

Application for an enforceable undertaking

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

Ecostore Company 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:

Tony Acland, Chief Operating Officer

On behalf of:

Ecostore Company Limited

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

Ecostore Company 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*.

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 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)

Tony Acland, Chief Operating Officer

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

Ecostore Company Limited ("Ecostore")

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)

Tony Acland
tony.acland@ecostore.co.nz

Physical address:

125 The Strand, Parnell, Auckland 1010

Postal address: (if different from physical address)

PO Box 91718
Auckland Mail Centre
AUCKLAND 1142

Work phone:

Mobile phone:

Email: tony.acland@ecosotre.co.nz

Industry: Manufacturing

Workers (enter numbers):

Full-time: 109 Part time: 11 Casual: 11

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

Manufacturing of home and body care products, distribution and sale of these product via wholesale, retail and e-commerce channels.

Comments:

1.2 Detail of the contravention

Ecostore has been charged with one offence under sections 48(1) and (2)(c) and 36 (1)(a) of the Health and Safety at Work Act 2015 ("HSWA"), in relation to an event on 7th March 2023 which resulted in an injury to an Ecostore employee ("the Injured Person").

The alleged contravention is that Ecostore, being a person conducting a business or undertaking (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 Injured Person, while the workers are at work in the business or undertaking, namely manufacturing dishwasher powder, did fail to comply with that duty, and that failure exposed the workers to a risk of serious injury or serious illness.

Particulars:

It was reasonably practicable for Ecostore to have ensured:

- (1) all workers handling chemicals were adequately trained, including to understand the safety precautions for handling chemicals, what to do in an emergency, and the appropriate personal protective equipment ("PPE").
- (2) appropriate PPE was provided to workers, in particular suitable eye protection, and adequate monitoring of workers use of PPE was carried out.
- (3) workers were provided with appropriate first aid treatment after coming into contact with the chemicals, including ensuring they were assessed by a competent person.

1.3 Detail the events surrounding the contravention

1.3.1 Description of the Manufacturing facility at the time of the incident.

Ecostore has a manufacturing facility at 16 -18 Ben Lomond Crescent, Pakuranga, Auckland. Ecostore manufactures and packs a range of wet and dry consumer cleaning products at the site, including: personal care products, such as soap bars, bodywash, shampoo, and handwash; laundry and dish liquids; and laundry and dish powders. Approximately 50 workers work at the site, across 2 shifts. The shifts operate from 6am to 2:30pm Mondays to Fridays, and from 2:30pm to 1am Mondays to Thursdays. The site receives approximately 20 truckloads of raw materials and packaging a day and sends out 3 - 4 truckloads of finished product per day to Ecostore's distribution centre in Ellerslie, Auckland. The site produces approximately 100 tonnes of liquid products per week, 50 tonnes of powder products per week, and 60,000 soap bars per week.

1.3.2 Operational overview of the manufacturing facility at the time of the incident

The powder manufacturing operation involves staging 1.5 – 2 tonnes of 25kg bags of raw materials on pallets. These bags are added to either a 1.5 tonne ribbon blender for dish powder or a 2.5 tonne ribbon blender for laundry powder. After the dry ingredients are blended, a mix of liquid surfactants and fragrances is sprayed into the powder batch. Typically, the amount of liquid for a dish powder batch is 31.5 kg. In the weeks leading up to the incident 15 batches of dish powder and 8 batches of laundry powder per week were being packed off. This is approximately 33 tonnes per week (1,320 x 25kg bags).

1.3.3 Duties of a powder manufacturer at the time of the incident

The powder manufacturer is expected to follow the manufacturing documents provided each morning at the start of the shift by the Production Manager. There is one set of manufacturing documents issued for each batch of powder. The manufacturing documents identify the name of the product, the raw materials used, and the required quantities of raw materials. They also contain prompts for PPE and include a set of process instructions. On the completion of a batch, the worker empties the blender into 2 flexible bags, which are labelled with the product description, batch number and date of manufacture. The worker takes a sample of each batch to the Quality Control lab for testing. After the batch is released, the worker relocates each flexible bag to the racks adjacent to the powder packing line where it is to be used.

1.3.4 Duties that the Injured Person was engaged in at the time of the incident

The Injured Person was the only powder manufacturer at this time, as the other powder manufacturer was on light duties. The Injured Person was conducting the duties of a powder manufacturer at the time of the incident. He was manufacturing a batch of dish powder in the 1.5 tonne dish blender.

1.3.5 Incident Report – Based on CCTV footage and statements from the Production Manager and Operations Manager.

The incident occurred at 10.35am on 7 March 2023. The Injured Person had completed blending the dry ingredients and commenced adding the liquid ingredients via the pressurised-pot spraying system. He had walked 15m away from the spray system when one of the hose clamps failed, causing a vertical spray of litres of mixture (surfactant and fragrance) about 6m in the air from the pressure pot outlet. The Injured Person, who was initially well clear of the spray, walked back to the pressure pot to shut it down and, in so doing, was showered with liquid. He had not been trained to respond appropriately to a release of a pressurised substance and the correct use of PPE for such situations, and he had not, in any case, been provided with the appropriate PPE for the task he was doing. The Injured Person spoke with the Production Manager within 3 minutes of the incident and was instructed to take a shower and wash his eyes. The eye washing process was not supervised by the Production Manager or supported by the duty first aider and therefore cannot be confirmed. Whether the Injured Person showered cannot be confirmed. At this point the MSDS sheets were not consulted to assess the appropriate next steps relating to the chemical exposure. The Production Manager asked the Injured Person if he felt ok to continue working, and he said that he felt fine. The Production Manager accepted this self assessment and did not involve the duty first aider. The Production Manager advised the Operations Manager of the incident later, who suggested that because eyes were involved, the Injured Person should be sent to A&E as a precaution. The Production Manager asked one of the other workers to take the Injured Person to A&E at 1.30pm. The worker dropped the Injured Person off at Eastcare in Botany but was not instructed to and did not accompany him inside. We understand that the Injured Person was not ultimately seen or treated there but in hospital later that evening. This was the last contact we had directly with the Injured Person. All further communication has taken place via his representatives.

Ecostore acknowledges that: some workers including the Injured Person had not received adequate training in chemical safety, emergency procedures relating to chemical spills and a release of a substance under pressure, and the related PPE requirements; it had not provided adequate PPE and formal monitoring of PPE for its workers, including the Injured Person; and that the Injured Person was allowed to self assess his condition after the incident and did not receive the appropriate first aid by a competent person.

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
09 / 03 / 2023	Non-disturbance notice			Preservation of CCTV
09 / 03 / 2023	Notice of removal	29911 & 29912		Retention of things
13 / 03 / 2023	Improvement notice		Unsafe pressure system	Remedial work/certified

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)

Post contravention rectifications include:

1.5.1 Compliance with Improvement Notice: Hazard elimination and control work completed and certified; Pressure pot and pressure system improvements, including compressor (\$12,310).

1.5.2 H&S Audit: External audit of manufacturing and distribution sites. Improvements and modifications identified and initiated (\$3,444.25).

1.5.3 Recruitment and job description changes: Senior Manager appointed to H&S role, which is a new function overseeing engagement and efficacy of HSMS and outcomes; H&S administrator role created to support H&S administration, inductions and training including archiving; and additional health and safety representatives ("HSRs") across all departments in manufacturing (\$7,000).

1.5.4 H&S Training: Video training programme implemented with core training curriculum for all employees; all site managers have completed HSR Stage 1 training and have been trained on notifiable incident reporting; Stage 2 training on investigation provided to all managers and HSRs (\$3,186).

1.5.5 Review induction processes: All induction processes across Ecostore have been reviewed with improved systems put in place and linked to H&S training, as linked to 1.5.4, above.

1.5.6 Review employee engagement: Refresh engagement and team culture by empowering HSRs, who are direct H&S monitors of and advocates for workers and are a conduit between workers and management in respect of H&S meetings and training.

1.5.7 Review emergency/first aid response: Emergency First Aid procedure policy put in place - injured employees cannot self-assess; Manufacturing Safety Data Sheets ("MSDS") to be checked in every incident involving chemicals; mandatory medical appointments required for certain injuries, e.g. eyes, breathing difficulty, head injuries.

1.5.8 Improved start-up checks: Checklist of what product manufacturer needs to go through before their tasks. Improvements include references to PPE requirements, and checking hoses and pressure gauge, and eyewash bottles.

1.5.9 Weekly toolbox meetings: Team meetings.

1.5.10 PPE review: PPE requirements updated in relation to information on MSDS; PPE procurement scope updated; Sign-off forms updated to capture issuing, dispensing and education; review of clothing; and daily PPE monitoring (\$43,000).

1.5.11 Incident and hazard management: Enterprise resource planning ("ERP") software used for live, online capturing and reporting of data across Ecostore, with some key data presented in a dashboard format, including notifications to senior managers and officers.

1.5.12 Replacement/new plant: Vacuum lifter for powder manufacturing, and ride-on apparatus for cleaning floors (\$49,400).

1.5.13 Expansion to 48 Ben Lomond Crescent, Pakuranga: Expansion of operation allows manufacturing and distribution functions to have more controlled and safer environments to work in, eliminating risks arising from constrained environments (\$332,700).

1.5.14 Relocation of Powder Manufacturing to 18 Ben Lomond Crescent, Pakuranga: Allows safer access to blenders, better lighting, and separation from forklift traffic area (\$54,334).

1.6 Total amount of money spent on rectifications

Rectifications = \$505,375

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 sustained a corneal abrasion resulting from chemical contact to his eyes, which, has impacted his vision [REDACTED]. We have been informed by WorkSafe that the Injured Person is undergoing trauma counselling for which the prognosis is an extensive timeline recovery, and that he has a special lens but still experiences dry-eye, light sensitivity and headaches, which is treated with medication.

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: (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 an employee of Ecostore but resigned with effect 17 July 2023.

Detail offer of amends or payments:

[REDACTED] Ecostore paid the Injured Person financial compensation of \$20,000 in recognition of the hurt and distress arising from the physical and emotional harm caused by the incident. [REDACTED]

[REDACTED] Ecostore also topped up the Injured Person's ACC compensation for the period until which he was employed with Ecostore, being \$1,398.40.

Since receiving more details about the emotional harm suffered, in particular, we undertake to make additional financial amends to the Injured Person of an additional \$20,000. Ecostore will make payment to the Injured Person within 15 working days of the execution of this EU application.

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

There has been no consultation with the Injured Person during the EU application process. Explanation provided in section 1.9 of the Appendix.

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

Ecostore has consulted with other organisations in the sector /industry but primarily with the Employers Manufacturers Association ("EMA"), Cosmetics NZ, Project Whakahaumarū.

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

DATE	DESCRIPTION OF SUPPORT	COMMENTS
17 / 07 / 2023	Expression of remorse [REDACTED]	
20 / 07 / 2023	Favourable reference given	[REDACTED]
25 / 07 / 2023	Financial amends of \$20,000	[REDACTED]
27 / 07 / 2023	ACC top up \$1,398.40	Lump sum payment
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
DD / MM / YEAR		
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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:

Ecostore's Occupational Safety and Health Management System (OSHMS) objectives, policies and relevant procedures are documented as part of the Integrated Management System Manual and Procedures, together with our Quality Management System (QMS), certified under ISO 9001 standard, and our Environmental Management System (EMS), certified under ISO 14001 standard. Our OSHMS and EMS are also certified and externally audited under the Enviromark Diamond Programme Certification Scheme by Landcare Research.

We have a documented hazard identification and risk assessment process that evaluates all work areas, and assigned managers determine and assess the level of risks existing in the workplace, including reviewing risks when changes are implemented, e.g. before and after installing new machinery. The assessments are documented and recorded in a hazard identification and risk assessment register, which includes a system by which operational control measures are categorised to manage hazards by levels of risk. The implementation of operational controls is monitored during monthly OSH Working Committee Meetings and also during the annual Management Review meetings.

We have implemented a new Job Safety Analysis procedure which includes observing the performance of work activities of personnel in the various work places should a new process or change to existing workflow be implemented. This is carried out by the relevant manager.

We also employ various additional means to monitor hazards, near hits and incidents:

- Site Hazard register
- Through Daily workplace inspections and PPE monitoring performed by our HSRs during their shifts
- Monthly OSH inspections using checklists, organised by site managers and administrators, and performed by OSH Working Committee members
- Database collecting OSH hazards, near hits and accidents (through Netsuite), equipped with automatic email alerts and weekly dashboard reports to management.

Our documented OSH objectives require monitoring and reporting significant accidents vs. reduction KPI, which is reported to top management monthly.

We have various documented Standard Operating Procedures that outline operational control requirements to manage OSH risks, such as:

- Induction and training programs
- Maintenance Program
- Work Permits
- PPE identification and management
- Lock-out/ Tag-out procedures, and
- Relevant procedures to safely operate equipment, amongst others.

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

Aspects of the OSHMS and applicable compliance requirements are audited annually by an external auditor (WorkSafe Advisory Services), which is part of Ecostore's certification to the Enviromark Diamond programme by Landcare Research. An annual internal audit is also performed, integrated with the audit matrix on the EMS. Reports of the external and internal audits are discussed with site managers during the annual EMS/OSHMS Management Review Meetings. The audit includes both manufacturing and distribution workplaces. The external audit occurs every 2-3 years, which the external auditor recommended themselves. Internal audits are carried out by Ecostore's Group People & Culture Manager.

As part of the monitoring process, monthly OSHMS inspections are scheduled and performed by the OSH Working Committee composed of HSRs and management committee members in our manufacturing and warehousing sites. Checklists guide the process. The findings are reported and logged into Ecostore's OSH Accident/Incident/Near-miss/Hazard Observation database (on our Netsuite platform), which are then communicated directly to management.

