

Application for an enforceable undertaking

July 2021

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

SICON 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 (WorkSafe) by

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

David Wilson

On behalf of

SICON Limited

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

SICON 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* (the Act). 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).

1 General

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)

David Wilson

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

SICON Limited (SICON)

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

Company

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

As above

Physical address:

85 Hoskyns Road, Rolleston

Postal address: (if different from physical address)

P.O. Box 125 Rolleston 7643

Work phone: 027 208 3808

Mobile phone:

Email: dave@sicon.co.nz

Industry: Providing infrastructure maintenance and services, including roading infrastructure and civil construction works.

Workers (enter numbers):

Full-time:	237	Part time:	15	Casual:	16
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Description of the products and services provided by the business or undertaking:

SICON's is a multi-discipline civil construction and infrastructure maintenance company. Its core business includes:

- Road maintenance and construction
- Three Waters maintenance and construction
- Parks and reserves maintenance and landscaping (including arboriculture work)
- Landfill management and maintenance
- Civil construction services focusing on drainage, potable water earth works and subdivisions.

SICON carries out work throughout Canterbury, holding major maintenance contracts with Selwyn District Council, Waimakariri District Council, Hurunui District Council, and Timaru District Council.

Comments:

SICON was incorporated in May 1994 and is wholly owned by the Selwyn District Council.

In 1998 the first company acquisition was made with the purchase of Contracting South Canterbury Limited, situated in Timaru. A further expansion in 2001 involved the purchase of Excell Corporation's South Island operations at Ashburton, Rangiora, and Nelson. In 2012, Ferguson Brothers on the West Coast was purchased. In July of 2018 Blakely Construction was purchased and fully integrated into the business in 2019.

Well-maintained roads, parks and reserves, and waste infrastructure are critical to the health, look and feel of a community – SICON has recognised this for over 20 years through our extensive association with Councils within Canterbury. SICON can offer a full service of maintenance and capital works projects throughout the districts it serves.

SICON is certified to AS/NZS ISO 9001:2015, 14001:2015 & 45001:2018 management systems for the supply of civil construction, maintenance, and related services (including servicing and maintenance of public utilities). SICON is committed, through the training and development of its staff, to providing quality contracting services which meet the needs of all its clients.

1.2 Detail of the contravention

WorkSafe New Zealand (*WorkSafe*) has charged SICON with an offense under the Health & Safety at Work Act 2015 (*Act*). This charge relates to an incident on 16 March 2020, when a motorcyclist suffered a serious injury at a site where two SICON workers were carrying out re-leveling work.

WorkSafe alleges SICON breached the duty imposed under sections 36(1)(a) and 36(2) of the *Act* and committed an offense under sections 48(1)(b) and (2)(c) of the *Act*.

The specific steps that WorkSafe alleges were reasonably practicable for SICON to have taken are:

1. Developing, and getting approved by the Road Controlling Authority, adequate traffic management plans for inspection activities and mobile operations on Level 1 roads.
2. Ensuring that all workers were adequately inducted and trained on the traffic management plans.
3. Ensuring that all worksites were supervised by an appropriately trained and competent person in temporary traffic management.

1.3 Detail the events surrounding the contravention

SICON holds a maintenance contract with the Hurunui District Council for the Hurunui District roading network. As part of this contract, SICON's workers undertake cyclic works, where they travel a pre-determined route looking for maintenance tasks (such as simple pothole repairs, replacing broken or dirty road signs or edge marker posts, identifying detritus that requires sweeping and the removal of over-hanging branches). Where these activities can be completed within the requirements of the generic TTMP for Inspection works the defects are resolved, otherwise, they are logged and reported for resolution at a later time. Cyclic works usually involves two workers.

On Monday 16 March 2020 two of SICON's workers were assigned to work together on cyclic activities south of the Hurunui River. Before this date, one of the workers had identified a minor levelling defect on Leader Road East, Waiau (on the eastbound lane).

Leader Road East is a hilly two-way sealed road with a posted speed limit of 100 km per hour. The visibility to the repair site was constrained by the layout of the road.

