Health Executive Committee (SHEC), which is responsible for oversight of the Progressive Group's HSMS and is also the forum for discussion of health and safety issues that impact the members of the Progressive Group.

The SHEC is comprised of the directors of the Progressive Group members (including TSL), the general managers of all operational business units in Progressive Group, and other relevant members of the Progressive executive leadership team.

The Progressive Group's risk and safety team is responsible for preparing the agenda for each SHEC meeting and issues a monthly report, which includes information about trends, KPIs and safety performance of all operational business units for a monthly period.

SHEC meetings occur on a regular basis (usually monthly). The SHEC members review the monthly report and discuss any other issues on the agenda for the relevant meeting. SHEC members are required to also undertake regular safety tours to understand the issues that workers face and to give the members of the SHEC the opportunity to verify the operation of the HSMS.

"Pulse" system

The Progressive Group uses the "Pulse" system. Pulse is an online reporting system used to record and report on safety events. The health and safety management reporting in Pulse enables the business to analyse its safety performance, with a view to preventing further similar events. Pulse allows for events to be classified by severity and, depending on the classification given to the event, automatic reports are escalated to relevant Progressive Group senior managers. This automatic escalation by Pulse is in addition to specific escalation protocols that are applicable within various members of the Progressive Group (including TSL).

Engagement and information

In addition to the SHEC monthly meetings, each TSL site has a safety committee comprising of

representatives of the management team and workers for that site. The safety committees meet monthly. The site safety committees will consider all health and safety issues specific to their site.

A member of the Progressive Group's health and safety team attends each of these meetings. Any material issues that arise (including those that are not able to be resolved) are required to be escalated to the TSL senior leadership team.

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

The Progressive Group's audit standards outline the audit processes for Level 1, Level 2 and Level 3 audits and self-assessments for stores and sites. TSL, as a member of the Progressive Group, also undertakes these three levels of audits at its sites.

A Level 1 audit is undertaken by the relevant business unit based on an electronic checklist known as "I-auditor". Generally, a business unit will undertake a Level 1 audit once every month as a minimum. The audit will focus on a particular area, activity or job rule (e.g. the bale dock area of the ARDC, or loading or unloading processes at a distribution centre).

A Level 2 audit is undertaken by a member of the Progressive Group's risk and safety team, who is qualified as a lead auditor in accordance with the relevant ISO standard. A Level 2 audit covers all health and safety standards and identified critical risks within the business unit being audited and examines the business unit's performance against the Progressive Group's risk and safety management systems and procedures. Generally, a minimum of four Level 2 audits are undertaken across the Progressive Group each month and findings are reported to the SHEC. The audit programme (including the business units of the Progressive Group to be audited) is determined by the risk and safety team.

A Level 3 audit is conducted by an external body to the Progressive Group (e.g. ACC, external health and safety consultants such as Cosman Parkes or Woolworths Group internal audit and/or health and safety representatives). A Level 3 audit is the most comprehensive audit undertaken and usually includes a review of both the business unit and corporate compliance with legislation, the requirements of the Progressive Group's HSMS, and internal policies and guidance. A Level 3 audit can also be carried out in response to a particular issue which arises. A Level 3 audit is carried out at least once each year.

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

See above at sections 1.9 and 1.10.

Section 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

TSL acknowledges that WorkSafe alleges a contravention of section 36(1)(b) of the Health and Safety at Work Act 2015 in relation to the incident detailed in section 1.2 above.

2.2 Statement of regret that the contravention occurred

TSL deeply regrets that this incident occurred and sincerely apologises for the injuries suffered by the subcontractor's worker and the impact that those injuries have had on him as well as on his family and all those who supported him.