Whenever required, additional external audits or work area assessments are contracted and performed by other third parties.

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

Ecostore has consulted with the Employers and Manufacturers Association ("EMA"), Project Whakahaumarū and the Cosmetics Association of New Zealand, and it has also reached out to Blind Low Vision NZ to work on a pilot project to improve vision impaired workers' inclusion and access to work, as set out in sections 3.4 and 3.5.

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

Ecostore acknowledges that WorkSafe alleges a contravention has occurred as detailed in section 1.2.

2.2 Statement of regret that the contravention occurred

Ecostore sincerely regrets the harm suffered by the Injured Person and wishes to acknowledge the impact that the incident has had on him. Ecostore is committed to its obligations under the Health & Safety at Work Act 2015 and acknowledges that commitments beyond sheer compliance are important for WorkSafe to consider accepting these undertakings instead of prosecuting the charge against Ecostore. Ecostore takes its responsibility to ensure the health and safety of its employees seriously and is remorseful that an employee suffered harm during the performance of their duties. Ecostore offers this undertaking to show it has supported the Injured Person, has learned from the incident, and is improving the health and safety of its employees and its workplaces while also committing to raising awareness of health and safety in the wider manufacturing industry and our community.

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

Ecostore considers this undertaking to be the most appropriate response to the contravention, as we are well-placed to support tangible, improved health and safety outcomes across the areas identified by WorkSafe and to leverage off our nationally-recognised brand to raise H&S awareness beyond our workplaces.

We are committed to and have already commenced training and encouraging engagement with our workers and improving our workplaces through the framework of an OHSMS where employees are the focus, and their wellbeing is a key performance indicator. Employees are supported by HSRs, who are intermediaries for internal communications with a two-way information flow from the factory floor to management, with workers consulted on their health and safety needs, and risk elimination or minimisation, learnings and feedback coming from management .

The Ecostore brand is well-known in New Zealand as a homegrown family business. Disseminating our H&S story and engaging with other manufacturers via industry associations, such as the EMA and its membership, could have a real impact on raising awareness and improving the health and safety culture in similar New Zealand workplaces, primarily through industry stakeholders and individuals who share Ecostore's goals.

Our planned community engagement with Blind Low Vision NZ is intended to support visually-impaired workers in finding pathways into productive work and/or back to work and puts a focus on their wellbeing and safety.

In addition to the above, Ecostore has no previous convictions under the Health and Safety at Work Act 2015, has engaged meaningfully and has cooperated willingly with WorkSafe's investigation, and has expressed remorse and made financial amends to the Injured Person.

While WorkSafe retains the option to continue with prosecution and seeking a fine as penalty, it would not yield the more immediate wider industry and community benefits than the commitments proffered in these proposed undertakings.

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

Ecostore provides a commitment to preventing the factors, including mechanical, behavioural and procedural, that caused or led to the contravention and has already taken steps in that regard with a review of PPE, review of hazard and risk review and overhauling OHSMS processes. It commits to the non-recurrence of the behaviour, activities and any other factors that did or may have contributed to the contravention. Ecostore is committed to continuous improvement in relation to the health and safety of our employees and workplaces, and also provides an anonymous reporting channel via a third-party for confidential reporting on H&S, wellbeing and human resources-related matters.

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)

Ecostore Company Limited

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)

Ecostore Company Limited

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

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

Ecostore Company Limited

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

(type of evidence provided)

financial summary, noting Ecostore Company Limited is a private company with this undertaking to support this declaration.

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

Ecostore Company Limited

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

Ecostore Company Limited is a member of the EMA and is not affiliated with any other organisation or company that will receive financial support in relation to these proposed undertakings.

2.9 Statement regarding Intellectual Property

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

Ecostore Company 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.

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)

Ecostore Company 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

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)

Ecostore Company Limited

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

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

Ecostore is committed to carrying out the activities described in this application and detailed in sections 3.3, 3.4, 3.5.

Ecostore commits to performing activities that will ensure the ongoing effective management of risks to health & safety in the future conduct of its business or undertaking.

Ecostore will ensure the activities detailed in this application are performed by:

1. Appointing an Enforceable Undertaking delivery team, involving workers, HSRs, and managers that focus on delivering the undertakings.
2. Ensuring that progress with the undertakings is internally reported and discussed in all H&S weekly meetings, primarily the toolbox meetings on the factory floor lead team meetings.
3. Ensuring that EU project progress is reported and discussed in the monthly H&S committee meetings and Monthly board meetings with a feedback loop to the workers on key issues.
4. Quarterly reporting on status and compliance with the undertakings to the Board.
5. Maintaining involvement of external legal counsel to update progress with complying with the undertakings and considering their advice in respect of same.
6. Reporting to WorkSafe's Enforceable Undertakings team at the required frequency, and fully cooperating with WorkSafe's auditing process.

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:

Ecostore will disseminate information about these undertakings to employees and other relevant parties by:

1. Engaging and communicating with the Injured Person via their representatives no later than 10 days from the execution of this enforceable undertaking application.
2. Engaging and communicating with Ecostore's employees via internal meetings no later that 10 days from the execution of this enforceable undertaking application.
3. Engaging and communicating with the external associations and organisations detailed in this application no later than 30 days from the execution of this enforceable undertaking application.
4. Engaging with Project Whakahaumarū (EMA & ACC) to support safety in the Manufacturing sector, no later than 30 days from the execution of this enforceable undertaking application.

Dissemination will occur by: / YEAR

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	COST (\$)	TIMEFRAME
Outline the activity and the expected outcomes		
1. Install a new working platform for Liquids Manufacturing	94,985	18 months
2. Fund an annual GP health check appointment for all staff to support health and wellbeing awareness	6,500	18 months
3. Launch workplace communication training programme, focussing on H&S engagement & literacy	0	18 months
4. Launch and develop a Behavioural Safety Programme.	0	18 months
5. Purchase and install 1 vacuum lifter and gantry for powder manufacturing	60,000	18 months
6. Launch a workplace stretching/excersie programme, to educate on & support safe manual handling	5,000	18 months
7. Review of Liquids manual handling equipment and procurement	2,000	18 months
8. To install and upgrade the CCTV system to improve monitoring in high traffic & isolated areas	70,945	18 months

Activities [3.3.3] and [3.3.4] will be delivered using Ecostore's internal labour.

Total estimated cost of benefits for workers/others

\$ 2 39,430

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.
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3.7 Minimum spend

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

3.7.1 Ecostore Company Limited

commits to a minimum spend of \$ 323,828.40 for this undertaking.

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

3.7.2 Ecostore Company 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 Ecostore Company Limited

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	41,398.40
Benefits to workers/others	239,430
Benefits to industry	23,000
Benefits to community	20,000
Estimated cost of the undertaking Plus GST (if any)	\$ 323,828.40

4. Execution

Authorised representative of an organisation

Undertaking given by (name of authorised representative)

Tony Acland

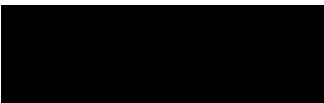
In my own right and in my capacity as (eg President, Chairperson, etc)

Chief Operating Officer

of (eg organisation name) **Ecostore company ltd.**

On the (day) **1st** day of (month) **November**, **2024** (year).

Signature of the person giving the undertaking:



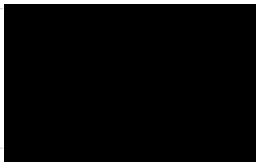
Undertaking given before me:

Witness name: **Melanie Otto**

Witness address:



Witness signature:

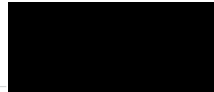


5. Acceptance

This undertaking is accepted by WorkSafe.

On the (day) **04** day of (month) **November**, **2024** (year).

Signature of person accepting the undertaking:



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

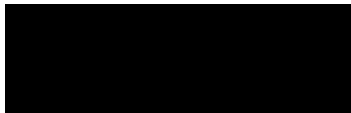
Kelly Hanson-White

Undertaking given before me:

Witness name: **Mark Horgan**

Witness address: **19 Bower Street
Napier 4110**

Witness signature:



APPENDIX A

Ecostore Enforceable Undertaking Application - Additional information

Ecostore has committed over 300 hours of manpower at all levels of the company, from officers to workers, to achieve the rectifications and to prepare this EU Application. The rectifications go beyond a response to the incident and benefit for the company – they are part of a holistic cultural shift in prioritising and valuing H&S in the workplace, particularly in manufacturing and distribution. The cultural shift is top-down. While Ecostore has always believed in worker safety and believed it had the appropriate procedures and monitoring expectations in place to ensure safety, this incident has provided Ecostore with an opportunity to recast H&S and review how it collates and accesses H&S information in real time (through Netsuite, as described below), as well as a practical review of all its SOPs, PPE, First Aid response, and how its workers operate and use manufacturing and distribution workplaces.

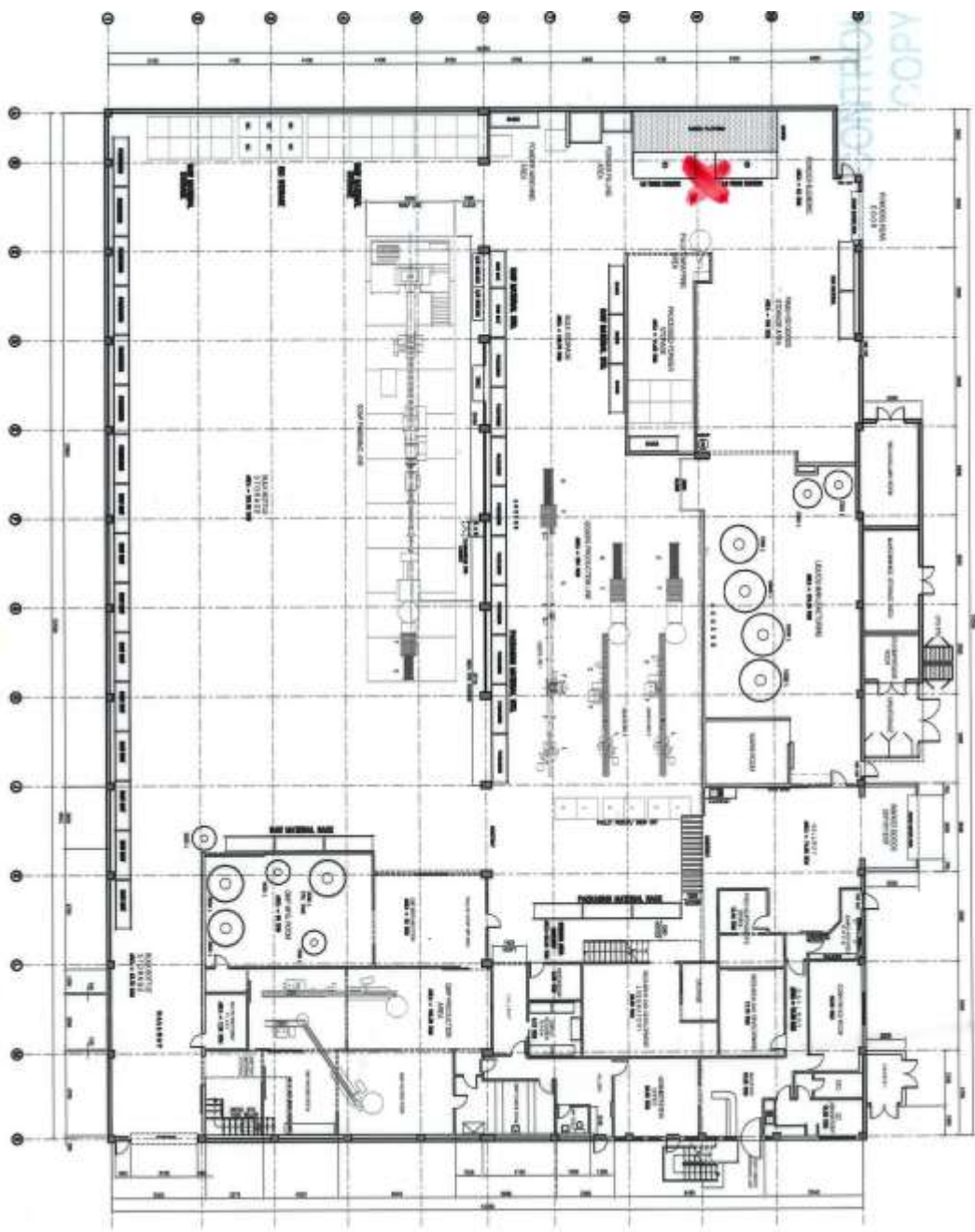
Ecostore is willing to engage with WorkSafe on this EU Application as it believes enforceable undertakings will not only improve conditions for H&S within its workplaces but also in the industry and community, which will be more impactful than prosecution.

Specific additional information on aspects of the EU Application form are set out below.

1.3 Detail of events surrounding the contravention

Site map showing location of the incident, MSDS sheets with descriptions of the compounds involved in the incident as well as hazard and safety information, and image of the pressure pot that was being operated at the time of the incident.

1 SECOND FLOOR LAYOUT
Scale: 1/8" = 1'-0"
Revised: 01/08/2014
Project: [unreadable]



FOR THE ARCHITECT
COPY

Safety Data Sheet

RMS183

IXOM

1. IDENTIFICATION OF THE MATERIAL AND SUPPLIER

Product Name: SURFACTANT 183

Recommended Use of the Chemical and Restrictions on Use Surfactant.

