

# Application for an enforceable undertaking

December 2020

Part 4, Health and Safety at Work Act 2015

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

Ryman Healthcare Limited

# WORKSAFE

## Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

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

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

Gordon MacLeod, Chief Executive Officer

On behalf of: Ryman Healthcare Limited

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

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

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

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

TERM	DEFINITION
Contravention	An action which offends against the <i>Health and Safety at Work Act 2015</i> and/or any Regulations made under it. It includes both health and safety contraventions. A contravention also includes an alleged contravention.
HSMS	A Health and Safety Management System.
Person	An individual who or a legal entity which has a duty under the <i>Health and Safety at Work Act 2015</i> and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.
Health and Safety legislation	<i>Health and Safety at Work Act 2015</i> and associated regulations.
Enforceable undertaking	An enforcement pathway that allows a duty holder to voluntarily enter into a binding agreement with WorkSafe. The agreement outlines actions the duty holder will undertake to address the contravention. It is expected to deliver activities which benefit workers, the wider industry or sector and/or the community as well as acceptable amends to any victim(s).

FORM

**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)

Name of entity: Ryman Healthcare Limited (*Ryman*)

Type of legal entity: Company

Nominated contact person: Gordon MacLeod

Physical address:  
92d Russley Road  
Russley  
Christchurch  
8042

Postal address: Same as above

Work phone: +64 03 366 4069

Mobile phone:

Email: gordon.macleod@rymanhealthcare.com

Industry: Retirement living and care, construction

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

Ryman's business involves the development and management of retirement living and care options in New Zealand and Australia.

Ryman has development and design teams who design the villages to meet the residents' needs, a construction team to build them, a sales team, and an operations team who manage the villages.

The villages offer a range of options from independent and assisted living through to rest home, hospital, and specialist dementia care within one location.

Comments:

Ryman was founded in 1984 and incorporated in 1987. It operates 36 retirement villages across New Zealand and Victoria, Australia which are home to more than 11,500 people.

Ryman has approximately 6,000 employees.

## **1.2 Detail of the contravention**

WorkSafe has charged Ryman with an offence under the Act. This charge is in relation to a fatal accident that occurred at one of Ryman's construction sites in Lynfield, Auckland (the Site). The incident involved a worker at the Site being struck by a JCB telehandler that rolled down a ramp.

The alleged offence is that Ryman breached the duty imposed under s 36(1)(a) of the Act and is liable under ss 48(1) and (2)(c) of the Act.

The specific steps that WorkSafe alleges were reasonably practicable for Ryman to take are summarised below:

- (a) ensure the JCB telehandler was used in accordance with its operating instructions including:
  - (i) ensuring it was not parked on a gradient;
  - (ii) ensuring it was not used as a towing/recovery vehicle outside of its capabilities;
  - (iii) ensuring that when it was operated on a gradient the operator remained in the cab;
  - (iv) ensuring it was not used on a more severe gradient than prescribed in the operator manual;
- (b) conduct an effective site specific risk assessment for the use of the JCB telehandler as a recovery vehicle; and/or
- (c) use a suitable vehicle recovery company to tow vehicles stuck on Site.

### **1.3 Detail the events surrounding the contravention**

In 2017, Ryman was building a new retirement village at the Site. This project involved several stages and a large number of contractors. Relevantly, Ryman engaged Bridgeman to supply concrete to the Site and New Zealand Crane Specialists Limited (NZCS) to provide crane operation services at the Site.

Some of the equipment on the Site was supplied by Ryman. This included a JCB telehandler which had been purchased by Ryman in 2015. Since then it had been serviced and maintained regularly, with the last servicing by an authorised JCB service provider taking place in December 2017. The JCB telehandler was used primarily to move supplies or equipment around the Site.

Graeme Rabbits was an employee of NZCS who was working at the Site. He offered to operate the JCB telehandler while NZCS was working there. Ryman confirmed that he was licenced to operate JCB telehandlers and signed him off as competent to use the JCB telehandler in accordance with its internal procedures.