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

TSL considers this undertaking is the most appropriate response to the contravention for the following reasons:

- The offer to make voluntary reparation to the subcontractor's worker recognises the serious consequences of the contravention and makes amends in an appropriate way.
- The performance by TSL of the undertakings cannot be achieved by prosecution and will provide long term sustainable benefits to Progressive's workers, TSL, the industry and the community as a whole because:
 - The undertakings will give workers the opportunity to materially improve their health and safety knowledge.
 - The undertakings will assist the food and beverage retail sector by providing an opportunity for members to enhance their health and safety knowledge, especially in relation to traffic management.
 - The undertakings will assist the community as a whole by providing community groups, youth and small businesses in South Auckland with access to industry best practice training on practical health and safety matters, including safe forklifting practices.

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

TSL is committed to ensuring that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur.

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

TSL

has read and understood the Enforceable Undertakings Policy.

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

TSL

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

TSL

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

TSL is a wholly owned subsidiary of Progressive, and Progressive is in turn a wholly owned subsidiary of Woolworths Group Limited. TSL has the financial ability to comply with the terms of this undertaking and has provided evidence by way of Woolworths Group Limited's 2017 Annual Report.

with this undertaking to support this declaration.

2.7.2 In the event of impending receivership, liquidation or sale of the entity,

TSL

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

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

Progressive is a member of the Business Leaders Forum and is an active participant in the New Zealand Food and Grocery Council's Health and Safety Subcommittee. As the food and beverage retail sector is an integrated industry with a large number of stakeholders, TSL may have contractual or commercial relationships with industry stakeholders who may benefit from the activities contained in this undertaking.

2.9 Statement regarding Intellectual Property

TSL

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.

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

TSL

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

2.1.1 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.

TSL

Section 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

TSL confirms that it is committed to ensuring the ongoing effective management of risks to health and safety in the future conduct of its business.

The directors of TSL have reviewed and approved this application and the enforceable terms included in it. In addition, the Progressive Group SHEC has been provided with a full briefing on this application and the enforceable terms included in it.

An update on compliance with the enforceable terms will be included as a standing item on the agenda of each Progressive Group SHEC meeting until the activities have been completed.

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

Dissemination will be achieved by doing the following:

TSL will undertake the following actions to disseminate information about this undertaking by:

- A. Publishing a summary of the undertaking and key commitments on the Progressive intranet.
- B. Linking the summary of the undertaking to Facebook at Work.
- C. Providing a copy of the undertaking to the New Zealand Food & Grocery Council safety forum, and providing an update to the New Zealand Food & Grocery Council safety forum meeting of the undertaking.
- D. Briefing all TSL site safety committees.
- E. Briefing the SHEC of the undertaking.
- F. Verbally discussing the undertaking with all TSL employees at TSL's normal team meetings.

Dissemination will occur by

A, B and C will occur within one week of this undertaking being accepted by WorkSafe. D, E and F will occur at the next relevant meeting after the undertaking has been accepted by WorkSafe.

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

ACTIVITIES (outline the activity and the expected outcomes)	COSTS(\$)	TIMEFRAMES
<p>SafePlus</p> <ul style="list-style-type: none"> - Commission Cosman Parkes, a SafePlus accredited assessor, to provide onsite assessment and advisory services for TSL in accordance with the SafePlus initiative - TSL will advise WorkSafe of the actions it intends to take in order to address each of the recommendations made by Cosman Parkes following the SafePlus assessment 	<p>\$45,000 + \$5,000 disbursements</p>	<p>To be commissioned within one month of the EU being accepted</p>
<p>Roll out ICAM Governance and Investigation training to other business units at Countdown</p> <ul style="list-style-type: none"> - approx 45 people enrolled in investigation training - approx 35 people enrolled in governance training 	<p>\$42,500</p>	<p>Commissioned within six months of the EU being accepted</p>
<p>All health and safety representatives (currently 19) from TSL to attend a 'hazard identification and risk management' course provided by IMPAC</p> <p>Trainees who complete this course will gain knowledge and practical skills in the following areas:</p> <ul style="list-style-type: none"> - a broad understanding of hazards and harm; - the legal requirements relating to hazard identification and control; - identifying hazards and assessing risk; - hazard control options, monitoring and review; and - practical skills in task and area analysis 	<p>\$4,750</p>	<p>Commissioned within six months of the EU being accepted</p>
<p>All health and safety committee members (currently 40) from TSL to attend a 'creating effective health and safety committees' course provided by IMPAC</p> <p>Trainees who complete this course will gain knowledge and practical skills in the following areas:</p> <ul style="list-style-type: none"> - Current legislative requirements of involvement of employees within the New Zealand workplace - What a committee should comprise of, how they should be run, common pitfalls and what makes an effective health and safety committee - Effective communication channels, conflict resolution and when to consider using an external expert - Planning and preparation, running a meeting, taking minutes, understanding how to communicate effectively, working as a team, and how to motivate others 	<p>\$10,000</p>	<p>Commissioned within six months of the EU being accepted</p>

