

ENFORCEABLE UNDERTAKING

Part 4, Health and Safety at Work Act 2015

The commitments in this undertaking are offered to the regulator by:

Person/entity name: Amcor Flexibles (New Zealand) Limited (hereafter referred to as Amcor Flexibles NZ)

(the person)

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

Contravention means an alleged contravention or an acknowledged contravention.

HSMS means a Health and Safety Management System.

Person means an individual who or a legal entity which has a duty under the Health and Safety at Work Act 2015 and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, trustees of trusts, and crown organisations.

Regulator means WorkSafe New Zealand, Maritime New Zealand or the Civil Aviation Authority.

Safety legislation means Health and Safety at Work Act 2015 and associated regulations.

Enforceable undertaking means a written undertaking given under Part 4 of the Health and Safety at Work Act 2015 by a person in connection with a matter relating to a contravention by the person of the Health and Safety at Work Act 2015 and includes all of the contents of that document including the general information, general and enforceable terms.

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 the regulator under Part 4 of the Health and Safety at Work Act 2015. This information will be managed within the requirements of the Privacy Act 1993.

WorkSafe will publish the undertaking in full on its website. WorkSafe may be required to disclose personal information to other agencies such as the New Zealand Police in accordance with enforcement activities that may be conducted as part of an investigation.

SECTION 1: GENERAL INFORMATION

Details of the person giving the undertaking

Nominated person: (point of contact for WorkSafe communications)

Cornelius Van Dyke (General Manager - Operations) and Gavin Barris (Director) for Amcor Flexibles New Zealand

Street address:

AFAP Airport Oaks, 26-38 Andrew Baxter Drive, Airport Oaks, Auckland, 2022

Mailing address:

As above

Work phone: [REDACTED]

Mobile phone: [REDACTED]

Email: Cornelius.vandyk@amcor.com

Type of legal entity: Limited company

Industry: Packaging

Workers: (enter numbers) Full time: 421

Part time: 4

Casual/ Contractors: 4

Products and services: Manufacturing of flexible packaging products

Comments:

Detail the contravention

It is alleged that Amcor Flexibles (New Zealand) Ltd breached the Health and Safety at Work Act 2015 by:

Not engaging a competent person to undertake a systematic risk assessment of E7 and recommend appropriate controls in accordance with AS/NZ 4024 or an equivalent standard

Not developing, implementing, communicating, monitoring compliance with and enforcing a safe system of work that included:

- An effective lock out tag out system on E7
- A Safe Operating Procedure covering all aspects of the machine's operation (routine and non-routine)
- A system to inspect the machine to ensure that appropriate guarding remained in place during routine operations and was replaced after maintenance, cleaning or setting.

Not providing plant that was safe for workers by installing suitable guards on the E7 such as interlocked guarding or fixed guarding.

Detail the events surrounding the contravention

The injured person was working as nightshift supervisor in the plastic extrusion department. He noticed plastic sheeting was not rolling through an extrusion machine correctly because there was a build-up of plastic on a free roller. In trying to remove this build-up of plastic while the machine was in operation the tip of his thumb was pulled into the nip point between a free roller and a pressure roller.

Detail any enforcement notices issued that relate to the contravention

A Prohibition Notice dated 5th of April 2016, WSNZ number 18162 was issued in relation to the E7 extrusion machine.

Detail the rectifications to the workplace or work practices made as a result of the contravention, events and the enforcement notices issued

The nip point at which this incident occurred was remedied promptly with a new fixed guard, though the nip bar that had been removed during maintenance would have done that had it been in place.

A full review of guarding on the E7 machine was undertaken, including the low possibility of contact with nip points from the outfeed side of the machine (distinct from the infeed side where Mr [REDACTED] trapped his thumb).

Interim solutions were immediately put in place to ensure that no injury could occur on the E7 machine including safe access to the outfeed side was addressed by way of a LOTO and gate system and a prescribed E7 Top Nip Roller Lock Out Procedure.

The Safe Operating Procedure was improved to incorporate a requirement for engineering maintenance to record the removal and reinstatement of safety devices during maintenance.

Amcor Flexibles' response was not limited to the E7 machine.

A wholesale audit of all machines was undertaken in the extrusion department at Airport Oaks. Nick Frame of Framework Design produced a report. The remedial work was determined, costed, and prioritised for CAPEX approval.