The workers parked their work truck on the verge on the westbound side of the road and activated the flashing beacons. The work truck had bright orange signage affixed to the back of which read "PASS WITH CARE". This signage was only visible to motorists traveling westbound. No other signs or cones were put out in either direction to warn motorists of the repair work being performed on the road.

Whilst the defect was being repaired, vehicles approached the worksite from both directions – a car towing a caravan heading westbound and a group of motorcyclists heading eastbound. The Injured Person was one of the motorcyclists in the group. As he approached the worksite, he applied his brakes and lost control of his motorcycle, colliding with the caravan being towed in the opposite direction and being run over by the caravan wheels. SICON's workers assisted the Injured Person and provided traffic management support while waiting for and during the attendance of emergency services. The Injured Person was airlifted to the hospital by helicopter.

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
N/A				

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)

TTM Plans Reviewed and Approved by RCA

Within a week of the Incident, SICON commenced a review of their TMPs. The outcome of that review process was that SICON:

- Increased the number of TMPs from 22 to 55; and
- Replaced the relevant TMP with a version which is easier for users to understand and apply (with a list of 9 additional pieces of information explaining, for example, clear sighting distances and where to park the vehicle).
- The Road Control Authority approved the reviewed TMPs in August 2020.

Induction & Training

In early June 2020, SICON appointed an external traffic management auditor who commenced additional traffic management audits and training activity.

In August 2020, SICON decided to hire a dedicated Traffic Services Manager to enhance traffic management capability across the company. This recognised the increasing breadth and complexity of its operations. The Traffic Services Manager has oversight of all traffic management activities for the Company.

The Traffic Services Manager has developed a training plan for the company and has commenced this work to ensure staff are trained and assessed under the latest requirements from Waka Kotahi NZTA at all levels.

Also in August 2020, SICON educated workers about the new TMP for cyclic activities (immediately following the RCA approval of the new plans) and issued hard copies to cyclic crew members.

From September 2020, SICON made the full Black Folder (company induction documentation on SOP, policies, etc), TMPs, and work instructions available online and in real-time for staff by rolling out the "MFiles" document management system. All employees have a company mobile device for accessing this information from their on-field locations.

Worksite Supervision

Following the incident, SICON clarified the organisational structure in terms of who is in charge of a cyclic crew, the qualifications needed, and that person's role concerning deciding what work can be done within the generic TMP. It now specifically requires that an STMS Level 1 must be in charge of a cyclic crew and undertake the risk assessment process.

In early June 2020, SICON appointed an external traffic management auditor to undertake additional traffic management audits and training activity.

On-going Improvement Initiatives

SICON has increased the frequency of toolbox talks from monthly to twice a month by adding a dedicated Operations Meeting and dedicated Health and Safety Meeting for the entire Contract team. The purpose of having more frequent meetings is to improve education, communication, and engagement. Increasing the level of interactions between management and staff where most teams, especially in the Hurunui, are mostly working remotely for significant periods was identified as an important change to enable improved training and development opportunities and drive team and company outcomes.

In November 2020, SICON commenced a trial of improved vehicle pre-start and Daily Site Management (DSM) tools, integrating CoPTTM requirements. Paper forms had been used before this trial. A new online pre-start tool has been designed which requires cyclic truck crew users to confirm they have all the required TM tools and equipment aboard before departure. This has been rolled out to all staff.

An online Daily Site Management form (for task assessment) has been created. It also allows staff in cyclic crews to nominate the TMP they have deemed necessary in each instance. The trial is being rolled out to other cyclic crews.

1.6 Total amount of money spent on rectifications

The total amount of money spent on the rectifications set out in section 1.5 above is approximately \$55,050.00. This does not take into account the new TM training plan in place.

TMP's Resubmitted to RCA	2800
Post-incident crew training on existing TMP	420
STMS L2/3 Non-practicing refresher. Confirmation of training refresher for this crew member.	350
Toolbox talks - introduced new dedicated & full team H&S focused meeting and full operational meeting each monthly	18270
External Traffic Management Auditor applied	6750
Post-incident crew training on Hazard ID, Task Analysis (DSM), and TMP	420
Traffic Management Manager recruitment - salary share to date	17888
STMS L1 training and refresher.	570
New TMP S-05 education and hard copies issued to crew	840
MFiles Document management system – B "Black Book" rollout of TMP's and Work Instructions online.	2442
Launch of online Vehicle pre-start and new DSM with TMP's	4020
New TC training for crew	280
Total	55050

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 Injured Person was placed in an induced coma and subsequently had his right arm amputated.