Supplier: Ixom Operations Pty Ltd (Incorporated in Australia)
NZBN: 9429041465226
Street Address: 166 Totara Street
Mt Maunganui South
New Zealand

Telephone Number: +64 9 368 2700
Facsimile: +64 9 368 2710
Emergency Telephone: 0 800 734 607 (ALL HOURS)

Please ensure you refer to the limitations of this Safety Data Sheet as set out in the "Other Information" section at the end of this Data Sheet.

2. HAZARDS IDENTIFICATION

Classified as a Dangerous Good according to NZS 5433:2012 Transport of Dangerous Goods on Land.

Classified as hazardous according to criteria in the Hazardous Substances (Minimum Degrees of Hazard) Notice 2017 and the Hazardous Substances (Classification) Notice 2017.

SIGNAL WORD: WARNING

Subclasses:

- Subclass 6.1 Category E - Substances which are acutely toxic.
- Subclass 6.3 Category B - Substances that are mildly irritating to the skin.
- Subclass 6.4 Category A - Substances that are irritating to the eye.
- Subclass 9.1 Category A - Substances that are very ecotoxic in the aquatic environment.

Approval Number: HSR003617



Hazard Statement(s):

- H303 May be harmful if swallowed.
- H316 Causes mild skin irritation.
- H319 Causes serious eye irritation.
- H410 Very toxic to aquatic life with long lasting effects.

Precautionary Statement(s):

Prevention:

- P102 Keep out of reach of children.
- P264 Wash hands thoroughly after handling.
- P280 Wear protective gloves/protective clothing/eye protection/face protection.
- P273 Avoid release to the environment.

CONTROLLED COPY

Product Name: SURFACTANT 183

Issued: 06/07/2018

Eye Contact:

If in eyes, hold eyelids apart and flush the eye continuously with running water. Continue flushing until advised to stop by a Poisons Information Centre or a doctor, or for at least 15 minutes.



Pure Ingredients

Cosmetics • Personal care • Natural health

FR101245

SAFETY DATA SHEET

GHS: According to 2015/830/EU

Code Number: *FR101245*

Version 3 Revised 18/08/2023

Section 1. Identification of the substance/mixture and of the company/undertaking

1.1 Product Identifier

Product Name	LEMON MESSINA
Code Number	FR101245 - FM72196
Alternative Name	
REACH Reg No	Not registered

1.2 Relevant identified uses of the substance or mixture and uses advised against

For fragrance use.

1.3 Details of the supplier of the safety data sheet

Pure Ingredients
626A Rosebank Road, Avondale
Auckland 1026
New Zealand

Telephone Number +09 813 5619

Email Address compliance@pureingredients.co.nz

1.4 Emergency Tel No 111 / NZ Poisons Centre **0800 POISON** (0800 764 766)
Emergency Response: 0800 CHEMCALL / 0800 243 622 (24hr)

Section 2. Hazard Identification

2.1 Classification of the substance or mixture

FL 3 - 3.1C	Flammable liquid, category 3
AH 1 - 6.1E	Aspiration hazard, category 1
SCI 2 - 6.3A	Skin corrosion/Irritation, category 2
SS 1B - 6.5B	Skin sensitisation, category 1B
EH A1- 9.1A	Aquatic hazard, acute, category 1
EH C1 - 9.1A	Aquatic hazard, chronic, category 1

2.2 Label elements

CONTROL

After eye contact

Flush eyes with plenty of water for 15 minutes including under eyelid. Seek medical advice if irritation persists. Removal of contact lenses after an eye injury should only be undertaken by skilled personnel.

The surfactant (fragrance) supply systems were re-designed to avoid 2 things that had the potential cause harm (and, in the case of the incident, contributed to the incident).

1. The old delivery system relied on manually jugging 30 litres of surfactant mixture into a portable bin, which was then jugged into a pressurised vessel. Now jugging from the bin to the pressurised vessel has been eliminated, as the surfactant mixture is pumped from the bin into the spray nozzles.
2. The old delivery system was an air pressurised system to force the mixture through to the spray nozzles. Now pump pressure delivers the mixture to the spray nozzles, which eliminates the need for a pressure vessel and associated control equipment.

Images of the pressure pot equipment both before (left) and after (right) rectifications that the Injured Person was using at the time of the incident. (The pressure pot is also called a 'blender'.)



There are additional images of the rectification of the blender and its environment on pages 11 – 14, below.

1.4 Detail any enforcement notices that relate to the contravention

Evidence of the enforcement notices from WorkSafe (Non-disturbance, 2 notices of removal, and Improvement Notice). The compliance date for the Improvement Notice was extended to 27 March 2023, as communicated to Ecostore by way of letter from Kevin Hooper, Health and Safety Inspector, on 20 March 2023.

WORKSAFE
NEW ZEALAND | 2011 2022

IMPROVEMENT NOTICE

This notice is issued pursuant to sections 101 and 116 of the Health and Safety at Work Act 2015

Notice issued to: Ecostore Company Limited
Address: 2/125 The Strand, Parnell, Auckland, 1010
Date of issue: Monday, 13 March 2023 Time: 4:45 p.m.

Details of person notice left with:
Name: [REDACTED] Position: Operations Manager
Address: sent by email to: [REDACTED]

I, Kevin John Hooper
Being an inspector appointed under section 163(1) of the Health and Safety at Work Act 2015 (the Act) reasonably believe that you,
 *are contravening a provision of the Act or regulations made under the Act, or
 are likely to contravene a provision of the Act or regulations made under the Act (tick as appropriate)
And require you to remedy this actual or likely contravention, or the things or activities causing or likely to cause a contravention.

Legislative provision being or likely to be contravened:
Health and Safety at Work Act 2015, Section 36(1)(a)

How the legislative provision is being, or is likely to be, contravened: Conclusions after inquiries that the compressed air system, used in the manufacture of cleaning (and other) products at Ecostore Company Limited site, at 16 Lomond Crescent, Pakuranga, is being operated without a certificate of inspection; has unstable piping components; and poor maintenance of pressure equipment, resulting in the compressed air system, not being maintained in a safe condition. Inquiries involved talking to workers and managers, observations made during the visit and speaking with WorkSafe expert who attended the scene.

Recommended prevention or remedial measures: Ecostore Company Limited to engage a suitably qualified and competent person(s) specified in the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 (PECPR) to certify the two Air Receivers and Compressor and obtain a current certificate of Inspection. Furthermore, to engage a competent person(s) to ensure all associated piping and other components, of the compressed air system, are properly secured and maintained. This should include securing the compressed air main and branch lines; secure the pressure pots; replace the flexible airline to the pressure pots; and remove the Blender exhaust pipes from its resting position on the main airline. Provide evidence of compliance with PECPR and ASNZ Standard 3788 series and applicable Approved Codes of Practice.

Remedy required within period beginning on date of issue and ending on: 21/03/2023

Postal address: PO Box 301-102 Albany Inspector's signature:
[REDACTED]

Contact email: Kevin.Hooper@worksafe.govt.nz

A PERSON ISSUED WITH THIS NOTICE WHO FAILS TO COMPLY WITHIN THE PERIOD SPECIFIED COMMITS AN OFFENCE. A COPY OF THIS NOTICE MUST, AS SOON AS PRACTICABLE, BE DISPLAYED IN A PROMINENT PLACE AT OR NEAR THE WORKPLACE, OR PART OF THE WORKPLACE, AT WHICH WORK IS BEING CARRIED OUT THAT IS AFFECTED BY THE NOTICE. IT IS AN OFFENCE NOT TO DO SO, AND/OR TO INTENTIONALLY REMOVE, DESTROY, DAMAGE OR DEFACE THIS IMPROVEMENT NOTICE WHILE IT IS IN FORCE.

Information: If you wish to discuss the circumstances giving rise to this notice, in the first instance please contact the Inspector who issued the notice. It is important that you do this well before the end date of the compliance period stated above, if there are circumstances preventing you from complying with the notice as the failure to comply may result in prosecution. Any other queries or correspondence related to this notice should be addressed to the manager at the address shown above.

WORKSAFE NEW ZEALAND
PO Box 165, Wellington 6140 0800 030 040 www.worksafe.govt.nz

WORKSAFE NEW ZEALAND

NON-DISTURBANCE NOTICE

WORKSAFE
NEW ZEALAND

~~This notice is issued pursuant to sections 108 or 111(1) and 116 of the Health and Safety at Work Act 2015.*~~
~~This subsequent notice is issued pursuant to sections 111(1) and 116 of the Health and Safety at Work Act 2015.*~~
(*delete as required)

Notice issued to: Ecostore Company Limited

Address: 2/125 The Strand, Parnell, Auckland, 1010

Date of issue: Friday 17 March 2023

Time: 8:45 AM

Details of person notice left with:

Name:

Position: Operations Manager

Address: Sent by email to:

I, Kevin John Hooper

being an inspector appointed under section 163(1) of the Health and Safety at Work Act 2015 (the Act) reasonably believe that due to:

A notifiable event at the site involving an escape of a pressurised substance, which resulted in a worker suffering eye injuries resulting in admission to hospital; and WorkSafe New Zealand's requirement to continue with its scene examination to determine further necessary actions.

It is necessary to require you to:

(*delete as appropriate)

- *preserve the site at which a notifiable event has occurred, or
- ~~*prevent the disturbance of a particular site (including the operation of plant) in other circumstances in order to facilitate the exercise of my compliance powers.~~

The site is: 16 Ben Lomond Crescent, Pakuranga, relating to the Blender and Pressure Pot, and associated fittings, involved in the notifiable event at the site on 7 March 2023.

Your obligations are on the front and reverse of this notice.

Measures to be taken to preserve or prevent disturbance: Ensure the CCTV footage on the sites CCTV system, relating to coverage of the area recording the two Blenders and Pressure pots, and associated fittings, related to the notifiable event at the site on 7 March 2023 is not accessed or disturbed. WorkSafe will specify the time span of CCTV footage required by separate correspondence.

This notice applies from the date of issue and until:

Friday 24 March 2023

Time: 8:44 AM

Date not to exceed 7 days from the date of issue.

Postal address: PO Box 301 012 Albany

Inspector's signature:

Contact email: Kevin.Hooper@worksafe.govt.nz

A person who refuses or fails, without reasonable excuse, to comply with a non-disturbance notice commits an offence and is liable on conviction to a fine not exceeding \$50,000 (for an individual); or a fine not exceeding \$250,000 (for any other person).

A COPY OF THIS NOTICE MUST, AS SOON AS PRACTICABLE, BE DISPLAYED IN A PROMINENT PLACE AT OR NEAR THE WORKPLACE, OR PART OF THE WORKPLACE, AT WHICH WORK IS BEING CARRIED OUT THAT IS AFFECTED BY THE NOTICE. IT IS AN OFFENCE NOT TO DO SO, AND TO INTENTIONALLY REMOVE, DESTROY, DAMAGE OR DEFACE THIS NOTICE WHILE IT IS IN FORCE.

Information: If you wish to discuss the circumstances giving rise to this notice, in the first instance please contact the inspector who issued the notice. Any other queries or correspondence related to this notice should be addressed to the manager at the address shown above.

WORKSAFE NEW ZEALAND

PO Box 165, Wellington 6140 0800 030 040 www.worksafe.govt.nz

NOTICE OF REMOVAL OR RETENTION OF SAMPLE, MATERIAL, SUBSTANCE OR THINGS



Name: [Redacted] Address: 16 BEN LOMOND CRES, PAKURANGA
 Phone: [Redacted] Contact email: [Redacted] Date of issue: 13/3/23 Time: 10:15 AM Day of week: M T W T F S S

This notice is given pursuant to section 172(3) of the Health and Safety at Work Act 2015

To: ECOSTORE COMPANY LIMITED

I hereby notify you that the following sample(s), material(s), substance(s) or thing(s) has been is being removed or seized and retained pursuant to section 172 (1) of the Health and Safety at Work Act 2015 (the Act) from: the above address @ ECOSTORE COMPANY LIMITED SITE On: 13/3/23

Sample(s) material(s) substance/s things removed, seized or retained are:

ITEM	DESCRIPTION
01	Pressure Regulator SMC (from Pressure Pot)

Reasons for removal or retention: a. monitoring conditions in the workplace health and safety legislation has been, is being, or is likely to be complied with b. determining the nature of any material or substance in the workplace c. determining whether relevant health and safety legislation has been, is being, or is likely to be complied with d. gathering evidence to support the taking of enforcement action. (Tick box that applies)

The sample/material/substance/thing will be kept by WorkSafe New Zealand at: 4/331 Rosedale Rd, Albany, Auckland

In accordance with section 172(3) (b) of the Act, I hereby notify you that I intend to "return"/~~destroy~~ the sample, material, substance or thing specified above. (*delete as appropriate)
 Section 172 (4) to (6) of the Act apply in relation to the sample(s), material(s), substance(s), or thing(s) retained or removed.