Total estimated cost of benefits for workers / others -
\$107,250

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

ACTIVITIES (outline the activity and the expected outcomes)	COSTS(\$)	TIMEFRAMES
<p>Host two half day conferences in conjunction with the New Zealand Food & Grocery Council (FGC) on the subject of transportation safety and safety leadership The FGC is an industry association which represents the manufacturers and suppliers behind New Zealand's food, beverage, and grocery brands. It provides a forum to discuss issues of concern and interest to the industry.</p> <ul style="list-style-type: none"> - Presenters from Business Leaders Forum, FGC and TSL / Progressive - External guest speaker to present on Safety 2.0 and its implications for business - Table sessions on critical risks (with a particular focus on risks relating to transportation and traffic management) and overlapping PCBU duties - Open to up to a total of 150 delegates, including business leaders, across both conferences to attend from the transportation and retail sectors - TSL General Manager of Logistics to present on the events leading up to the contravention, the lessons learned as a result of the incident and the catalysts for cultural change within TSL 	\$15,122	To be held within six months of the EU being accepted
<p>Publication in Safeguard magazine on the lessons which come out from the half day conference</p>	\$2,000	To be drafted within three months of the half day conference occurring
<p>General Manager of TSL to speak at a Business Leaders' Forum seminar about the importance of a strong workplace health and safety culture</p> <ul style="list-style-type: none"> - This presentation will make reference to the contravention and the ways TSL has improved its health and safety culture since the contravention 	No cost	To be held within nine months of the EU being accepted
<p>Publish a case study in the New Zealand Food & Grocery Council newsletter</p> <ul style="list-style-type: none"> - This case study will make reference to the contravention and the ways TSL has improved its health and safety culture since the contravention 	No cost	To be drafted within six months of the EU being accepted
<p>Develop a Traffic Management Standard for Distribution Centres and present to the FGC and Worksafe</p> <ul style="list-style-type: none"> - Stantec to be engaged to review TSL's existing material in relation to traffic management and to use that to develop a traffic management standard suitable for application at distribution centres - Make that traffic management standard available for use by the FGC (including, if the FGC wishes to, making it available to its members) - Make that traffic management standard available for use by WorkSafe in any way it sees fit to advance its educational programme 	\$25,000	To be developed and provided within 12 months of the EU being accepted
<p>Provide a financial contribution to the FGC to assist it to develop a retail industry health and safety competency framework</p> <ul style="list-style-type: none"> - The FGC is proposing to develop a retail industry health and safety competency framework (which will include a focus on traffic management risks) - If this proposal proceeds, TSL would make a financial contribution to the FGC to be used to engage project management resource for this project 	\$50,000 (subject to FGC's proposal proceeding)	To be provided within three months of the FGC deciding to proceed with the proposal

Total estimated cost of benefits for industry -
\$42,122¹

¹ The total estimated cost of benefits for the industry under section 3.4 will increase by \$50,000 if the FGC's proposal to develop a retail industry health and safety competency framework proceeds.