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 3.7.3)

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 Injured Person was unknown to SICON before the incident.

Detail offer or amends or payments:

Shortly after the Incident SICON contacted the Injured Person to enquire as to his health and recovery. This was facilitated by WorkSafe. After an initial discussion with the Injured Person, SICON provided \$20,000 to assist with his recovery. The following table shows the amounts agreed with the Injured Person concerning this undertaking, payment of which will occur within 30 days of execution.

Item	Agreed Amount
Initial redress for recovery	
Emotional Harm & Recovery	
Consequential Loss	
Total	\$132,171.00

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

The Injured Person agreed to meet in person to discuss his circumstances, recovery, and likely return to work along with possible terms of an enforceable undertaking. This meeting was held on 16 April in Blenheim between him, his partner and his lawyer, the SICON CEO and GM People & Safety. Following that meeting, the Injured Person agreed the payments as outlined in 1.8 above. SICON understands he supports this application for an Enforceable Undertaking. In particular he is pleased with the proposed support to be provided to the agencies that gave medical support to him and those actions SICON has taken within the organisation to address competency.

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

SICON sought support for its application from the Hurunui District Council. This was forthcoming and details of a programme of education and support in traffic management have been documented.

SICON also met with Waka Kotahi NZTA on several occasions.

Initially, this involved a meeting with the Principal CoPTTM Advisor at Waka Kotahi NZTA who SICON flew to site and hosted overnight. The Principal Adviser spent the day travelling the network and visiting the site of the incident.

On-going discussions have resulted in Waka Kotahi NZTA supporting relevant aspects of the Enforceable Undertaking laid in in section 3.4.

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

DATE	DESCRIPTION OF SUPPORT
19 / June / 2020	The initial call from the Injured Person to SICON in response to the company's request for dialogue through WorkSafe. SICON expressed sorrow that the accident had occurred and discussed injuries, hospitalisation, and return to work plans.

	We also explained our full co-operation with WorkSafe and their investigation and our intent to take up any recommendations from the process. We concluded with best wishes for his ongoing recovery.
26 / June / 2020	SICON spoke with the Injured Person and extended the offer of the sum of \$20,000.00 towards his ongoing recovery costs.
24 / July / 2020	The Injured Person accepted our offer and received a payment that day also for the sum of \$20,000.00
29 / March / 2021	SICON contacted the Injured Person to arrange a meeting to discuss the implications of the allegations and charges from WorkSafe including an enforceable undertaking.
16 / April / 2021	A meeting was held in Blenheim, with the Injured Person, his partner, and his lawyer the SICON CEO, and GM People & Safety. Following that meeting, the Injured Person agreed to the payments as outlined in 1.8 above and further agreed to support SICON in its' application for an Enforceable Undertaking.
4 / June / 2021	Further discussions took place between SICON and the Injured Person confirming the nature of the support package.

1.12 Detail any current HSMS implemented and maintained by the person

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

SICON had in-depth policies and procedures in place before the Incident. It held monthly meetings and carried out regular Safe Work Observations or audits which included reviewing traffic management set-ups in the field.

SICON had commenced a significant system enhancement before the incident to achieve health and safety, environmental and quality standards set in 2019. In November 2020, Telarc Limited certified SICON as having achieved ISO standard 45001 for health and safety.

In terms of worker induction, training and supervision:

1. As part of the induction process, SICON provided workers with a black folder (Black Folder) which contained work instructions (or standard operating procedures), traffic management plans, and other relevant information. The Black Folder was given to new workers and the contents were explained to them; with the intent that it was kept in their company vehicle and referred to when carrying out work.
2. There was (and is) a practice of buddying up less experienced workers with more experienced workers to ensure an adequate level of competency and to transfer knowledge from more experienced to less-experienced workers.
3. At the time of the Incident SICON required at least one member of a patrol crew to have a recognised traffic management qualification.