Inspector: Kevin Hooper [Redacted] Date of notification: [Redacted] / [Redacted] / [Redacted] Street Address: WorkSafe New Zealand
 (If different than the date of this notice) 4/331 Rosedale Rd, Albany
 Contact email: Kevin.Hooper@worksafe.govt.nz Time: 10:15 A.M. Day of week: M T W T F S S

WORKSAFE NEW ZEALAND
 PO Box 165, Wellington 6140 0800 030 040 www.worksafe.govt.nz

New Zealand Government

WSNZ29912

NOTICE OF REMOVAL OR RETENTION OF SAMPLE, MATERIAL, SUBSTANCE OR THINGS



Name: [Redacted] Address: 16 BEN LOMOND CRESCENT PAKURANGA
 Phone: [Redacted] Contact email: [Redacted] Date of issue: 9/3/2023 Time: 3:15 PM Day of week: M T W T F S S

This notice is given pursuant to section 172(3) of the Health and Safety at Work Act 2015

To: ECOSTORE COMPANY LIMITED

I hereby notify you that the following sample(s), material(s), substance(s) or thing(s) has been is being removed or seized and retained pursuant to section 172 (1) of the Health and Safety at Work Act 2015 (the Act) from: the above address of ECOSTORE COMPANY LIMITED SITE On: 9/3/2023

Sample(s) material(s) substance/s things removed, seized or retained are:

ITEM	DESCRIPTION
01	Jubilee CIP
02	Pressure release valve
03	Pressure hose approx 30 cm long
04	Pressure hose approx 10 cm long

Reasons for removal or retention: a. monitoring conditions in the workplace health and safety legislation has been, is being, or is likely to be complied with b. determining the nature of any material or substance in the workplace c. determining whether relevant health and safety legislation has been, is being, or is likely to be complied with d. gathering evidence to support the taking of enforcement action. (Tick box that applies)

The sample/material/substance/thing will be kept by WorkSafe New Zealand at: 4/331 Rosedale Rd, Albany, Auckland

In accordance with section 172(3) (b) of the Act, I hereby notify you that I intend to "return"/~~destroy~~ the sample, material, substance or thing specified above. (*delete as appropriate)
 Section 172 (4) to (6) of the Act apply in relation to the sample(s), material(s), substance(s), or thing(s) retained or removed.

Inspector: Kevin Hooper [Redacted] Date of notification: 8/3/2023 Street Address: WorkSafe New Zealand
 (If different than the date of this notice) 4/331 Rosedale Rd, Albany, Auckland
 Contact email: Kevin.Hooper@worksafe.govt.nz Time: 3:20 PM Day of week: M T W T F S S

WORKSAFE NEW ZEALAND
 PO Box 165, Wellington 6140 0800 030 040 www.worksafe.govt.nz

New Zealand Government

WSNZ29911

1.5 Detail the rectifications to the 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)

1.5.1 - For compliance with Improvement Notice, proof of completed work to the pressure system.

Certificate No. NZ23/338199
Controller: **Ecostore Company Ltd**
PO Box 91718, Victoria Street West, AUCKLAND, 1142



Certificate of Inspection of Equipment

Issued by SGS as an IANZ accredited inspection body authorised under the provisions of the Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations.

THIS IS TO CERTIFY that the equipment described below was recommended for certification on **22/03/2023** by [REDACTED]

Having been found to be in a safe condition. Subject to proper on-going operation and maintenance the equipment may remain in use until : **31/03/2024**

Official No : 184398

Category	: PVL
Serial No.	: 31453
Location	: Ecostore Company Ltd
Customer Ref.	: Air Receiver
Maker	: DSC SRL, Italy
Position	: 16 Ben Lomond Crescent, Pakuranga
Purpose	: Air Receiver
SWP (kPa)	: 1500 kPa
Max/Min Temp	: -10 to 120°C
Internal Expiry Date	: 31 Mar 2027
Safety Valve Expiry Date	: 31 Mar 2027

-----Fold Here-----

Terms of Certificate

1. All SGS services are rendered in accordance with the applicable SGS conditions of service, and certification services are rendered in accordance with the **SGS General Conditions for Certification Services**. All SGS terms and conditions are available on request and accessible at <https://www.sgs.com/en/terms-and-conditions>
2. This certificate may be cancelled or suspended at any time in accordance with the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations.
3. Under the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations the controller named opposite must ensure that this certificate and any supporting documents are available in the workplace where the equipment is situated, so they can be readily examined by any person in that workplace.

Certificate No. NZ23/338198
Controller: **Ecostore Company Ltd**
PO Box 91718, Victoria Street West, AUCKLAND, 1142



Certificate of Inspection of Equipment

Issued by SGS as an IANZ accredited inspection body authorised under the provisions of the Health and Safety in Employment (Pressure Equipment, Cranes and Passenger Ropeways) Regulations.

THIS IS TO CERTIFY that the equipment described below was recommended for certification on **22/03/2023** by [REDACTED]

Having been found to be in a safe condition. Subject to proper on-going operation and maintenance the equipment may remain in use until : **31/03/2024**

Official No : 184397

Category	: PVL
Serial No.	: 85376
Location	: Ecostore Company Ltd
Customer Ref.	: Air Receiver
Maker	: Niven Engineering Ltd, NZ.
Position	: 16 Ben Lomond Crescent, Pakuranga
Purpose	: Air Receiver
SWP (kPa)	: 896 kPa
Max/Min Temp	: -10 to 120°C
Internal Expiry Date	: 31 Mar 2027
Safety Valve Expiry Date	: 31 Mar 2027

-----Fold Here-----

Terms of Certificate

1. All SGS services are rendered in accordance with the applicable SGS conditions of service, and certification services are rendered in accordance with the **SGS General Conditions for Certification Services**. All SGS terms and conditions are available on request and accessible at <https://www.sgs.com/en/terms-and-conditions>
2. This certificate may be cancelled or suspended at any time in accordance with the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations.
3. Under the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations the controller named opposite must ensure that this certificate and any supporting documents are available in the workplace where the equipment is situated, so they can be readily examined by any person in that workplace.



PRESSURE VESSEL INSPECTION REPORT

Doc: SGS 560
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Rev: 1 b

Controller

Ecostore Company Ltd
PO Box 91718
Victoria Street West
AUCKLAND 1142

Official No. : 184397 Cycle 1
Customer Ref. : Air Receiver
Serial No. : 85376
Location : Ecostore Company Ltd

Legend table with columns: S Satisfactory, X Corrective action - not certified, C Inspection comment, N Not applicable, A Comment - action at next inspection, U Unable to inspect - state reason

EXTERNAL INSPECTION:

Grid of inspection items (e1-e16) with status boxes (C, S, N)

INTERNAL INSPECTION:

Grid of inspection items (i1-i6) with status boxes (C, S, N)

SAFETY VALVE CALIBRATION:

Table with calibration details: Pressure gauge number, PSV Settings (kPa), Calibration cert number, Calibration cert issuer

INSPECTION COMMENTS: use cell identifiers

Inspection carried out on air receiver by [redacted] on 14 and 22 March 2023 for Ecostore Company Ltd, 16 Ben Lomond Crescent, Pakuranga. Vessel noted to be satisfactory and fit for service.

Vessel was not certified before but found the records of regular maintenance carried out by Engineering & Compressor Services Ltd. As per code of practice for Pressure vessels in New Zealand a Pressure vessel should not be used with out having current certificate of inspection.

- e1 Preparation: [C] Internal and external in-service inspection carried out.
e2 Shell: [C] Found satisfactory.
e3 Coatings (visual only): [C] Found satisfactory. Bottom dome and lower part of the shell recently painted.
e7 Piping/pump: [C] Pipe lines connected with vessel found secured adequately.
e9 Bolting: [C] Receiver has been bolted down on concrete floor found satisfactory.
e11 Supports: [C] Found surface rust on vessel supports legs; cleaned and re-coated- satisfactory.
e14 Pressure safety valve(s): [C] Calibrated Safety valve installed on the vessel. Reviewed calibration certificate. Set at 895 kPa, number # 1Q1926, calibrated by CPS, dated 17 March 2023.
e15 Pressure gauge: [C] Calibrated pressure gauge installed on the vessel, number- 1Q1929, CPS, 14 February 2023. Pressure noted at the time of inspection 700 kPa.
e16 Other: [C] Auto and manual drain valve fitted to the vessel- manually drained found no condensation. Reviewed manufacturer data sheet and letter from Ministry of Transport Ltd, REF : 2/2689/61. New official number 184397 issued and to be marked on the vessel.
i1 Shell: [c] Internal inspection carried out via man-way opening found some dry loose rust and debris; was removed, cleaned and re-coated noted satisfactory. General corrosions found on the shell and top dome; condition to be monitored.

Completed By : [redacted] Signed Off By : [redacted]
Inspection Date : 22/03/2023 Date Printed : 27/03/2023

THIS CONDITION REPORT DOES NOT CONSTITUTE FORMAL EQUIPMENT CERTIFICATION



PRESSURE VESSEL INSPECTION REPORT

Doc: SGS 560
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Controller

Ecostore Company Ltd
PO Box 91718
Victoria Street West
AUCKLAND 1142

Official No. : 184398 Cycle 1
Customer Ref. : Air Receiver
Serial No. : 31453
Location : Ecostore Company Ltd

S Satisfactory	C Inspection comment	A Comment - action at next inspection
X Corrective action - not certified	N Not applicable	U Unable to inspect - state reason

EXTERNAL INSPECTION:

e1 Preparation	C	e6 Valves	S	e11 Supports	C
e2 Shell	C	e7 Piping/pumps	C	e12 Foundations	S
e3 Coatings (visual only)	C	e8 Manway	N	e13 Earthing	N
e4 Welds	S	e9 Bolting	S	e14 Pressure safety valve(s)	C
e5 Nozzles	S	e10 Flanges	S	e15 Pressure gauge	C
				e16 Other	C

INTERNAL INSPECTION:

i1 Shell	C	i3 Tube plates	N	i5 Nozzles	S
i2 Welds	C	i4 Tubes	N	i6 Baffles	N

SAFETY VALVE CALIBRATION:

Pressure gauge number	1Q1928	Calibration cert number	1Q1927
PSV Settings (kPa)	1000	Calibration cert issuer	CPS

INSPECTION COMMENTS: use cell identifiers

Inspection carried out on air receiver by [REDACTED] on 14 and 22 March 2023 for Ecostore Company Ltd, 16 Ben Lomond Crescent, Pakuranga.
Vessel noted to be satisfactory and fit for service.

Vessel was not certified before but found the records of regular maintenance carried out by Engineering & Compressor Services Ltd. As per code of practice for Pressure vessels in New Zealand a Pressure vessel should not be used with out having current certificate of inspection.

- e1 Preparation: [C] internal and external in-service inspection carried out.
 - e2 Shell:[C] Found satisfactory.
 - e3 Coatings (visual only):[C] Found satisfactory with light coating deterioration at few locations; condition to be monitored.
 - e7 Piping/pump:[C] Pipe lines connected with vessel found secured adequately.
 - e9 Bolting: [C] Horizontal vessel. Receiver has been bolted down on concrete floor found satisfactory.
 - e11 Supports:[C] Found satisfactory.
 - e14 Pressure safety valve(s): [C] Calibrated Safety valve installed on the vessel. Reviewed calibration certificate. Set at 1000 kPa, number # 1Q1927, calibrated by CPS, dated 17 March 2023.
 - e15 Pressure gauge: [C] Calibrated pressure gauge installed on the vessel, number-1Q1928, CPS, 14 February 2023. Pressure noted at the time of inspection 740 kPa.
 - e16 Other: [C] Auto and manual drain valve fitted to the vessel-drained manually found no condensation. Reviewed CE declaration of conformity.
- New official number 184398 issued for this equipment and to be marked on the vessel.
- i1 Shell:[c] Internal inspection carried out via 2"side nozzles found general corrosion on shell and dome ends; condition to be monitored. Found no pitting or sign of condensation in the vessel.

Completed By : [REDACTED] Signed Off By : [REDACTED]
Inspection Date : 22/03/2023 Date Printed : 27/03/2023

THIS CONDITION REPORT DOES NOT CONSTITUTE FORMAL EQUIPMENT CERTIFICATION

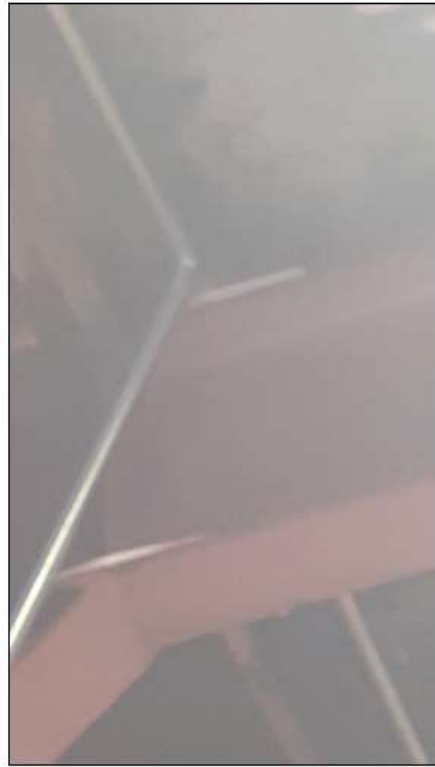
In addition to the image of the pressure pot on page 5, above, these images show rectifications to the system around it.



Left: An extra bracket installed to support the main air line (the protruding white section over the white pipes).



Right: The air pressure regulator has been replaced.



Left: Flexible extraction pipe relocated so as not to rest on the main line. The extraction pipe is beneath the red steel framing in the middle of the photo with plastic, corrugated wrapping, and the main line is the steel pipe in the top-right corner of the image.

Right: Rubber pad installed between the main air line and steel girder (at the "T" above the red steel beam).



Left: Bracket replaced.

Right: Flexible air supply line to pressure put replaced with new air line (flexible blue hose, tethered with tie backs).

1.5.2 - Proof of external audit on 27th and 31st July 2023, which was conducted at the Manufacturing and Distribution sites.