During construction, a ramp was built to access a lower level on the Site. Concrete trucks used the ramp to get as close as possible to the pour location when delivering concrete. On four occasions at the end of 2017, Bridgeman's concrete delivery trucks had lost traction when starting back up the ramp. On two or three of those occasions, Graeme successfully used the JCB telehandler owned by Ryman to assist these trucks so that they could drive up the ramp.

Following these events Ryman arranged for concrete to be poured on the ramp to assist with vehicle traction. There had been no further instances of trucks becoming stuck until the day of the incident.

On 9 January 2018, one of Bridgeman's trucks reversed down the ramp toward a concrete pump positioned near the bottom. It went too far back and struck the concrete pump. Graeme was asked to use the JCB telehandler to provide a tow assist to the concrete truck, as he had previously, so that the truck could move approximately one metre forward away from the pump. He reversed down the ramp and parked the JCB telehandler partway down the ramp, approximately four metres in front of the truck. He applied the handbrake and exited the cab of the JCB telehandler to attach a strop to the JCB telehandler and the front of the truck.

Graeme and another worker crouched in front of the truck to attach the strop. Two other workers; the health and safety officer and the concrete truck driver, were observing and standing next to the JCB.

Approximately two minutes after parking the JCB telehandler, it started to roll backwards down the slope. The two workers next to the JCB telehandler were able to move out of the way and shout a warning. The other worker who was fixing the strop in place also managed to escape. Graeme was unable to get clear and was fatally crushed between the JCB telehandler and the truck.

WorkSafe's investigation found that the handbrake was engaged at the time of the incident but had failed to hold the JCB telehandler in position. The type of park brake is a Cardan shaft brake which has previously been identified by New Zealand Transport Agency (NZTA) and WorkSafe as tending to fail in certain situations, including when parked on a gradient.

**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
10 Jan 2018	Prohibition Notice		Towing activities	Safe Work Method Statement provided and JCB telehandler removed from the Site

**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)**

Shortly after the incident, Ryman made it compulsory for workers across all of its development sites to use chocks in addition to handbrakes to prevent all vehicles from rolling backwards.

All construction site inductions were updated regarding Mobile Plant Safe Zones and 'Thumbs Up' protocols. This PowerPoint site induction presentation, facilitated by trained site Health and Safety team members, is compulsory for all staff working or visiting a construction site, e.g. contractors, office staff members, etc.

Ryman completed a review of all induction procedures and developed a series of three onboarding programmes for different groups of construction team members. The 'construction leadership induction' is focused heavily on key site safety procedures and the responsibilities of managers. The 'construction team member induction', designed for Ryman employed site staff, covers core safety procedures, including the responsibilities of each individual in keeping themselves and those around them safe. The third induction, for contractors and visitors to sites, has been adapted from the PowerPoint led session described above. It covers health and safety as a core component and is specific to each Ryman Construction site.

Ryman internally reviewed all health and safety related training delivered by external training providers, especially for telehandlers, and found discrepancies between the guidance presented by different trainers. It adopted a practice of having the same external trainer visit all Ryman sites to ensure uniform training and consistent health and safety practices across all sites.

During 2018, Ryman replaced its fleet of five JCB telehandlers with a combination of new machines purchased by Ryman and hire machines. No telehandlers with Cardan shaft brakes are used on Ryman sites now. These new telehandlers are remotely monitored by the supplier for servicing and maintenance.

They also developed a Telehandler Procurement and Guidance Document in conjunction with an approved JCB agent (Landpower) to ensure that machines purchased in the future do not have this type of Cardan shaft brake.

Ryman co-ordinated a Safer Together – Safety Expo on 19 September 2018. For this event, all Ryman construction sites were closed to ensure all employees and contractors could attend. 350 Ryman Construction and maintenance workers, gardeners, village managers and key sub-contractors attended. Speakers included Selwyn Rabbits (Graeme's father), Gordon MacLeod (Ryman Chief Executive), Nigel Latta (psychologist) and Steve Carden, (CEO of Pamu Farms). The Safer Together Expo was an opportunity to engage people in safety through active demonstrations (including the use of trained actors), interactive activities (including the use of Virtual Reality and driving simulators) and simple health and safety messaging. It also demonstrated Ryman's commitment to health and safety to current team members and contractors.