There was also a safe system of work in place in respect of road repairs:

1. Workers were expected to complete Daily Site Management forms at the start of the day to assess risk and apply suitable controls.
2. Workers were also expected to follow appropriate work instructions as provided in the Black Folder.
3. TMPs were supposed to be followed, as provided in the Black Folder and explained in inductions. If modifications were necessary, these had to be approved by a Site Traffic Management Supervisor.

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

At the time of the incident:

- a) Monthly Safe Work observation audits were completed by the HSET and Contract Managers
- b) Quarterly review of DSM forms completed by the People & Safety Administrator and HSET Advisor for North Branch

Post - Incident:

- c) Items a & b above continue
- d) SICON engaged an external TM auditor to complete auditing and training activity - (on-going)
- e) Telarc completed an audit against ISO45001 in November 2020
- f) Another audit is scheduled for November 2021

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

SICON has discussed the application for an enforceable undertaking with the Injured Person who has indicated his support.

SICON has discussed the application with the Hurunui District Council who have offered their support for it.

SICON has also worked with Waka Kotahi, NZTA who have also offered their support.

In addition SICON has consulted with its senior executives, health and safety personnel and traffic management manager to seek their views and support.

2 General Terms

SICON 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

SICON acknowledges that WorkSafe alleges SICON has breached its duties under sections 36(1)(a) and (2) of the Health & Safety at Work Act 2015.

2.2 Statement of regret that the contravention occurred

SICON has expressed its deep and sincere regret for the incident to the Injured Person. This was conveyed by the CEO and GM People & Safety in June 2020 and again in April 2021 in person.

SICON is fully aware that it cannot properly recognise or apologise for what happened both in terms of physical and emotional harm suffered by the Injured Person. It is committed to ensuring its systems are improved to avoid similar events occurring.

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

SICON has taken this event very seriously and immediately reviewed its systems and implemented improvements. It has engaged proactively with the Injured Person from an early stage and taken responsibility for the steps it could have taken to reduce the risk to that individual and its workers. It co-operated fully with WorkSafe's investigation and understands the seriousness of this engagement.

SICON considers this enforceable undertaking is a more appropriate response to the contravention than a court-imposed sanction as there are longer-term benefits that will be achieved from the terms of the undertaking. Those benefits will be shared across our company, our industry, and within the communities where we operate. Some initiatives will directly address the particular area of risk which arises for both workers and other persons during work in the road environment.

The terms include:

- Provision of appropriate amends to the Injured Person.
- Investments in operational health and safety improvements within SICON that will directly benefit both workers and road users' safety (including training and education, structural changes and risk management tools).
- Increasing knowledge and awareness within roading infrastructure providers including Road Controlling Authorities about the value of a risk based approach to the health and safety risks associated with temporary traffic management using evidence based case study.
- Delivering a range of initiatives within the local Hurunui region that may not otherwise have occurred to advance community-level Traffic Management risk awareness education.
- Providing funding to volunteer and charity emergency services within the region in acknowledgment of their support on the day of the incident and to aid in their ability to continue to provide that level of medical support in the Hurunui community ongoing.

SICON considers its commitment to direct resources towards prevention of future incidents will achieve greater benefits and achieve more lasting change than concluding matters through the Court process.

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

SICON understands how important it is to learn from the Incident. SICON is committed to ensuring that the behaviours, activities and factors which caused or led to the alleged contravention will cease and will, so far as is reasonably practicable, ensure that such circumstances will not reoccur.

SICON has implemented several changes to its health and safety policies and practices which are set out in section 1.5 above.

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

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

SICON

has read and understood the Enforcement Undertaking Operational Policy.

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

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

SICON

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

SICON

has the financial ability to comply with the terms of this undertaking and can provide additional information by way of evidence to validate this claim. A letter to this effect is attached. If required a copy of the companies audited financial accounts is available on request.

SICON

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

SICON acknowledges that it has current relationships with the following people and entities, or people who are potential beneficiaries of this undertaking being:

- Current workers of SICON as direct beneficiaries
- Hurunui District Council - client and direct beneficiary
- Selwyn District Council – owner and indirect beneficiary through its role as an RCA

Aside from those relationships SICON is not aware of any current relationships between itself and any recipients of financial benefits as a result of the proposed terms of this undertaking.