TAX INVOICE

Ecostore Company Ltd

Invoice Date
31 Jul 2023

Invoice Number
INV-20433

Reference
[REDACTED]

GST Number
133482296

Work Safe Advisory Services
PO Box 59001
Mangere Bridge
2022
Auckland
NEW ZEALAND
Phone: 09 973 4393
Email: admin@wsas.co.nz

Description	Quantity	Unit Price	GST	Amount NZD
230, Health and Safety Audit: Date: 27 and 31 July 23 Consultant: [REDACTED] Site: Client site 16 Ben Lomond Crescent, Pakuranga and Unit D2, 60 Leon Leicester Avenue, Mount Wellington, Auckland 1060 WSAS Job#: 4805	1.00	2,995.00	15%	2,995.00
			Subtotal	2,995.00
			Total GST 15%	449.25
			Invoice Total NZD	3,444.25
			Total Net Payments NZD	0.00
			Amount Due NZD	3,444.25

1.5.3 - The job responsibility for the Group People & Culture Manager has expanded to oversee H&S efficacy. Below is a screenshot of the relevant section of Position Description, which was formalised in September 2023. Note: The Group People & Culture Manager was involved in the rectifications work and WorkSafe investigation, as well as this EU application.

<p>Health & Safety and Sustainability</p>	<ul style="list-style-type: none"> • Is responsible for and supports the effective operation of the group health and safety systems. • Assesses the effectiveness of the H&S system and is responsible for continuous improvement and training. • Leads and supports the site managers and HSR's within the H&S structure. • Is responsible for monthly H&S reports for the company directors • Ensures engagement of the team with the health & safety system. • Acts as an internal auditor of the H&S system. • Is a role model for a positive safety culture through own actions and behaviours.
------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

From April 2023 onwards, Ecostore has expanded the job descriptions for some workers to be HSRs so that there is a ratio of 1 HSR to 19 staff in both day and night shifts. HSRs are part of the worker pool in the Manufacturing team and act as a conduit between managers and workers on H&S awareness and culture. Ecostore has set up an HSR email account for workers. At a senior management level, HRSs are supported by the Group People & Culture Manager. HSRs participate in the H&S committee meetings, support induction of new staff, and carry out PPE monitoring on each shift.

Also, Ecostore has created and fulfilled an H&S administrator role, which supports induction and training of new staff, PPE procurement and issuing, and keeps a record of induction and PPE information. The purpose of this function outlined in the position description to the contract below.

POSITION DESCRIPTION

POSITION TITLE	Factory Administrator
REPORTS TO	Operations Manager
DEPARTMENT / LOCATION	Ecostore <u>Factory ,Pakuranga</u>

1. PURPOSE OF POSITION

Provide administrative support for the manufacturing site

Key areas of focus to achieve this are: Work Order printing ,Work Order processing ,PPE supply & issuing, Health & Safety Inspection program , Hazard logging & assessment,Induction & Training process administration

1.5.4 - All workers in Ecostore's Manufacturing team must do core curriculum training on health and safety, which is delivered by video and has been implemented since February 2024 onwards. This is done on the first day for all new employees before they can work on the factory floor and takes 2 – 3 hours.

Existing workers have taken the course as refresher, which is now required, at least, every 2 years. Temporary and contract workers must also undertake the core curriculum training.

The videos are provided via subscription with Safetycare, which is based in Australia and is compatible with best practice in New Zealand. The videos are 10 – 15 minutes in length, and the communication of health and safety practices and requirements through audio and visual information makes the information accessible, as it is more digestible and also more understandable by those who speak English as a second language. All videos are followed by a multi-choice competency test. Topics include:

- Fire safety
- Chemical safety
- Introduction to PPE
- Forklift safety
- Manual handling
- Slips, trips and falls

This training is also part of Ecostore's ISO-accreditation.

Through a health and safety certification programme offered by the New Zealand Qualifications Authority, HSRs in the Manufacturing team and certain company managers have also done the basic health and safety module (stage 1). The managers that have done this are the Chief Operating Officer, Supply Chain General Manager, Production Manager, Operations Manager, Compliance Manager, and Distribution Warehouse Manager. The managers have also done the investigations module (stage 2). Ecostore also offers stage 2 training to HSRs. This training provides managers with the ability to investigate incidents, establish immediate and root causes and respond appropriately in consultation with the workers in line with the hierarchy of control, elimination, engineering administration, behaviours, and PPE. The Group People & Culture Manager has also completed the governance module (stage 3) with NZQA. This shows a deep commitment from top-down to understand and raise awareness of H&S in Ecostore's workplaces.

In May and September 2023, the workers in Ecostore's Manufacturing team completed the chemical safety training course, as shown by the signed attendance documents below. This is the course that the Injured Person did not complete before working with chemicals as part of making batches of product.

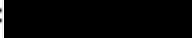
IN-HOUSE TRAINING COURSE

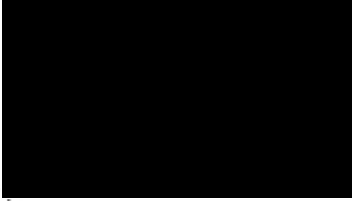

Topic: Chemical Safety Training

Date: September 6, 2023

Time: 9:00AM – 10:30AM

Venue: Board Room

Trainer: 

Name (First Name & Last Name)	Area/ Department	Signature
	R&D	
	Manufacturing	
	Manufacturing	
	Manufacturing	
	" "	

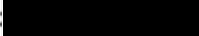
IN-HOUSE TRAINING COURSE

Topic: Chemical Safety Training

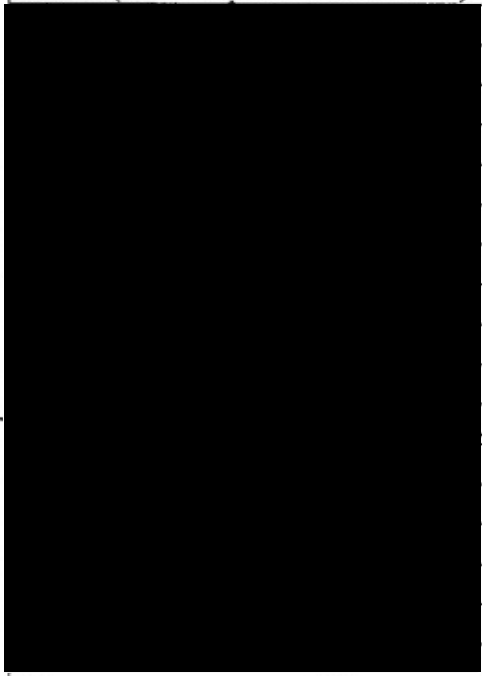

Date: May 11, 2023

Time: 9:00AM – 11:00AM; 3:00PM- 5:00PM

Venue: Board Room

Trainer: 

AM

Name (First Name & Last Name)	Area/ Department	Signature
	Powders manufacturing	
	Fineworks Good	
	Powders manufact	
	inwards	
	Liquids	
	Liquids	
	R&D	
	Liquids	
	R & D	
	HO - HR	
	Manufacturing	
	Manufacturing	
	manufacturing	
	QC/QA	

PM

1.5.5 – A new Standard Operating Procedure for induction has been developed, as below, and which ties into rectifications 1.5.3 and 1.5.4, above, and in the EU Application form.

MASTER FILE		ECOSTORE LTD.	
STANDARD OPERATING PROCEDURE	SOP#	Related Document	Page
Induction Program	20-15		1 of 2

PURPOSE:

This procedure provides guidance on how to implement the company’s induction program for Ecostore Company Ltd.’s Manufacturing and Warehousing facilities to ensure that the company’s requirements on Occupational Health & Safety, Environmental and Quality related requirements are properly communicated to various type of personnel that enters our sites.

RESPONSIBILITY:

Supervisors/ Managers- concerned employees responsible for the new personnel entering site are responsible in performing the induction process or assigning the task to their staff (i.e. Inductors).

Factory Administrator/ Health & Safety Representatives- primarily tasked to perform inductions for new permanent and casual/temp personnel.

PROCEDURE:

1. Induction Program Matrix

Personnel Type	Category	Induction Program Requirements						
		Visitor Logbook Sign-in	Safety Briefing	Induction Booklet-Simplified	Induction Booklet-Comprehensive	Site Hazard List	Safety Tour	Induction Checklist
New Employee	Probationary/ Permanent	No	No	No	Yes	Yes	Yes	Yes
New Casuals/ Temps	Direct Hire/ Agency	No	No	Yes	No	Yes	Yes	Yes
	Escorted/ Accompanied	Yes	Yes	No	No	No	No	Yes
Visitors	Non-escorted	Yes	Yes	Yes	No	Yes	No	Yes
	Escorted/ Accompanied	Yes	Yes	No	No	No	No	Yes
Subcontractors	Non-escorted	Yes	Yes	Yes	No	Yes	No	Yes

Based on the type of personnel above follow the requirements on the topics/areas to induct. For some instances employees holding office from other sites may visit your location so they will be treated as “visitors”.

2. Visitor Logbook Sign-in/ Sign-out

New employees reporting their first day may sign-in in the Visitor Logbook however it is preferred that they log-in thru the electronic time clock or man power time sheets.

New casuals and temps must log in thru the issued time sheets.

Visitors and subcontractors are required to log in and out in the Visitor Logbook.

3. Safety Briefing

If Safety Briefing is required, the new personnel is briefed by the Inductor by asking them to read the Safety Briefing posted near the Visitor Logbook and explaining the requirements thereon.

(Note: Refer to SOP 20-15A Safety Briefing.)

4. Induction Booklet

Depending on type of personnel as identified from the Induction Program Matrix, Inductor shall issue the Induction Booklet to new personnel and have it read thru and acknowledged by signing the last page of the booklet.

If new personnel who is casual/temp will work as a Manufacturer then additional requirements from the Induction Booklet shall be discussed.

Copy of the last page of booklet is kept either in their respective personnel files (if Employees) or submitted to the Document & Data Controller and/or Site Manager for record keeping.

(Note: Refer to SOP 20-15B Induction Booklet- Simplified or SOP 20-15C Induction Booklet- Comprehensive.)

5. Site Hazard List

If required from the Induction Program Matrix, the new personnel is inducted on the significant hazards identified for the site concerned.

(Note: Refer to SOP 20-15D Site Hazard List for Manufacturing or Warehousing.)

MASTER FILE		ECOSTORE LTD.	
STANDARD OPERATING PROCEDURE	SOP#	Related Document	Page
Induction Program	20-15		2 of 2

6. Safety Tour

If required the employee performing the induction to new personnel shall show, discuss and introduce them to the following:

- Emergency Evacuation Meeting Point for the site;
- Assigned First Aider/s for the site or shift concerned;
- Assigned OSH Safety Representative for site or shift concerned;
- Fire Warden/s for the area they will be working from;
- Location of first aid kits for site concerned;
- Location of emergency eyewash station for site/area they will be working from;
- Location of emergency showers (if applicable) for site/ area they will be working from

7. Re-Induction

For old employees and casuals/temps a re-induction is performed, if there are significant changes in the induction program brought about by changes on the site layout, introduction or changes to the significant hazards and changes to the induction requirements.

For repeat visitors and subcontractors, if they don't frequent the site or had visited for more than 2 years then induction process is repeated.

8. Induction Checklist

An Induction Checklist is used by the Inductor to record the induction requirements performed. The Inductee is required to sign and acknowledge the checklist.

9. Induction Record Database

Once Induction Checklist had been signed, the record is forwarded to the Receptionist or designated staff assigned to maintain an Induction Record Database for the site.

1.5.6 – Employee engagement includes making discussions around HSMS an integral part of team meetings, including notifying near hits/new hazards and incident/accident reporting, the (revised) First Aid response procedure, and reminder of our EAP wellbeing programme. This has been incorporated in team meetings since April 2023.

1.5.7 – The Emergency First Aid SOP was implemented in April 2023 and has trained staff since then. Training involves clarifying the function and duties of First Aid responders, assessing injured/hurt/affected post-incident (staff cannot self-assess), and, where applicable, coordinating external medical attention (though not infringing on a worker's ultimate decision as to medical treatment). The SOP is below.

STANDARD OPERATING PROCEDURE	SOP#	Related Document.	Page
First Aid Response & Post Injury Supervision	20-36	1 of 2	

(This sop describes the procedure to follow when an injury or medical event occurs onsite)

INTRODUCTION

This procedure covers the First Aid Response provided by the company should a work place injury or medical event occur, this includes the manufacturing facility, warehousing facility, shop and head office. Providing First Aid takes precedence over procedural follow up activities like H&S reporting

RESPONSIBILITIES

All staff should be prepared to provide First Aid support where possible or needed to injured co workers, onsite contractors or customers, the designated First Aiders will usually take over.

Designated First Aiders – are staff who have received formal first aid training, they should be informed of every injury or incident involving an uncontrolled exposure to chemicals. Staff and Managers should support them if needed.

Managers Are required to support the first aid response until it is concluded, also ensuring the safety of the wider team and managing any hazards that may have contributed to the injury and support the documentation of the incident.

QESH Manager- responsible for collating response documentation including reporting to Management, and Hazard elimination moving forward.

PROCEDURE – in case of Injury – Medical event

1. **Assess for Immediate Danger-** to the patient, yourself, other staff, make the area safe if you are able/qualified to do so, seek help if needed.
2. **Is the patient responsive?**, ask a simple question, squeeze their shoulders
3. **Sending for help -unresponsive** If the patient has collapsed, is unresponsive/ or not breathing normally send for help, call 111 for an ambulance immediately, get the designated First Aider or anyone trained in resuscitation to assess airways, breathing, and if needed commence CPR. Secure the area and ensure the dignity/privacy of the patient is considered. The defibrillator is located at the front desk. If a stroke is suspected, the First Aider can assess, calling 111 for an ambulance is recommended.
4. **Sending for help -responsive** If the patient is responsive, send for the designated First Aider, they can assess the patient's condition and provide the required first aid, anyone assisting the patient should ensure their own safety by wearing gloves in case of contact with blood or other bodily fluids. First Aid kits are located at the front desk.
5. **Post Injury Support/ Supervision** Any injuries involving the following will require the patient to be taken immediately to seek medical attention at the nearest provider (A&E clinic or Hospital ED Department). The First Aider or other designated team member will accompany the patient and provide support until treatment is provided/concluded.