Additional health and safety management training for site leaders across construction sites was carried out during 2018. This has continued as part of Ryman's flagship leadership programme – LEAP (Lead Energise and Perform). Senior construction employees who regularly complete the LEAP programmes include: site Health and Safety Advisors, Foremen, and Site and Project Managers as part of their professional development.

LEAP combines foundational leadership skills, including influence, delegation and coaching, with a bespoke health and safety specific workshop which addresses topics including risk management, safety leadership and how to have effective safety conversations. The programme was designed in partnership with an award-winning, international health and safety consultancy and focused directly on the processes, procedures, and leadership skills required on Ryman construction sites and villages.

Ryman has now integrated the SiteWise pre-qualification process into its contracting system.

In addition, safety in design workshops are undertaken as part of Ryman village design processes, and these planning processes have been reviewed and improved.

#### ***Additional health and safety initiatives***

Since the incident Ryman has created a Health and Safety Workers Forum. This forum meets quarterly and the members are all workers and contractors with no Senior Management present. Workers set their own topics and agenda. The forum attendees are transported to Christchurch. Any matters arising from the forum are communicated to a member of the Health and Safety Team to discuss with Ryman's Management for action. All items raised are also shared with the Board and Executive Health, Safety and Wellbeing (HSW) sub-committees.

A "Stop Think!" campaign was rolled out across all construction sites and villages. To support managers and workers to improve the effectiveness of safety planning and conversations, Ryman designed a set of tools under the "Stop Think!" campaign. These tools provide a framework for having important discussions about safety achievements and opportunities for improvements. Tools included "Step Back" cards that support workers to review the safety of their work at any point and a "Leading Safety" booklet that acts as a guide for conversations about safety. All safety 'tools' are short, easy to read guidance that is portable and available throughout the sites.

With the support of a leading New Zealand occupational psychologist who specialises in safety leadership, Ryman designed and delivered a training workshop for senior leaders. This interactive, discussion-based workshop provided an opportunity for participants to explore the impact that senior leaders have on the safety culture of a team or site and how to use specific conversation skills and observation techniques to influence safe behaviours.

A Spotter training programme was developed to standardise required worker competency around managing mobile plant on construction sites. Ryman's Health and Safety Advisors have been trained on how to train and assess the competency of spotters on our sites. This process involved the completion of workbooks, including assessments (both written and practical) before Spotters are deemed competent.

Site Health and Safety Advisors (and some Civil Foremen) completed Traffic Management Training, in preparation for further training on the development of in-house traffic management plans using specialist software.

An external investigation techniques training programme offered by IMPAC was completed by the Ryman Health and Safety team and managers.

QuipCheck' was introduced for daily pre-start checks, including checks for Ryman and contractor plant. This is an electronic mobile app which stores completed pre-start-check

information, sends alerts that checks have been completed, and notifies designated people via immediate email when an 'issue' is noted.

Ryman is also in the process of completing a comprehensive review of its HSMS. A Health and Safety Project Team has been formed to lead this review. Its purpose is to consider every part of the HSMS individually. The Team is made up of members from a range of areas within Ryman including the Health and Safety, Operations and Constructions teams. As part of the engagement process, worker representatives are consulted regarding each policy.

To support and embed the Initiatives and improvements identified from this review, Ryman have employed additional skilled HSW personnel, and embedded specialists in each area of the organisation to ensure HSW leadership is tailored to the specific industries and environments their workers operate in.

A number of Working Groups have also been established, each reviewing and updating safety guidelines for activities that have been identified as medium to high risk.

In addition to the Executive HSW sub-committee that meets every 2-months to review, discuss and monitor our HSW strategy with key members of the Senior Executive and Senior Leadership Teams, Ryman have implemented a 'Safer Together' project meeting that meets fortnightly with members of the executive and leadership teams.

Competency Frameworks have been established for Construction Leaders and Health and Safety Advisors on construction sites which include health and safety responsibilities.

Directors and officers of Ryman attended health and safety training that was designed specifically for the business. This training contained a heavy focus on risk management and critical risks within the organisation going beyond pure due diligence requirements. The objective was that with in-depth training at the board level, health and safety is understood and able to be driven from the top.