2.9 Statement regarding Intellectual Property

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

SICON

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

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

SICON

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

2.11 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 SICON.
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 SICON 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)

SICON

3 Enforceable Terms

SICON 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.

SICON 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

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

SICON confirms that it is committed to ensuring the ongoing continuous improvement and effective management of risks to health and safety arising from its work.

In order to ensure risks to health and safety of workers and others are identified and managed during future business activities (in addition to the other initiatives set out in this undertaking) SICON will:

- Regularly review and improve (as appropriate) the processes for identifying, reporting, controlling and auditing TTM both internally and through sub-contractors
- Ensure regular and constructive engagement with employees and sub-contractors about TTM and health & safety issues and expectations
- Work to continuously promote and reinforce a positive workplace culture on all worksites SICON is involved in
- Ensure incident learnings are shared throughout the business and with any sub-contractors working with SICON
- Continue to engage in both internal and external auditing activities to ensure consistent standards of health and safety are maintained

Ongoing monthly reporting of project HSET performance will continue to be provided to the Senior Leadership Team and Board including the monthly reporting of the progress of the execution of this enforceable undertaking.

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

(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:

SICON commits to share information about this undertaking with its workers, and other relevant parties.

The Enforceable Undertaking will be provided to all workers via the monthly divisional Health & Safety Meetings, within two months immediately following execution.

The Injured Person, Hurunui District Council and Waka Kotahi NZTA will be provided with a copy of the executed terms within two weeks of execution.

A copy will be published on SICON's website for a period of twelve (12) months after execution.

Dissemination will occur by:



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	COST (\$)	TIMEFRAME
Traffic Management Induction Training SICON will develop induction training material for all new and temporary workers to specifically address education and awareness of traffic management risk, assessment, and controls. The induction module will train workers concerning the specific requirements of each of the following RCAs: Christchurch City Council, Hurunui District Council, Waimakariri District Council, Timaru District Council, Selwyn District Council	3040.00	Within six months of the date of this undertaking
Health & Safety Training Preparation costs Delivery costs SICON will divert internal resources to design, administer and deliver a range of Health & Safety education modules that are not currently provided to raise the level of competency in foreman/leading hands and supervisory staff. The content will address; <ul style="list-style-type: none"> • Roles & Responsibilities • Investigation techniques • Training and competency • Risk Management • Injury Management • Hazardous Substances • Emergency response • Fatigue management 	13,310.00 18,900.00	Within twelve months of the date of this undertaking
First Aid Training Course Costs and Delivery SICON will partner with Fact Co to deliver to remote working employees an advanced first aid program. This program will lift capability regarding scene & casualty management, resuscitation, wounds & bleeding, injuries, hot & cold emergencies, medical conditions, poisoning and assessments with patients. This is directed specifically at enabling workers to provide first aid for situations where there will be significant delays in receiving paramedic support.	3,200.00	Within six months of the date of the undertaking
Total estimated cost of benefits for workers/others	\$38,450.00	