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

ACTIVITIES (outline the activity and the expected outcomes)	COSTS(\$)	TIMEFRAMES
<p>Host joint education sessions with Vertical Horizons, an external training provider, on safe forklift practices, first aid training and first line management to improve safe forklift skills, first aid skills and supervisory skills for community groups, youth and small businesses in South Auckland</p> <ul style="list-style-type: none"> - Four National Certificate in Business (First Line Management) (Level 3) courses (12 people max in each six day course) - Four Workplace First Aid courses (15 people max for each one day course) - Six Forklift Skills courses (10 people max for each one day course) 	<p>\$70,200</p>	<p>To be completed within one year of the EU being completed</p>

Total estimated cost of benefits for the community - \$70,200

3.6 Agreement to pay WorkSafe's recoverable costs

The actual dollar amounts will be provided by WorkSafe prior to finalisation of the enforceable undertaking

TSL 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 (\$)
Administrative	
Legal	
Compliance Monitoring	
Publication (if any)	
Total recoverable costs	\$10,300

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

TSL

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

Not required

We have been informed by WorkSafe to leave this section blank.

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

Not required

We have been informed by WorkSafe to leave this section blank.

3.10 A commitment to provide a copy of each finalised HSMS audit report to WorkSafe

Not required

We have been informed by WorkSafe to leave this section blank.

3.11 A commitment to implement the recommendations from third party audits

Not required

We have been informed by WorkSafe to leave this section blank.

3.12 Minimum spend

3.12.1

TSL
commits to a minimum spend of

\$249,872²
for this undertaking.

3.12.2

TSL
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.

3.12.3

TSL
Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND (\$)
Financial amends paid to victim	\$20,000
Benefits to workers / others	\$107,250
Benefits to industry	\$42,122 ³
Benefits to community	\$70,200
WorkSafe's recoverable costs	\$10,300
Estimated cost of the undertaking	\$249,872

² If the FGC's proposal to develop a retail industry health and safety competency framework proceeds (set out in section 3.4), TSL commits to a minimum spend of \$299,872.

³ If the FGC's proposal to develop a retail industry health and safety competency framework proceeds (set out in section 3.4), the minimum spend will increase by \$50,000.

Section 4: Execution

This undertaking is given by the person on the date it is accepted by WorkSafe as set forth in section 5 below.

DIRECTOR OR AUTHORISED REPRESENTATIVE OF A COMPANY

Undertaking given by-

Elizabeth Adrienne Fiona May

In my own right and in my capacity as -

authorised representative

Of -

The Supplychain Limited

On the -

9th day of Oct., 2018

Signature

Undertaking given before me -

Witness Name	Witness Signature	Witness Address
JAMES RADCLIFFE	[Redacted]	80 FINCH APT 101A MILFORD AUCKLAND.

Section 5: Acceptance

This undertaking is accepted by WorkSafe

On the 15 day of October, 2018

Signature of _____ ing:



General Manager, WorkSafe (or delegate)

Witness:

Cordell Weir

Signature:



15/10/18

Address:

86 Customhouse
Quay
WGM

APPENDIX A - PHOTOGRAPHS SHOWING RECTIFICATIONS REFERRED TO IN PARAGRAPH 1.5



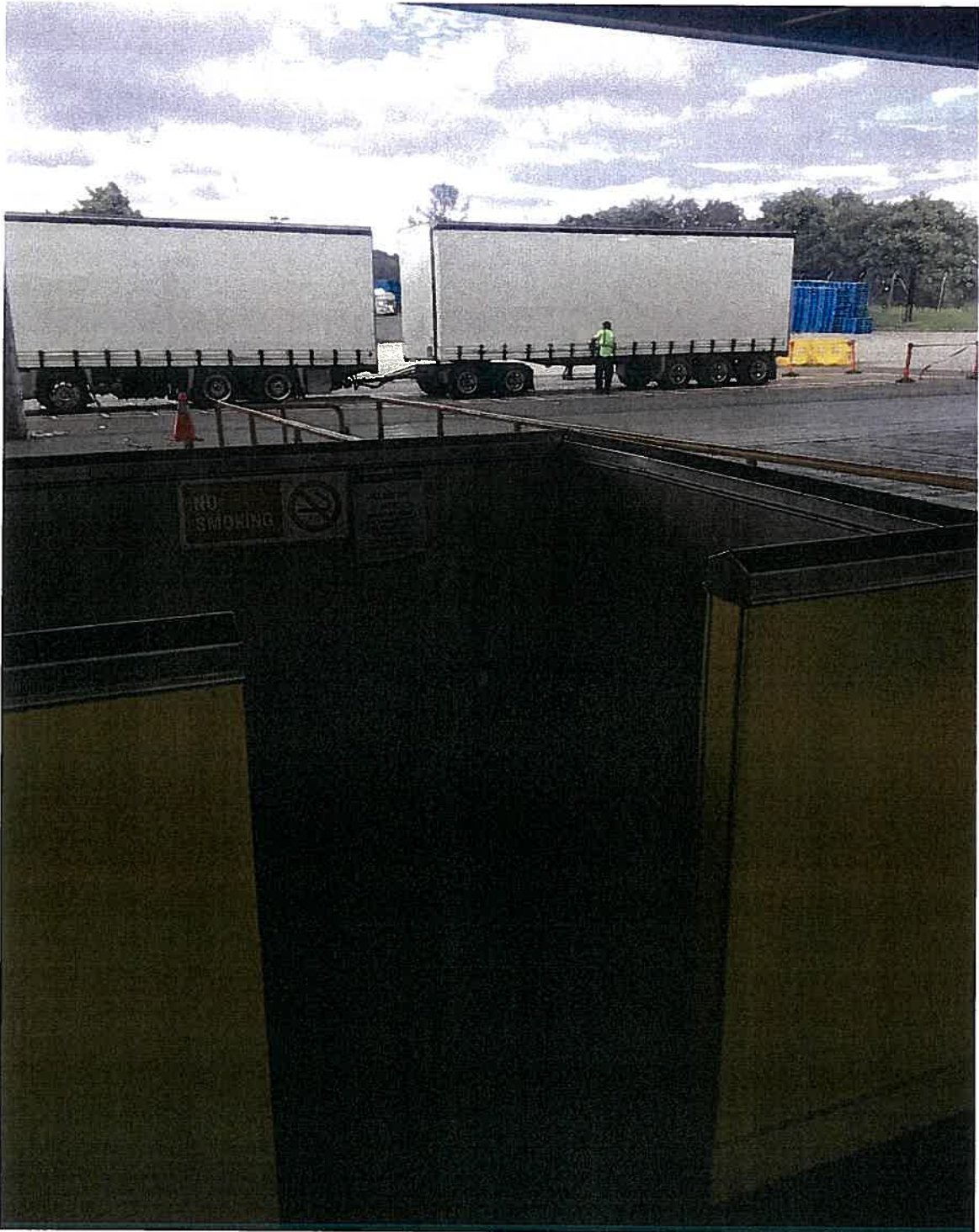
MHE / Vehicle – Pedestrian Separation – This is the main entrance way into the DC for all team members.