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

The total cost of the replacement of the telehandlers was over \$550,000 excluding GST.

The Safety Expo – Safer Together involved the closure of all construction sites. The total cost for workers attending the safety day, venue hire, speakers and other associated costs came to just over \$400,000. This does not include any additional costs that flowed from the one day delay on all active construction projects.

The initial roll out of advanced health and safety training as part of Ryman's leadership programme LEAP has amounted to over \$100,000.

In conjunction with Selwyn Rabbits, Ryman have been engaging with NZTA to investigate and remedy the issues with Cardan shaft parking brakes. Ryman are also investigating initiatives to address the issue, industry-wide, of this type of parking brake on site vehicles not under the jurisdiction of NZTA. The costs of working with NZTA and implementing other initiatives to prevent further occurrence will be in excess of \$50,000.

Ryman's electronic HSW system is being expanded at an initial implementation cost of \$350,000 during year one (2020-2021) and an additional investment of \$30,000 per annum. Director and Officer training was delivered by an external professional firm amounting to \$12,500. Spotter and Telehandler Operator training has been delivered to relevant staff at all construction sites at a total investment of \$55,000.

In total, the rectifications and initiatives that are the direct result of this event are estimated to have cost over a million dollars.



**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**

Graeme suffered fatal crush injuries as a result of the incident.

**1.8 Detail any offer of amends or payments made to the victim(s) who sustained injury or suffered illness (the total monetary amount here is also to be included in the table at 3.7.3)**

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

Graeme was an employee of a subcontractor, NZCS, and involved in day-to-day crane operations at the Site.

*Detail offer of amends or payments:*

Ryman has offered to make a one-off payment of \$150,000 to the family to recognise their loss.

Ryman has provided counselling services to the family.

Ryman has worked in conjunction with the family in respect of NZTA carrying out testing of Cardan shaft brake systems as part of the family's enquiries into the accident. It has also worked with Graeme's family's in the ongoing engagement with NZTA including facilitating meetings with the CEO of NZTA and, subsequently, with the Board Chairman of NZTA and senior managers. Both meetings were also attended by Ryman's CEO. Ryman continues to work alongside Graeme's family to ensure known concerns with the Cardan shaft parking brake system are addressed by NZTA.

Storage costs for Graeme's belongings have also been covered (\$11,800 to date).

Ryman has established an education scholarship for Ryman workers (including contractors) that is in the Graeme's name. This provides three years of funding of up to \$10,000 per annum for further education, training and personal development. The scope is deliberately broad to enable workers from all areas of the workforce to apply and is not restricted to tertiary education. The recipient is selected by the family.

An annual award of \$5,000 for the best idea to improve sustainability is being offered within Ryman. This recognises Graeme's love of the environment and its protection.

**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**

Graeme's family has been provided with the Enforceable Undertaking application in draft and provided feedback on it. The family has confirmed that they support this form of resolution for this matter. In particular, they support any initiatives to raise awareness around the risks presented by Cardan shaft brake systems.

**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**

Ryman has not consulted with any unions, as none have been identified as appropriate for this purpose.

It has developed its proposals in conjunction with health and safety experts, the family and NZTA.

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

DATE	DESCRIPTION OF SUPPORT	COMMENTS
09/01/2018 - 16/01/2018	The Site remained closed for work.	
09/01/2018 - ongoing	Counselling sessions were made available to employees on a one-on-one basis	
09/01/2018 - ongoing	Ryman has supported Graeme's family by making counselling support available. A Leadership Scholarship and Sustainability Innovation Award were set up in Graeme's name	
10/01/2018	Ryman's employees at the Site and Senior Management from the Christchurch office met and discussed the incident.	
12/01/2018	The Site was blessed.	
16/01/2018 and in the following weeks	The Site reopened for work but Ryman informed employees they were not expected back at work until they were ready to return.	

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

Ryman's health and safety system is led at the Board level by the Health and Safety Committee which operates by driving policy, including setting the direction for health and safety management and performance. The Committee provides strategic leadership for health and safety and monitoring of the effectiveness of critical systems, processes and procedures for managing health and safety risks.