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	COST (\$)	TIMEFRAME
<p>Outline the activity and the expected outcomes</p> <p>SICON will work with Waka Kotahi NZTA to deliver benefits and improvements to the road maintenance industry sector by improving road workers' and road users' safety outcomes through two processes:</p> <p>A) Data Collection Trials</p> <p>Initiatives are underway in New Zealand to improve road worker safety outcomes. This is in large part due to there being an unacceptably high number of injuries and deaths associated with roader workers and their activities.</p> <p>Notable initiatives include WorkSafe's recently drafted "Road and Roadside Worker Health & Safety Good Practice Guidelines", which are published for industry consultation. In addition, Waka Kotahi NZTA is reviewing the Code of Practice for Temporary Traffic Management (CoPTTM). The review will ultimately result in the creation of a replacement of the CoPTTM document with a Guide to Temporary Traffic Management.</p> <p>These two initiatives are aligned in emphasizing a risk based approach to the identification and controlling of risk associated with road worker hazards. Under the direction of the Road Worker Safety Governance Group (comprised of industry leaders including CHASNZ, construction companies, WorkSafe, and Waka Kotahi NZTA representatives), four workstreams have been initiated to support these two initiatives. One of those workstreams, "Improving the capability and capacity of the roading construction sector" will create a national reference database of evidence-based best practices/controls for the use and adoption by the industry for mitigating and controlling identified risks.</p> <p>Under the guidance of Waka Kotahi, SICON will establish trials to surface and collect data on the effectiveness of various traffic management controls designed to protect road workers and road users undertaking or experiencing cyclic patrol tasks in rural highways.</p> <p>The data collection and subsequent analysis will be added to the national reference database of TTM controls supported with evidence as to their effectiveness for TTM practitioners to use in the field.</p> <p>Waka Kotahi NZTA's designated representative and SICON will meet to agree on a methodology for the design of the data collection trials. This methodology will include the data collection trial design, approach to data collection, and the formatting and presentation of data back to Waka Kotahi, NZTA.</p> <p>Trials will focus on the work of cyclic patrol crews including pothole repairs, signage install & maintenance, and edge marker post, install & maintenance.</p> <p>The network location within which the trials will be undertaken will be the Hurunui rural road network and the trials will include settings of:</p> <ul style="list-style-type: none"> • carriageway width variability • terrain variability, long straight roads, and winding and undulating roads with reduced visibility • shoulder variability, where there is insufficient space for a vehicle to park clear of the carriageway and/or for someone to exit that vehicle safely, in reasonable proximity to work zones <p>Attached to this application is an email in support from Waka Kotahi NZTA</p>	80,000.00	Within fourteen months of the date of this undertaking

<p>B) Information Share</p> <p>SICON will prepare and share a Case Study. The primary objective of the case study is to inform industry sector stakeholders of the event, lessons learned and corrective actions to be shared in order to prevent similar events from occurring. The Case Study will be in two parts. The first part focuses on the Leader Road incident itself and the key learnings obtained from investigating and reviewing that. The second part will focus on the work done with Waka Kotahi. This will aid in the promotion of the national reference database itself and how industry can utilise it to improve road worker safety outcomes. It will also and most importantly profile learnings for cyclic road maintenance workers assessing risk in rural road settings as to the most effective controls.</p> <p>a) The Incident</p> <ul style="list-style-type: none"> • Profile of the work and events leading up to the incident • Description of the incident • Post-incident activities • Causation • Lessons Learned • Organisational response & preventative measures applied • Interaction and discussion <p>b) The Trials</p> <ul style="list-style-type: none"> • Share any qualitative and or quantitative findings from the data collection trials. • Interaction and discussion • Promotion of the national reference database <p>The information share would be delivered in two meetings, one in Christchurch and another in Timaru to an audience of rural local government, Civil Contractors, and Road Maintenance Contractors from across the South Island representative of the activities and environment within which the incident occurred. Local Government New Zealand Zone five members targeted are as follows:</p> <table border="1" data-bbox="113 1043 1157 1339"> <tr> <td data-bbox="113 1043 659 1339"> Ashburton District Council Buller District Council Chatham Islands Council Christchurch City Council Environment Canterbury Grey District Council Hurunui District Council Kaikōura District Council Mackenzie District Council </td> <td data-bbox="659 1043 1157 1339"> Marlborough District Council Nelson City Council Selwyn District Council Tasman District Council Timaru District Council Waimakariri District Council Waimate District Council West Coast Regional Council Westland District Council </td> </tr> </table> <p>Consideration towards providing travel assistance to members of Buller DC, Grey DC, Nelson DC, Marlborough DC, Tasman DC, West Coast Regional Council, and Westland DC will be given.</p> <p>Zoom and a video recording will also be utilised to reflect sustainability matters and ensure the greatest benefit to any stakeholders not able to be present at one of the events. This would also be provided to Waka Kotahi NZTA / WorkSafe for national distribution.</p>	Ashburton District Council Buller District Council Chatham Islands Council Christchurch City Council Environment Canterbury Grey District Council Hurunui District Council Kaikōura District Council Mackenzie District Council	Marlborough District Council Nelson City Council Selwyn District Council Tasman District Council Timaru District Council Waimakariri District Council Waimate District Council West Coast Regional Council Westland District Council	15,000.00	Within fourteen months of the date of this undertaking
Ashburton District Council Buller District Council Chatham Islands Council Christchurch City Council Environment Canterbury Grey District Council Hurunui District Council Kaikōura District Council Mackenzie District Council	Marlborough District Council Nelson City Council Selwyn District Council Tasman District Council Timaru District Council Waimakariri District Council Waimate District Council West Coast Regional Council Westland District Council			
Total estimated cost of benefits for industry	\$95,000.00			