ISSUE DETAILS		Prepared By:	Approved By:
Issue No.	0		

STANDARD OPERATING PROCEDURE	SOP#	Related Document.	Page
First Aid Response & Post Injury Supervision	20-36	2 of 2	

- Loss of consciousness/fainting
- Head injury/ suspected concussion.
- Excessive external bleeding , amputations, Severe cuts (requiring stitches),embedded foreign objects
- Severe Burns
- Eye injuries, including chemical exposure
- Poisoning -ingestion of any chemical or compound
- Skin exposure to corrosive chemicals, eg caustic.
- Breathing difficulty

6. Chemical Exposure

Any chemical exposure will need to be assessed by the First Aider/ Manager -They will consult the MSDS (Material Data Safety Sheet) information for guidance on appropriate first aid. Staff with chemical exposure to their eyes will be required to wash their eyes at the eye wash station possibly for up to 15 minutes and then be seen by a healthcare provider. For other Chemical exposure on the body, staff will be required to shower and change their clothes and then monitor any symptoms that may arise.

1.5.8 – Start-up checks have been improved and are designed to ensure workers check they have all their PPE, checked the performance/status of relevant equipment before they commence work. Below is a start-up checklist for Powder Manufacturing.

MASTER FILE		ECOSTORE LTD.	
STANDARD FORM DOCUMENT Manufacturing Start-up Checklist	Form# SF-87C	Document Ref. NA	Page 1 of 1

A. FOR POWDER MFG.

Please fill up the checklist at the start of each batch before charging them in the ribbon blenders and before starting the blender.

Requirement	Yes	No
<i>I am wearing overalls (disposable type non-permeable membrane against chemical spills)</i>		
<i>I am wearing protective eye wear (chemical safety goggles)</i>		
<i>I am wearing nitrile gloves</i>		
<i>I am wearing safety shoes</i>		
<i>I am wearing half-face respirator with single or double cartridge for organic vapours & dust pre-filter (when handling ingredients that are volatile or release gas and those that are dusty which can be inhaled)</i>		
<i>I am wearing back protection belt (when lifting heavy weights >/= 20Kg)</i>		
<i>My fork hoist has an up-to-date service sticker</i>		
<i>I can read the pressure from the pressure gauge of the liquid premix sprayer tank</i>		
<i>The hoses connected to the sprayer tank isn't cracked, leaking or loose</i>		
<i>The dust extraction in the ribbon blender is working properly</i>		
<i>The metal clamps/interlocks on the sieves on the blender are engaged and the blender stops when sieves are taken off</i>		
<i>Unopened portable eyewash bottles available for use in case of emergency</i>		

If there is any "No" answered report the issue to your Supervisor or Manager so the issue can be fixed before starting work.

Acknowledged by: _____ Date: _____ Time: _____
Name/Signature of Manufacturer/s

NOTE: PLEASE ATTACH THIS RECORD TO THE MANUFACTURING DOCUMENT FOR THE BATCH CONCERNED ONCE COMPLETED.

1.5.9 – Weekly toolbox meetings are floor-shop team meetings during which H&S is an agenda item. An example of the agenda is below.

WEEKLY TEAM MEETING (NIGHT SHIFT)

Date: 19-6-22

Venue: Canteen

Time: 3.30 PM

Duration:

Agenda:

Previous Minutes: Review all outstanding actions.

SAFETY: Any safety concerns, previous weeks performance.

~~LEAD~~
SLIPPY IN
MANUFACTURE

QUALITY: Any rework from previous week.

COST: Line performance from previous week.

Remain (Interviews)

DELIVERY: Expectation on previous week's performance.

VIDEO
TRAINING

PEOPLE: Absenteeism (clocking in/out)

FRIDAY OVERTIME
SHARED LUNCH

OTHER: Any other issues.

(GOLF 19 P:3 [REDACTED]
None OTHERS minutes)

1.5.10 - Where elimination, and engineered and administrative controls are unavailable, Ecostore uses PPE as the last line of defense to keep workers safe. We have examined our PPE requirements for all duties onsite and cross-referenced them with MSDS. Since the contravention, Ecostore requires that all manufacturers handling raw materials wear chemical safety goggles when going about their duties.

Workwear requirements have been thoroughly reviewed, and workers in the Manufacturing team have been provided with extra overalls, safety footwear (as and when needed), and a trial of disposable splashproof overalls is underway.

Below are the PPE requirements for the powder manufacturing role, the role held by the Injured Person at the time of the incident.

5.5 Powder Blending

- a) Cover-alls
- b) Safety Shoes or Chemical Resistant Boots
- c) Chemical Resistant Gloves- when handling solvents, toxics and corrosives.
- d) *Chemical Safety Goggles- while working on site.*
- d) Respirator with single/ double cartridge and *chemical safety goggles- when handling strong solvents and vapours.*
- e) Dust mask- when charging raw materials in the blender
- f) Disposable plastic sleeves- when handling strong organic solvents and corrosives.
- g) Back-support belt if medically required- when lifting weights of 20Kg or more.
- h) Ear Protection- when exposed to high noise levels.
- i) Reflectorized vests
- j) Head Cover/ Hair Net – when dispensing

Linked to rectifications in 1.5.3 and 1.5.4, above, PPE monitoring is conducted daily by HSRs each shift and by managers at random times. A PPE inspection checklist documents the monitoring process for Ecostore's records, as below.

DAILY SITE INSPECTION INCLUDING P.P.E MONITORING

Date	Auditor	Area	Safety Glasses	Protective Footwear	Gloves, Arm Covers & Mask	Overalls COATS	Hoist Seatbelt	Door Gate Override Trips	House Keeping	Hazards, including unsafe behaviours or acts.	Staff Member
------	---------	------	----------------	---------------------	---------------------------	-------------------	----------------	--------------------------	---------------	-----------------------------------------------	--------------

25/06/24		SOAP	✓	✓	✓	✓	N/A	✓	✓	NONE	
		GMP MANU-	✓	✓	✓	✓	N/A	N/A	✓	NONE	
		LIQUID LINE 1	✓	✓	✓	N/A	N/A	✓	✓	NONE	
		LIQUID LINE 2	✓	✓	✓	N/A	N/A	✓	✓	NONE	
		ROTARY	✓	✓	✓	N/A	N/A	✓	✓	NONE	
		GMP LINE 1	✓	✓	✓	✓	N/A	✓	✓	NONE	
		GMP LINE 2	✓	✓	✓	✓	N/A	✓	✓	NONE	
		INWARDS	✓	✓	N/A	N/A	✓	N/A	✓	NONE	
		AUTO DISH	✓	✓	✓	N/A	N/A	N/A	✓	NONE	
		POWDER MANU	✓	✓	✓	✓	✓	N/A	✓	NONE	
25/6/24		GMP 2	✓	✓	✓	✓	N/A	✓	✓	N/A	
		Auto Dish	✓	✓	✓	N/A	N/A	✓	✓	N/A	
		INWARDS	✓	✓	N/A	N/A	✓	N/A	✓	N/A	
		Lg MANU	✓	✓	✓	✓	N/A	✓	✓	N/A	
26/06/24		SOAP	✓	✓	✓	✓	N/A	✓	✓	NONE	
		GMP MANU-	✓	✓	✓	✓	N/A	N/A	✓	NONE	
		GMP 1	✓	✓	✓	✓	N/A	✓	✓	NONE	
		GMP 2	✓	✓	✓	✓	N/A	✓	✓	NONE	
		LIQUID LINE 1	✓	✓	✓	N/A	N/A	✓	✓	NONE	
		LIQUID LINE 2	✓	✓	✓	N/A	N/A	✓	✓	NONE	
		ROTARY	✓	✓	✓	N/A	N/A	✓	✓	NONE	
		AUTO DISH	✓	✓	✓	N/A	✓	N/A	✓	NONE	
		POWDER MANU	✓	✓	✓	✓	✓	N/A	✓	NONE	
		POWDER PACK	✓	✓	✓	✓	✓	N/A	✓	NONE	
		LIQUID MANU-	✓	✓	✓	✓	N/A	N/A	✓	NONE	

1.5.11 – Ecostore has significantly invested in an Enterprise Resource Planning (“ERP”) system called Netsuite, which, insofar as H&S matters, enables all incident and hazard management to be captured and tracked in real time. This information is visible to all senior managers. Certain information is compiled and able to be extracted from Netsuite, e.g. current/open matters, which also serves as a data function against which to measure KPIs for avoiding, minimising and managing H&S issues. The Group People & Culture Manager is better able to monitor and extract key H&S information to provide weekly and monthly reports that are circulated to senior managers.

The Hazard and Risk Register, over which the QUESH manager has oversight, as sponsored by the Group People & Culture Manager, feeds into the ERP system.

1.5.12 – A vacuum lifter has been purchased and was installed in 2023 as part of the powder manufacturing staging. This eliminates heavy lifting from this part of the process, for it enables workers to select the dry products they need for their batches by using a flexible blue hose with a suction cup to pick up powder bags (which weigh 25kgs) and transport them to a pallet, which they will then carry to their workstation via forklift. The crane (yellow steel beams) provides the support to lift and move the powder bags. By only having to move the flexible hose, which weighs around 2kg, workers avoid the strain of heavy lifting. Ecostore undertakes to install another vacuum lifter for the Manufacturing team, as set out in section 3.3 of the EU Application form.



An additional benefit to installing vacuum lifters is that the lifting of powder bags is no longer confined to those with the necessary physical strength. It now creates opportunities for others interested, and who might have been limited by not having the physical strength, to be involved in this side of manufacturing.

Slips, trips and falls are our top incident category, particularly as the nature of the raw materials and products Ecostore manufactures can make the floor slippery, in addition to moisture brought inside during wet weather by forklift movements.

Ecostore is mitigating this by daily floor-cleaning with a new ride-on industrial floor cleaning machine and by reducing forklift traffic by having walk-behind forklifts only operating inside the manufacturing building with the forklifts for inwards goods remaining outside.

An image of the ride-on floor cleaning machine is below.



1.5.13 – A key recommendation of the external H&S audit in July 2023 was to improve space constraints on the manufacturing operation. This has acted as a catalyst for Ecostore, and we have initiated an expansion into the site behind our manufacturing site at 48 Ben Lomond Crescent. This new lease will cost Ecostore over \$300,000 a year. The timeline of this expansion is August to October 2024, pending factors including council consents and proposed works.

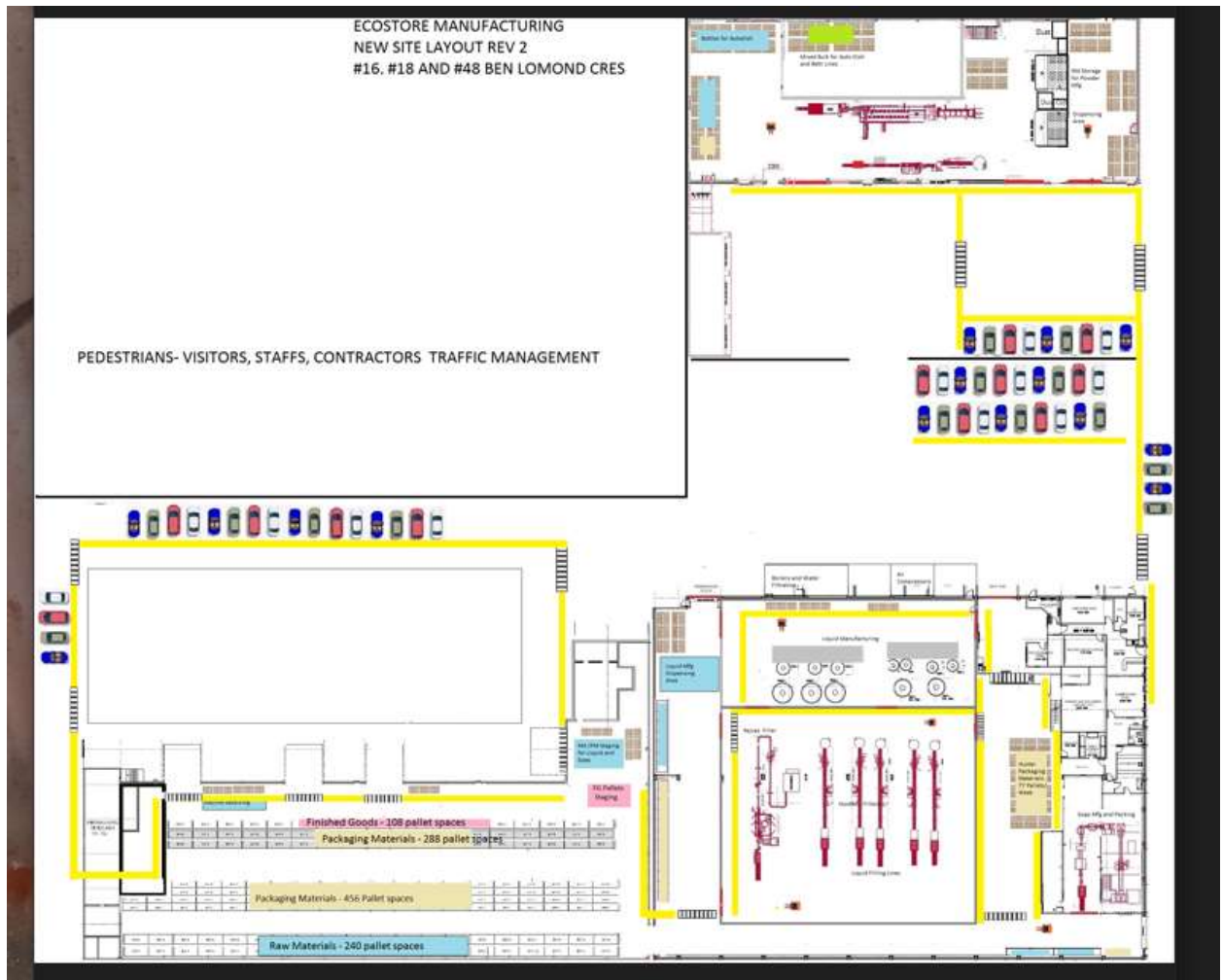
Creating more space allows Ecostore to eliminate and engineer hazards out of the operation. It also allows Ecostore to better separate various operations with clear demarcation zones and will provide additional space to invest in process improvements, such as, but not limited to:

- Grouping all manufacturing tanks together in one room (currently operating out of 2 separate rooms) will ensure less likelihood of manufacturing workers operating on their own.
- Putting all packing lines into one area will create an enclosed room, separating workers from forklift movements.
- An enclosed, larger packing room enables Ecostore to introduce an HVAC system, which will provide staff with a more pleasant temperature-controlled working environment.