The senior executive team also has a health and safety committee which reports to the Board sub-committee. Further, all managers who undergo additional training as part of Ryman's internal leadership programme now have a half day dedicated to Safety. This is intended to improve both their understanding of risk management and ability to demonstrate leadership in health and safety.

Ryman's overall system is based on a collaborative approach to health and safety and involves all levels of the business including workers, contractors and suppliers. A Safety First stance goes right through the planning and design of sites, through to resource allocation.

In relation to the site-specific controls for its construction sites, Ryman records its commitment to maintaining safe and healthy workplaces across each of its sites.

It has in place a system of worker participation that includes:

- a Health and Safety Committee;
- weekly Toolbox meetings;
- regular meetings with contractors (including labour hire workers) and other PCBUs on sites;
- workshops and conferences;
- dedicated health and safety resources at each site including a Site Health and Safety Officer; and
- a Construction Health and Safety Manager; and
- a Group HSW Manager responsible for health and safety frameworks and management systems across Ryman.

Ryman's procedures for risk identification involve:

- safety in design review of villages;

- planning of development and construction activities;
- a daily pre-start checklist;
- a site inspection checklist for every construction site;
- site-specific safety plans;
- weekly site inspections by the Site Health and Safety Officer;
- an electronic health and safety system called "Assura" for reporting and escalating incidents, near-misses and observations;
- worker participation practices;
- consultation, coordination and cooperation with contractors; and
- six-monthly internal site audits and six-monthly external site audits.

Supervisors and management at each site undergo SiteSafe and Gold Card training. The Site Health and Safety Officer ensures that workers (both employees and contractors) are qualified and competent before they are permitted to use plant. Internal and external trainers visit sites to provide training as required. The overall training and information procedures include inductions (both health and safety and technical), on-going competency assessment and refresher training as required.

Safer Together worker forums have been established in each Ryman division, representing team member and contractor issues to management and the Board.

Critical risk working groups comprise team members, contractor representatives and leaders to ensure strong engagement in the most effective management of critical risk at Ryman. These include working around mobile plant such as telehandlers.

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

Internal and external audits take place every six months each, so that there is an audit every three months.

Internal audits include:

- Safety checks to ensure prescribed policies and procedures are adhered to. For example, spot checks of the following:
  - o Pre-start checks
  - o Toolbox meetings and discussions
  - o Site inductions
  - o Maintenance and servicing requirements
- Site inspections

External Audits are carried out by a qualified provider, Simeon Lucas from Lucas Safety, and focus on:

- Overarching systems
- Compliance with the legislation
- Being fit for purpose

Ryman also has regular engagement with government agencies which include:

- Ministry of Health, in relation to its rest home facilities

- WorkSafe assessment visits

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

Ryman has consulted with representatives of Graeme's family to ensure that the proposals are directed to areas they consider will result in genuine health and safety benefits. They have reviewed the draft proposal and confirmed their support for it.

Ryman has engaged with NZTA representatives who have provided feedback on proposals which relate to NZTA. Ryman has amended the relevant proposals in accordance with that feedback.

## **2 GENERAL TERMS**

Ryman 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**

Ryman acknowledges that WorkSafe alleges a contravention of its duty under s 36(1)(a) of the Act.

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

Ryman deeply regrets the tragic outcome of the accident that occurred in January 2018. It is truly remorseful and has worked closely with Graeme's family since the accident. It is strongly committed to taking active steps to ensure that such an incident never occurs at one of its sites again.

Ryman takes the health and safety of its workers very seriously and is committed to ensuring ongoing compliance with its obligations under the Health and Safety at Work Act 2015. It has co-operated fully with WorkSafe throughout the investigation.

Ryman is aware of its position as a leader who can influence many different organisations who are engaged as sub-contractors. It will continue to engage with all participants on its worksites to work towards providing the highest standard of health and safety protection for all persons.

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

Ryman recognises that an enforceable undertaking is generally considered unsuitable in the event of a fatality; particularly in circumstances where there was the possibility of other serious injuries. However, it considers that an enforceable undertaking is the most appropriate response to this contravention as it will result in positive changes not only for Ryman's workers but also for the wider industry and community.