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

ACTIVITIES	COST (\$)	TIMEFRAME
Donate to Canterbury West Coast Air Rescue Trust Inc SICON Ltd was very grateful, as was the Injured Person, that prompt medical response was made available to transfer them to Christchurch hospital on the day of the incident. Accordingly SICON will donate \$10,000.00 to the Canterbury West Coast Air Rescue Trust to enable the ongoing operation of their service to the region.	10,000.00	Within two months of the date of this undertaking
Improve Local First Aid Facilities SICON will assist the construction of the new Culverden St Johns facility and the equipment provisions in the Cheviot St Johns facility as these ambulance crews continue to provide essential emergency service first aid to their respective rural communities. Accordingly SICON will donate \$5,000.00 to each St Johns crew for the purposes identified above.	10,000.00	Within two months of the date of this undertaking
Improve Local Fire Brigade Response SICON will assist the local Fire Brigades to provide and promote/recognise on-going first aid response to the region. Accordingly SICON will donate \$2,500.00 to the Cheviot Fire Brigade and the Waiarau Fire Brigade for the purpose identified above.	5,000.00	Within two months of the date of this undertaking
Provide workshops for Council volunteers, Parks & Reserves volunteers and the Eventful Hurunui Group of volunteers on the importance of road safety and TTM processes in keeping them and the wider public safe while completing their volunteer work.	880.00	Within twelve months of the date of this undertaking
In conjunction with the HDC Youth Council provide education for the three local area schools in the promotion of Road Safety	1,920.00	Within twelve months of the date of this undertaking
Workshop with the HDC TTM staff and key subcontractors to understand the key learnings from the incident and to clarify and drive the consistent application of these learnings across the rural roading asset.	960.00	Within twelve months of the date of this undertaking
In association with the HDC Road Safety Officer develop an education and awareness campaign for local motorcycle groups concerning TTM.	1,040.00	Within twelve months of the date of this undertaking
Provision of safe driving signage for Hurunui District public toilets to promote awareness of and the need for safe driving practices.	5,000.00	Within twelve months of the date of this undertaking
Provision of a "Slow Traffic" electronic speed indicator sign at the north end of the entrance to the Waiarau Township to reduce traffic speeds through the community.	15,000.00	Within twelve months of the date of this undertaking
Total estimated cost of benefits for industry	\$49,800.00	

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

- 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

3.7.1 SICON

commits to a minimum spend of \$ **\$315,421.00** for this undertaking.

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

3.7.2 SICON

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 SICON

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	132,171.00
Benefits to workers/others	38450.00
Benefits to industry	95,000.00
Benefits to community	49,800.00
Estimated cost of the undertaking Plus GST (if any)	\$ 315,421.00

4. Execution

Authorised representative of an organisation

Undertaking given by (name of authorised representative)

David Wilson

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

Chief Executive

of (eg organisation name)

SICON Limited

On the 01 day of

October

20 21

Signature of the person giving the undertaking:

Undertaking given before me:

Witness name:

Richard Copeland

Witness address:

71 Aynsley Terrace, Hillborough,
Christchurch 8022

Witness signature:

SIGN HERE

5. Acceptance

This undertaking is accepted by WorkSafe.

On the 06 day of

October

20 21

Signature of person accepting the undertaking:

SIGN HERE

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

Catherine Gardner, Acting Head of Specialist Interventions

Undertaking given before me:

Witness name:

Cordell Weir

Witness address:

19 Bower Street
Napier

Witness signature:

SIGN HERE