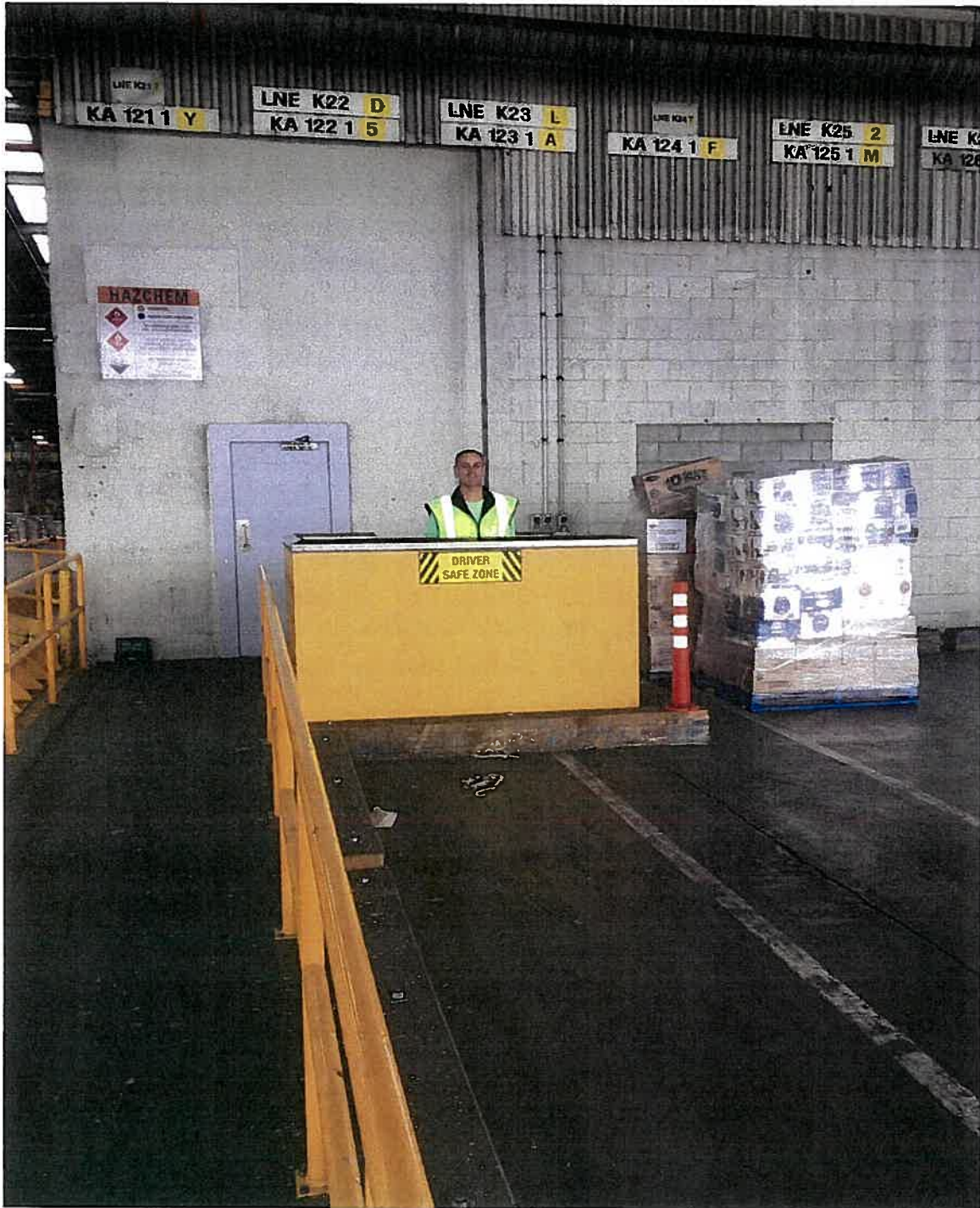
Painted line marking to indicate truck placement as well as person movement and forklift zones around a truck at Doors 39, 40 and 41