- Ecostore will have the space to implement and invest in various packing automations and process improvements, which will make some processes less manual and remove risks of strain injuries, RSI, and fatigue.
- All inwards goods and finished goods movements will be moved to the new site, which will remove workers on the floor from high-volume material handling equipment and associated material handling processes.
- The layout of the new sites incorporate design oriented around traffic flows, particularly minimising pedestrian interactions with material handling equipment and creating safe barriers – the least cross-over traffic flows are built into the design process.

Relocating the powder manufacturing work to the new site will create safer Access to blenders, better lighting, and separation from forklift traffic area.

The envisaged new layout creates an L-shaped site (the area in the top-left quadrant is the neighbouring property), separating manufacturing and distribution functions and allowing more space for all workers to carry out work in safer workplaces.



1.5.14 Relocation of Powder Manufacturing into no 18 Ben Lomond
Safer Access to blenders, better lighting, separation from forklift traffic area

Before - #16 Site



After #18 site



1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illnesses

[REDACTED] Ecostore has paid \$20,000 in compensation to the Injured Person. This is solely in relation to the incident and thus constitutes financial amends that have been paid to the Injured Person for the purposes of this EU application. At the time and based on what we knew about the physical injuries and emotional harm, this was \$5,000 - \$7,000 in excess of similar cases, per on legal advice. However, as set out in section 1.8 of the application form, we have received more information about the Injured Person's on-going treatment

and on-going emotional harm and therefore proposed to provide a further \$20,000, having regard to legal advice on similar circumstances.

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

Ecostore has not consulted the Injured Person in respect of whether an enforceable undertaking would be an acceptable alternative to prosecution.

After the incident the Injured Person expressly wanted no direct contact with Ecostore. [REDACTED]

[REDACTED] Even though Ecostore expressed remorse for the incident and its consequences for the Injured Person and his family [REDACTED] which the Injured Person acknowledged and accepted, [REDACTED], Ecostore is mindful of the Injured Person's initial stance to not have direct contact. Ecostore respects the Injured Person's preference and understands that WorkSafe has engaged with the Injured Person, or his representatives, about why Ecostore is pursuing an enforceable undertaking instead of going through the stages of prosecution, and why updated information as to the Injured Person's emotional harm, consequential losses and prognosis is relevant to the EU application.

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

Ecostore is a New Zealand-owned family business and views its workers as part of the family business. Workers' wellbeing, both physical and emotional, is the most important aspect of the employer/employee relationship. Ecostore cares about the workers and the core objective of the OHSMS is for everyone to go home safe to their loved ones at the end of each day.

Ecostore has worked hard on creating a H&S community where workers should feel safe to speak up, and their feedback is valued and acted upon promptly. As individuals in this community, Ecostore believes that we all have the responsibility to look after each other and ourselves.

Ecostore knows its improved OHSMS is working as there has been a culture shift from top-down modelling better awareness and processes that are supported by listening to employees regarding their needs and concerns and responding appropriately.

Ecostore undertakes to do the following activities to promote the objectives of health and safety legislation:

Proposed Activities

1. Install a new raised working platform for Liquids Manufacturing, ensuring safer non-slip access to the liquids blenders and allowing for safer manual handling of materials. Creating a larger, single manufacturing room as part of the expansion outlined above will enable our operators to have a large working area so that they are better able to manage raw material inclusion into

manufacturing vessels, reducing and making easier physically material handling processes/inclusions. The cost is based on labour and parts.

2. Fund an annual GP health check appointment for all Ecostore staff, to support good health and wellbeing awareness, especially in relation to chronic issues that may be related to lifestyle and living and working environments. The cost of \$6,500 is based on 130 Ecostore staff using this appointment with a cost of \$50 for each appointment.

3. Launch a workplace Communication training programme with the training provider Aspire 2. All manufacturing and distribution staff will be assessed for eligibility (based on NZ citizenship or Permanent Residency) and qualification levels. Ecostore is committed to supporting all non-eligible staff to attend this course if they will benefit from it. The training curriculum will be tailored to support improved literacy and numeracy skills as well as supporting engagement with H&S via increased confidence for staff to speak up and engage with the systems and administration tasks associated with our H&S system. The curriculum summary is below.



Core Framework

All programmes will include elements of these topics, based on your Business Needs Analysis (BNA)

Oral Communication

- Communicate effectively with a range of people.
- Develop active listening skills to improve understanding in a variety of workplace situations.
- Give effective instructions for a range of workplace tasks.
- Give and receive constructive feedback.
- Learn how to deal with difficult situations assertively, maintaining interpersonal relationships and escalating issues when necessary.
- Develop strategies to manage conflict with confidence.
- Participate actively at meetings/run meetings.
- Understand individual differences and how these affect communication (DOPE or DISC).

Company Documents

- Improve knowledge and understanding of workplace documentation, including:
 - Company values.
 - Hazard registers.
 - Incident/injury report forms.
 - SOPs.
- Complete company documentation with accuracy and detail.
- Understand the principles of written communication in the workplace.
- Write professional emails.

Numeracy/ Financial Literacy

- Develop numeracy skills to complete workplace tasks.
- Develop mental maths strategies.
- Understand graphs and tables.
- Understand and develop budgeting skills.
- Understand payslips including tax.
- Understand Kiwisaver.
- Calculate the interest on a loan/payment plan: simple/compound interest.

Wellbeing/ Dealing with change

- Understand the key concepts of wellbeing.
- Apply wellbeing concepts to learning and life.
- Recognise changes in work and life and how they affect you.
- Know how to deal with change positively and support others with change.

Continuous Improvement

- Understand the philosophy behind solution-focused practice to apply to daily operations.
- Adopt a continuous improvement approach to workplace tasks.
- Learn key root cause analysis tools such as 5 Whys and A3.
- Analyse a workplace frustration, investigate and develop a solution to present to management.



- Improve knowledge and understanding of Health & Safety in the workplace
- Health & Safety workplace legislation.
- Employer and employee rights and responsibilities.
- The importance of Personal Protective Equipment.
- Safety management through processes and documentation.

4. Launch and develop a Behavioral Safety Programme, which will operate in addition to our current H&S compliance obligations. We understand that behaviors, such as taking shortcuts, not following correct procedures, complacency and carelessness, unsafe acts, and lack of training, can contribute to workplace incidents even if there are standards and processes in place to keep workers and other persons safe. Monitoring will take place on a monthly cycle for role-specific tasks to ensure correct working procedures in our SOPs are being followed and to provide additional training and education if required. Daily monitoring of unsafe behaviour will be incorporated into our daily PPE monitoring schedule with HSRs and managers to receive training on behavioral safety. Behavioral monitoring information, related near hit and hazard information will be made available to staff via one-to-one performance meetings, toolbox meetings, and H&S committee meetings, and to company officers and directors via monthly reporting. The Behavioural Safety Programme will support continuous improvement in our systems (e.g. SOPs) and cultural change through educating staff on how their behaviors can positively impact the safety of the workplace.
5. Purchase and install 1 additional vacuum lifter and gantry structure in the powder manufacturing area to eliminate manual handling and repetitive strain injuries often associated with these tasks, we see that purchasing this equipment goes beyond regular compliance as it enables any staff member to engage with this role even if they have a limited capacity for heavy lifting thereby creating equal opportunities for role development for new and existing staff.
6. Launch a workplace stretching exercise programme, this will be facilitated by training sessions where a qualified trainer assesses the tasks and related ergonomics that staff are engaged in, then designs a custom stretching and exercise routine for staff to follow. The focus will be on correct alignment for safe lifting, stretching exercises to protect against pulled muscles & tendons and repetitive strain injuries. Safe stretching exercises may also contribute to improved ability to relax, and manage stress and anxiety, and reduce harm caused by slips trips and falls.
7. Review Liquids manual handling procedures and procure associated equipment to reduce spills and chemical contact, also to reduce the likelihood of slips and falls associated with spills.

8. Install and upgrade the CCTV system to ensure monitoring of all activities, especially high traffic areas and where staff may be working in isolation. Expansion of the coverage and improved camera design will eliminate blind spots. New AI technology will allow for real time hazard alerts especially in relation to moving equipment. This upgrade will allow for worker safety to be more effectively monitored supporting safer outcomes for workers and the work itself.

Ecostore will engage with its workers about the nature and purpose of additional CCTV monitoring in the workplace as a priority through toolbox meetings and the Monthly H&S committee meeting to inform them of the planned upgrade and extended coverage and how we see this supporting better safety outcomes. We will ask for feedback on concerns and ideas relating to this project. Ecostore will consider any feedback and adjust the proposal if required in relation to the feedback.

Ecostore will implement a monitoring system that includes AI functions that automatically detect and record forklift proximity to other work areas, exclusion zones, driver safety zones, container access (including dangerous goods storage), speed control issues. The AI system to be used is called "Seeo".

Seeo is an application designed to let end-users know about areas of health and safety non-compliance on their sites. Seeo receives CCTV footage by running it through a trained neural network, looking for issues of non-compliance. The incidents that are non-compliant can then be compiled without needing to trawl through hours of footage. Key staff on-site can be notified to review these events and address them as necessary in line with Ecostore's OHSMS. Over time they can see the direct impact of their toolbox talks, virtual training and disciplinary action via their statistics. They can then also directly push events of concern to a selected H&S platform. Other non-compliance incidents may include seatbelt wearing and PPE use issues, which will be detected by scheduled and randomised daily monitoring, as part of our wider daily PPE & compliance monitoring processes.

The team member in the newly created Factory administrator role will be responsible for the monitoring and will be appropriately trained and have this aspect of the role in their position description, any non-compliant events will then be raised in our online H&S reporting system.

Below is an example from the Seeo: detecting a proximity issue with a forklift.

Fork Lift Proximity Detection:

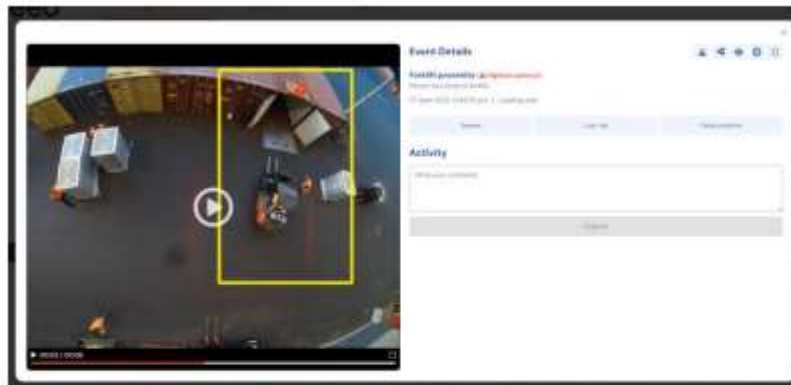


Figure 1: Screen Grab of breach of 3m rule.