Following the incident, Ryman has extensively reviewed the existing training and guidance available on the use of telehandlers both within New Zealand and internationally. It has identified gaps in the training and guidance that leave open the risk of future accidents involving telehandlers and any other plant that relies on Cardan shaft brakes.

Ryman considers there is a genuine health and safety issue arising from the type of braking mechanism involved in this accident. Other fatal accidents have occurred in New Zealand due to the failure of the Cardan shaft brake system. This equipment is used across several high-risk industries including agriculture, construction, transport and forestry. There is an opportunity, through this enforceable undertaking, to implement a programme that will ensure operators across several priority areas are provided with sufficient information to understand the specific risks this braking mechanism presents.

Ryman has already worked collaboratively with Graeme's family in their engagement with NZTA in relation to assessing and identifying possible improvements regarding vehicles fitted with a Cardan shaft brake system. The work that has been carried out to try and address the genuine concern held by Graeme's family regarding the braking system will be continued through the initiatives identified in this application.

**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**

Ryman understands how important it is to learn from the incident. It is committed to ensuring that the behaviours, activities and factors which caused or led to the contravention have ceased and will not reoccur.

Ryman has implemented several changes to its health and safety policies and practices which are set out in section 1.5 above. Its internal and external audit processes have not identified similar behaviours, activities or other factors which caused or led to the contravention. It continues regular auditing to ensure that this standard is kept.

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

Ryman has read and understood the Enforcement Undertaking Operational Policy.

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

Ryman 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**

Ryman has the financial ability to comply with the terms of this undertaking and its financial statements are publicly available.

In the event of impending receivership, liquidation or sale of the entity, Ryman 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**

Ryman is not aware of any other relationship between its officers, Senior Management team or the beneficiaries of any of the awards in this undertaking.

**2.9 Statement regarding Intellectual Property**

Ryman 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**

Ryman 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 Ryman.

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 Rymor 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.

### **3 ENFORCEABLE TERMS**

Ryman 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.

Ryman 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**

Ryman commits to continuing to perform regular internal and external audits of its health and safety systems. Senior Management will continue to take an active part in audits and will work with employees to identify any improvements that can be made.

The continued encouragement of worker participation and regular reporting from health and safety committee meetings will enable management to have confidence that risks to health and safety are managed in an ongoing and proactive way.

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

Dissemination will be achieved by doing the following:

- An alert bulletin will be issued upon the acceptance of the undertaking, announcing it to all Ryman employees.
- Construction workers (including contractors) who work for Ryman will be provided with a copy of the alert bulletin via email. A hardcopy of the undertaking will be available at all site offices, and on request, for a period of twelve months after the date of acceptance.
- The undertaking will be discussed at Ryman's health and safety meetings immediately following its execution.
- The undertaking will be published on Ryman's website for a minimum of 12 months beginning as soon as possible after the date on which it is accepted by WorkSafe. After that period the undertaking will be made available to workers, customers and other stakeholders on request.

Dissemination will occur by: 15/02/2021



**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**

<b>ACTIVITIES</b>	<b>COST (\$)</b>	<b>TIMEFRAME</b>
Outline the activity and the expected outcomes		
<b>Health and safety upskilling</b> across Ryman's Senior Management Team. All members of Senior Management will attend health and safety training. This training will contain a heavy focus on risk management and critical risks within the organisation. The training is essential to ensure Senior Management have the skills and knowledge to ensure health and safety systems are applied at an operational level.	\$15,000	12 months
Develop a <b>Health and Safety Advisor development programme</b> designed to improve the competence, skills and knowledge of Health and Safety Advisors on construction sites. This training will involve a mixture of in-house and external providers identified as providing the identified competencies and skills required of Health and Safety Advisors.	\$80,000	18 months
<b>Construction Leadership Training</b> to improve the core skills and knowledge required of construction leadership roles (including specific guidance about Health and Safety responsibilities and skills required for each leadership role) and deliver the associated training and education under the Ryman Leaders Development Programme (LEAP) umbrella and new Ryman Construction Excellence programme.	\$70,000	18 months
<b>Hazard and Risk Identification &amp; Assessment Education and Training Workshops</b> designed to support Ryman team members and contractors to effectively identify and assess hazards and risks. A suitable third party provider will be identified to facilitate these workshops.	\$115,000	12 months
<b>Total estimated cost of benefits for workers/others</b>	<b>\$280,000</b>	