Driver Safe Zones (Doors 35 – 39) Receiving on grade



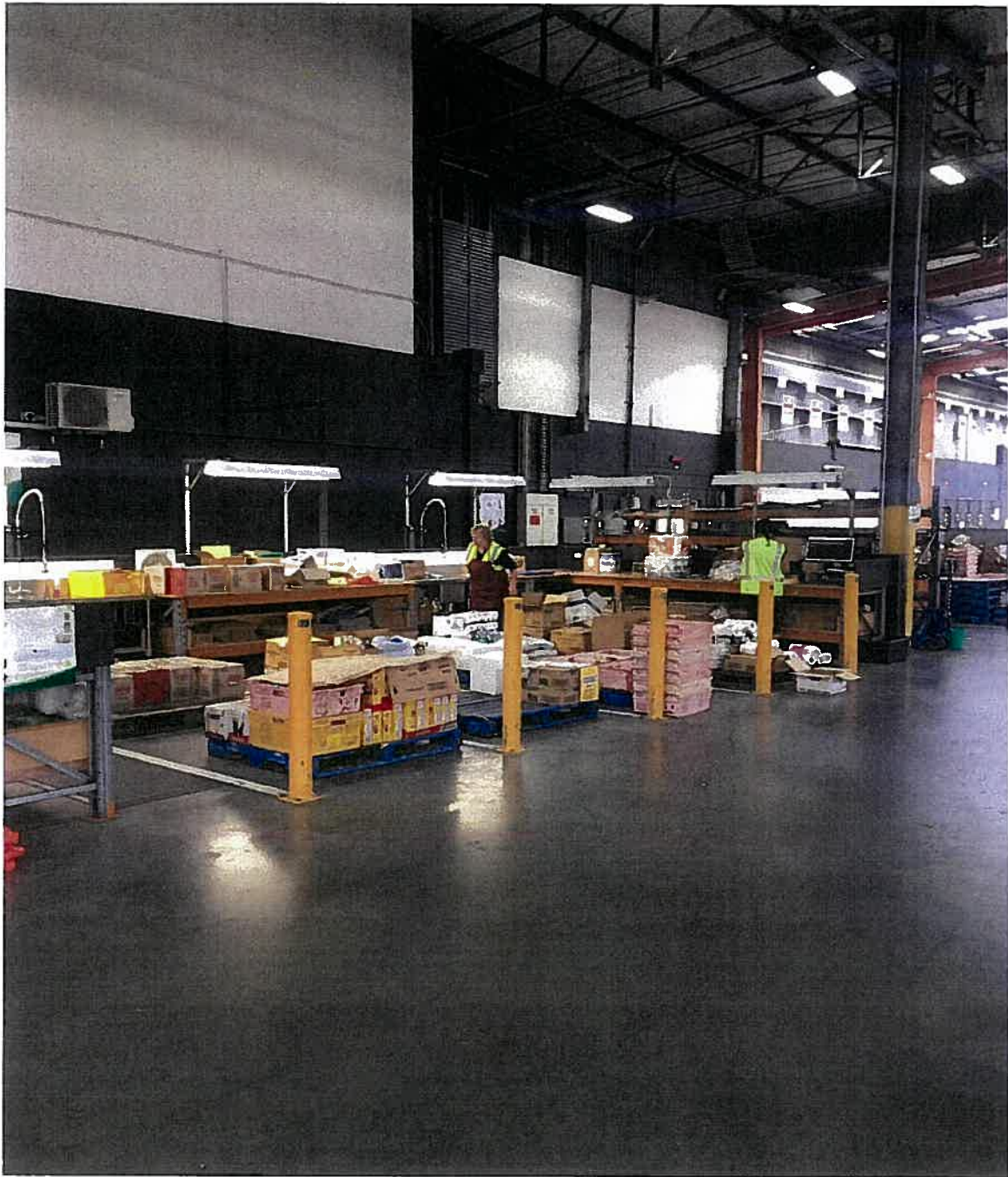
Driver Safe Zone Door 39 -- Linehaul Loading on grade



Driver Safe Zone Door 39 – Linehaul Loading on grade



Driver Safe Zone Door 40 – Linehaul Loading on grade



Reclaim Area – Additional Bollards installed, MHE / Pedestrian Separation



Driver Safe Zone – Door 41 linehaul loading on grade