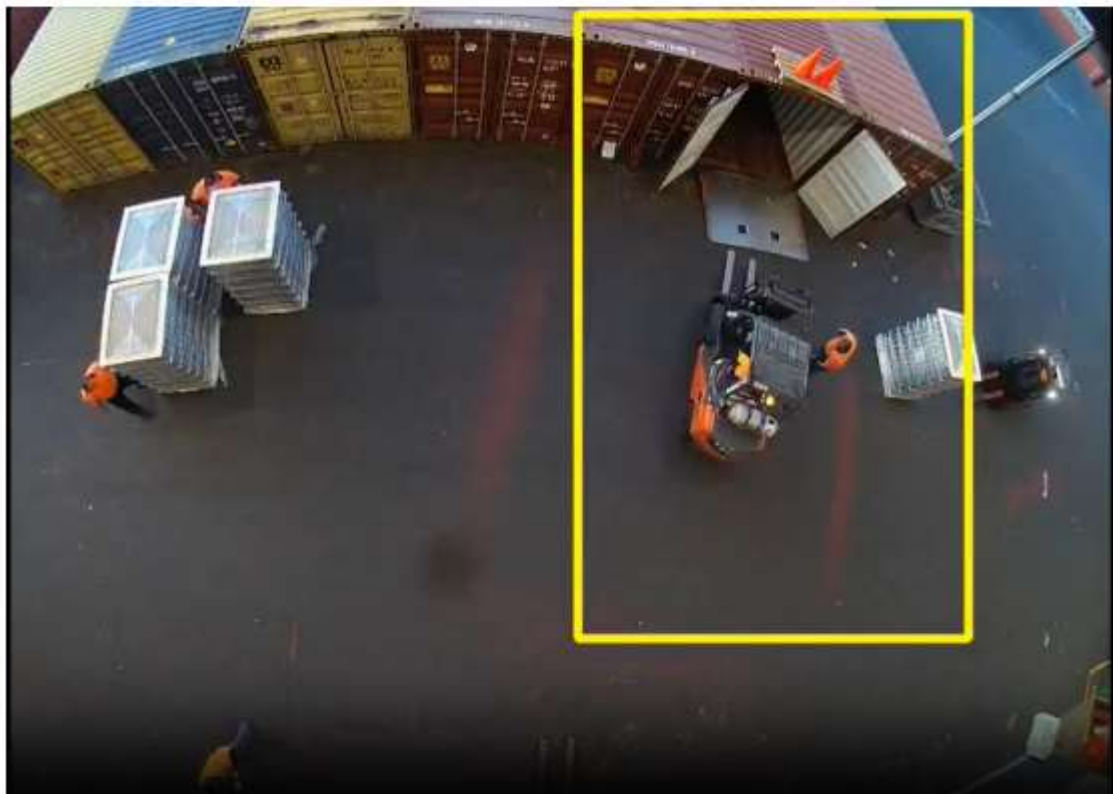
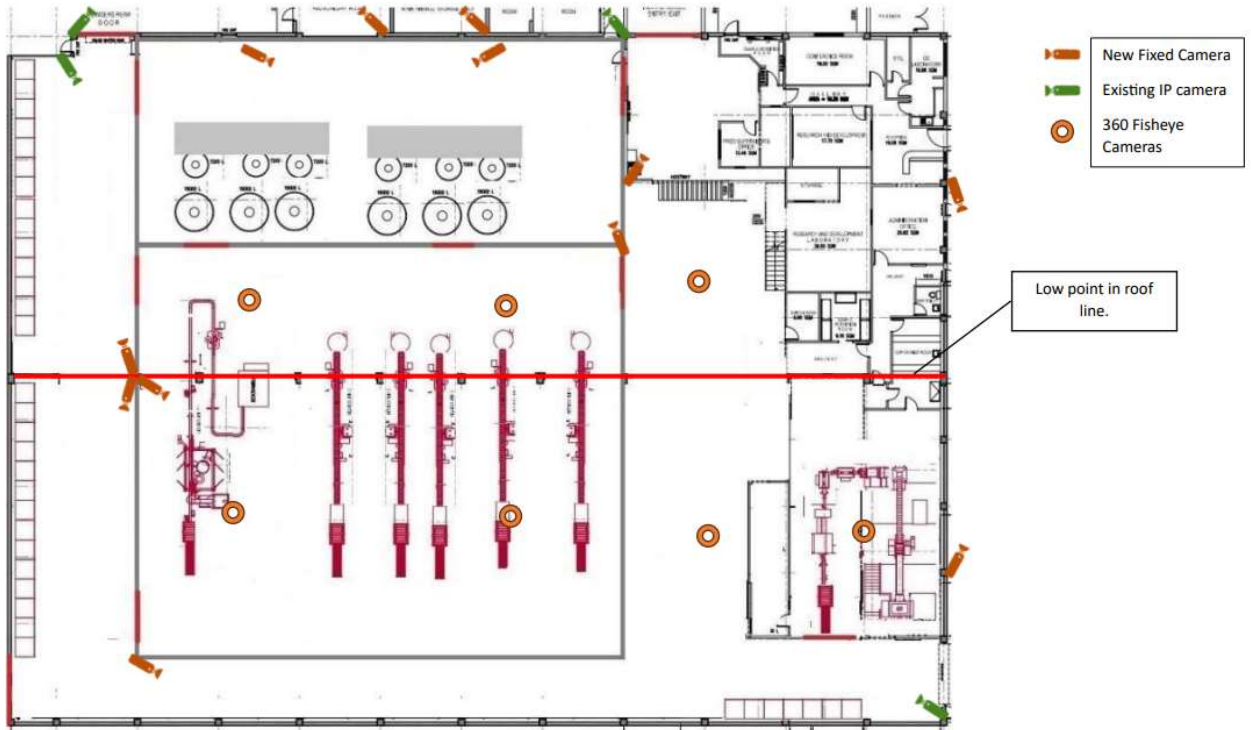
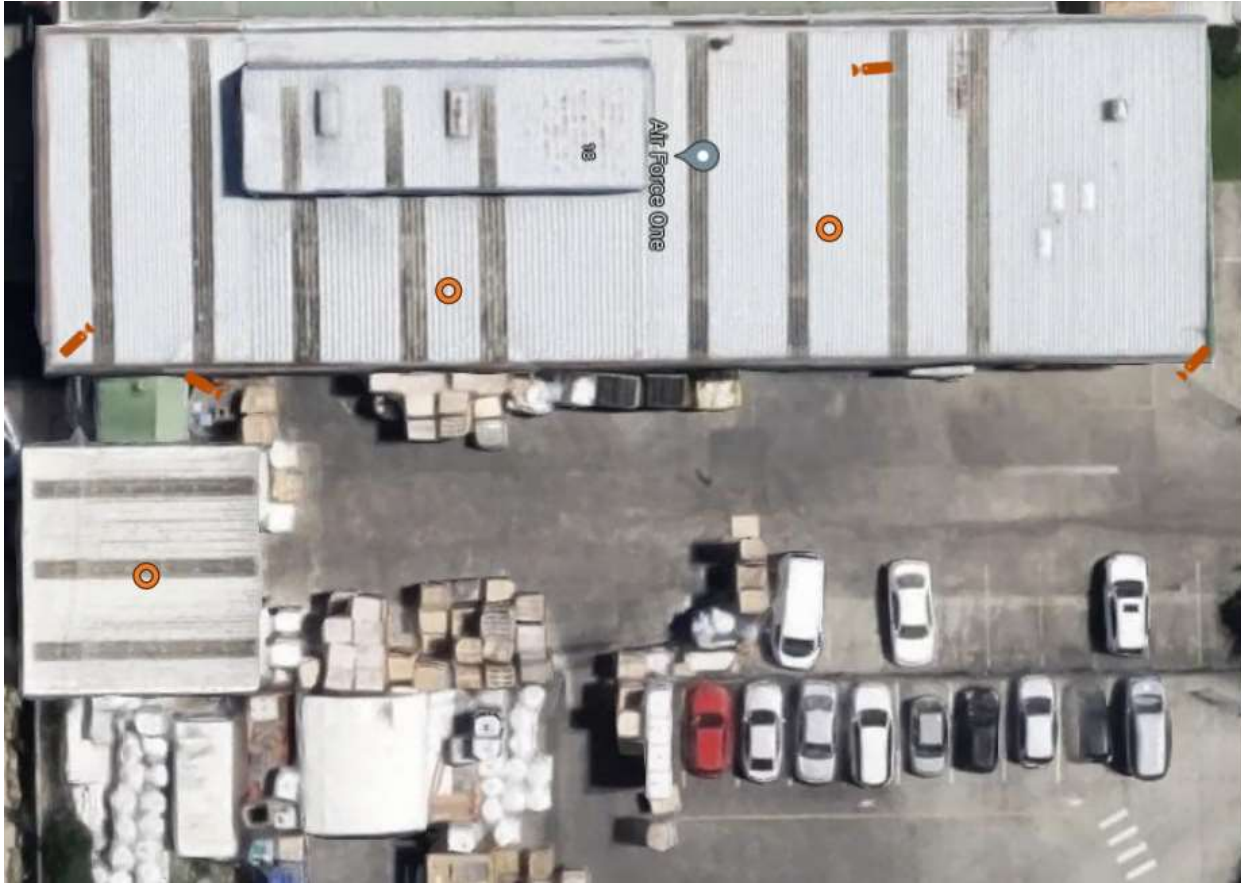


Figure 2: Expanded screen grab of the same event.

If a non-compliant event is recorded, entered as incidents/near hits in our ERP system, which automatically sends email reports to managers and officers of the company, and results will be shared in the monthly committee meetings and weekly toolbox meetings for staff. Non-compliant events will be investigated in line with existing near hit/ incident processes, with the appropriate level of engagement, education and training provided, and, if required, informal and possibly formal disciplinary action.

Compliance monitoring results and other key performance indicators for health and safety, e.g. near hits, will be discussed in the annual H&S review, monthly H&S committee meetings, and monthly continuous improvement meetings where work practices are reviewed.





At this stage Ecostore does not have a planned roll out for each item but envisages that they should all be able to be implemented within 12 months of the execution of an approved EU application. So that auditing can take place, Ecostore can provide WorkSafe with a schedule by which it expects each item to be implemented after the EU application has been approved.

3.4 Activities to be undertaken to promote the objectives of the safety legislation that will deliver benefits for the wider industry or sector

The rationale for the proposed activities is as follows:

1. Fund one-off external Health & safety audits for 4 industry partners or suppliers to support health and safety improvements across the manufacturing industry. Businesses will be selected by the EMA and results will be confidential to those partners/suppliers. Each audit costs \$3,000.
2. Webinar with EMA – Presenting a webinar by and for the manufacturing sector on the theme of “How do you know your H&S systems are working?” The intention is to share our experience, learnings and solutions arising from the incident with the manufacturing community so that they can learn from our story and improve their own health and safety culture, processes and outcomes for their people, thereby supporting the industry community in achieving greater alignment with the objectives of health

and safety legislation. Ecostore understands that the webinar is a service to the wider industry to promote the objectives of health and safety legislation, and will, therefore, be careful that the content is not an advertisement for Ecostore. That said, Ecostore's brand recognition will hopefully be an impactful lever to raise awareness for the wider industry.

The webinar will be available to the entire EMA membership with possible attendances/reach to 500 to 1000 businesses and will focus on the root cause analysis of the contravention of HSWA and our journey of learning and improvement to the present day.

The webinar will be produced at the EMA in-house studio in Auckland, supported by their media team. The presenter will be a senior Ecostore manager/officer. The Webinar will be 1 to 1.5 hours long and will include a Q&A session at the end.

Intended outcomes and learnings for participants

- Participants to come away from the webinar with a questioning and open mindset, comparing their own health and safety culture, engagement and outcomes with Ecostore, and asking questions about their own H&S management: is it working, how do they know, what assumptions are they making about its effectiveness, and do they have qualified, well-trained team members who will ask why or why not without fear of repercussions?
- The importance of having the hierarchy of control measures (elimination, substitution, engineering, administrative, PPE) embedded into all H&S systems and strategies from the factory floor to the officers of PCBUs.



- The importance of a healthy, living and breathing company H&S culture and education/ training program that is fully up-to-date with current legislation and best practice, and that brings all staff on the H&S educational journey and empowers them to have a voice and to support each other.

Proposed Webinar content

- Welcome to Webinar - Introduction of Ecostore, presenter and topics to be covered.
- Backstory of Ecostore's H&S system pre-incident to shed light on the disconnect between the system as manifested in documentation and the actual implementation of the system and

experience of the workers, especially staff training, incident response, and how these impacted on the incident itself. Also, pressure system, maintenance, and issues that led to pressure hose clip failure.

- The Incident – pressure hose clip failure, staff member exposed to chemicals, staff member untrained on chemical safety and spill response protocols, manager response, staff self-assessment, lack of First Aid response.
- What went wrong with our response – MSDS information not consulted, lack of supervision and First Aid response, and staff member allowed to self- assess.
- Impact on the injured worker and the unfortunate reality of the incident outcomes.
- Root cause analysis – Links to Ecostore backstory and pre-incident systems and assumptions made about the system effectiveness and engagement. This will also include the clip and maintenance issue, lack of staff and management knowledge/training, and how this impacted the immediate incident response, which exposed a worker to injuries.
- “We have a problem” - The beginning of our improvement journey, immediate hazard elimination with the pressure system, investigation process, and bridging the engagement gap.
- Ensuring your organisation is current with health and safety legislation – What is reasonably practicable? Raise awareness of the need for training for all managers and HSRs, notification of certain injuries/illnesses, incidents and events to WorkSafe, our journey and learnings, and embedding the hierarchy of control in all aspects of the system.
- How do we know the system is working? – Share how we check that work as imagined equates to work as done, how we are achieving and monitoring this by ensuring the consultation and communication structures of the H&S system are in place and working effectively, and what questions our webinar attendees should be asking themselves and their staff.
- What an effective H&S culture looks and feels like - Our journey and learnings so far, celebrating caring for each other, and continuous improvement.
- Questions and answer session with attendees.

3. EMA H&S Case study (Website and social media) – Ecostore will sponsor the production of an article and video content for a case study based on its learnings from the incident. This information is to then be distributed through the EMA membership. Costs are approximate and might ultimately be higher, depending on production costs.

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

Ecostore has reached out to Blind Low Vision NZ, as this seemed to be the best support organisation that would provide support to workers with vision-related injuries, such as those experienced by the Injured Person.

Blind Low Vision NZ is working on an Insight Workshop Pilot. It is a programme that will be delivered into companies, where, in addition to general learning, there will be an opportunity for each company to explore and understand their workplaces in the context of blind and low vision staff and clients/customers.

Ecostore undertakes to financially support this pilot programme, focussing on workplace inclusion, wellbeing and H&S in the workplace. Ecostore will work with Blind Low Vision NZ to explore the possibilities and pathways to engage with it to find ways for blind workers to engage in meaningful employment.