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

ACTIVITIES	COST	TIMEFRAME
Outline the activity and the expected outcomes	(\$)	
<p>Ryman will develop an <b>industry guidance document for telehandlers</b>. Ryman has identified a significant gap in any existing telehandler guidance available in New Zealand. Telehandler specific guidance will be created in consultation with industry safety experts, WorkSafe and NZTA. It will include the prerequisite training required to operate a telehandler.</p>	\$100,000	12 months
<p>Ryman identified a gap in the availability of onsite educational resources for telehandlers while on site. Ryman will create an <b>open source online resource that provides guidance on telehandlers</b>.</p>	\$50,000	18 months
<p>Funding would be provided to NZTA for a <b>nationwide awareness campaign</b> regarding the risks of Cardan shaft brakes and appropriate controls.</p> <p>It is anticipated that the campaign will target health and safety conferences and publications such as the HASANZ conference, Safeguard publications and the Legal Safe Conference. This is to ensure that health and safety practitioners are aware of the potential risk that this braking system presents.</p>	\$300,000	6 months
<p>NZTA would receive funding to lead an <b>educational roadshow in relation to Cardan shaft brake systems</b> with a session carried out in each of the 15 regions around the country. The sessions will be free and targeted at industries where Cardan shaft brakes are relevant, including agriculture, transport, forestry and construction.</p> <p>The funding is based on \$10,000 per region and would be paid directly to NZTA. Ryman will support this as required by the NZTA. The sessions will focus on the risks of the Cardan shaft park brake system and the necessary controls that need to be in place.</p>	\$150,000	1 month (to make payment)
<p><b>Total estimated cost of benefits for industry</b></p>	<b>\$600,000</b>	

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

<b>ACTIVITIES</b>	<b>COST</b>	<b>TIMEFRAME</b>
Outline the activity and the expected outcomes	(\$)	
<p>Ryman will support the <b>HASANZ Scholarship Fund</b> by contributing to the scholarship fund.</p> <p>Quality health and safety knowledge is paramount. The fund has the goal of providing support to those in the health and safety industry to upskill, improving the knowledge and competencies of health and safety professionals across New Zealand. Overall, this will create further health and safety resources ideally across a wide range of different disciplines. The fund contributes to course costs and study materials.</p>	\$150,000	1month
<b>Total estimated cost of benefits for the community</b>	<b>\$150,000</b>	

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

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

3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.

**3.7 Minimum spend**

3.7.1 Ryman commits to a minimum spend of \$1,180,000 for this undertaking.

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

3.7.3 Ryman acknowledges the minimum spend comprises of the:

<b>TOTAL COST</b>	<b>MINIMUM SPEND</b>
Financial amends paid to victims (if applicable)	\$150,000
Benefits to workers/others	\$280,000
Benefits to industry	\$600,000
Benefits to community	\$150,000
<b>Estimated cost of the undertaking</b> Plus GST (if any)	<b>\$1,180,000</b>

**4. EXECUTION**

**Authorised representative of an organisation**

Undertaking given by: Gordon Macleod

In my own right and in my capacity as Chief Executive Officer

of Ryman Healthcare Limited

On the (day) day of (month)  
20 (year)

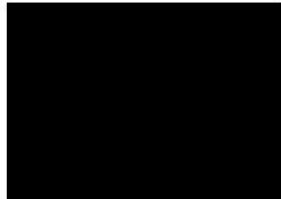


**5. ACCEPTANCE**

This undertaking is accepted by WorkSafe.

On the (day) day of (month) , 20 (year).

Signature of person accepting the undertaking:



Name of WorkSafe representative: Simon Humphries Head of Specialist Interventions

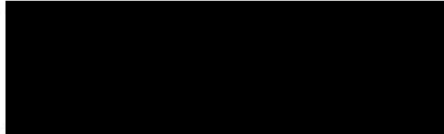
Undertaking given before me:

Witness name: Cordell Wei

Witness address:

40 86 Customhouse Quay  
WGM

Witness signature:



11-02-21