At interview with the WorkSafe inspector, Amcor Flexibles NZ sought to demonstrate its dedication to ensuring compliance with its health and safety obligations, by reference to:

- 'Project Roadmap' PowerPoint presentation to demonstrate commitment to continuous improvement generally, and in particular risk assessment and prioritisation of risks inherited from the previous owners of the business. A copy of the 'Project Roadmap' material is supplied with this document but is commercially sensitive and supplied on the basis that it does not form part of the materials to be disseminated as part of this Enforceable Undertaking;

- The Machine Safety Book for E7 dated 2014, which is specific to that machine;

- The DNT - Do Not Touch risk analysis campaign project;

- Health & Safety Meeting minutes;

- The Amcor Airport Oaks Procedures Manual;

- Mr ██████ induction documents.

The references to the DNT campaign should be understood as a 'belt and braces' effort to train Amcor Flexibles NZ's people in behaviours that could avoid injury. The programme is not the primary hazard control.

The steps taken since Mr ██████ accident are not merely a reiteration of an existing 'Project Roadmap' programme. They were adopted in response to this incident which has highlighted the need for audit of existing machinery previously understood to be fit for purpose, and implementation of remedial work in a fixed time frame.

The recommendations were prioritised by risk, designed for each solution and installation starting in the extrusion department by the end of July 2016.

By Amcor Flexibles NZ's letter of 13 July 2016 in response to this incident proposed an undertaking to WorkSafe that it would:

- 1 By 15 July, to train operating staff in the Safe Operating Procedure for E7 in its current configuration. Engineers had already been trained in the new SOP.
- 2 Within 3 months (subject to the availability in New Zealand of the equipment required):
 - (a) implement the further recommendations of Nick Frame and other guarding experts in relation to haul off outfeed side of E7.
 - (b) review the Safe Operating Procedure for E7 in light of the recommended changes made to the machine, and train operating and maintenance staff in the revised Procedure.
- 3 Within 6 months (subject to the availability in New Zealand of the equipment required):
 - (a) implement the further recommendations of Nick Frame in his report reference Amcor Flexibles NZ Airport Oaks Site Safety Report (April 2016) in relation to all equipment in the extrusion department at the Airport Oaks factory;
 - (b) implement Safe Operating Procedures for all of that equipment in light of the recommended changes made to those machines, and train operating and maintenance staff in the revised Procedures.

All of those proposed undertakings have been fulfilled within the timeframes proposed, and advised to WorkSafe

Total amount of money spent on rectifications

In the past 6 months Amcor Flexibles NZ has paid contractors \$224,034.98 in implementing all the above recommendations across the Airport Oaks factory site. The details of that expenditure are as follows:

Sum of \$				month							
Project	capex	desc	Capclass	31/08/16	30/09/16	31/10/16	30/11/16	31/12/16	31/01/17	Grand Total	
EP16077	NZ16-077	Guard CMF Printer	HSE	12370	4629.74	833	898			18730.74	
EP16092	NZ16-092	Doctor Blade Guarding		0				2289.18		2289.18	
EP17020	NZ17-020	Hands & fingers Guarding campaign Phase 1		0			32998	0		32998	
EP17021	NZ17-021	Hands & fingers Guarding campaign Phase 2		0		112.5	8177.6			8290.1	
EP17025	NZ17-025	Hands & fingers Guarding campaign Phase 3		0				16148.88		16148.88	
EP17026	NZ17-026	Hands & fingers Guarding campaign Phase 4		0			12986.5		1295.8	14282.3	
EP17027	NZ17-027	Hands & fingers Guarding campaign Phase 5		0			13383.6		27590.36	40973.96	
EP17028	NZ17-028	Hands & fingers Guarding campaign Phase 6		0			13383.6	32998	4022.2	50403.8	
EPGUARDF	0	Guarding scoping	HSE	1482.25	3540.67		12260.4	14528.27	8106.43	39918.02	
Grand Total				13852.25	8170.41	945.5	94087.7	65964.33	41014.79	224034.98	

A further \$40,000 in costs is anticipated from suppliers and contractors.

Further to the money spent on equipment, Amcor Flexibles NZ has invested approximately \$25,000 in labour content for carrying out task risk analysis and Standard Operating Procedure writing to address the improvements made to the equipment

So the total spend on improvements across the Airport Oaks site is approximately \$289,000.

Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention

Mr [REDACTED] left thumb pulp was amputated to just above the first joint. The bones in his thumb were intact, but he needed skin grafts to the tip and pad of his thumb. His thumb nail has re-grown. He was off work entirely for 10 days, but then returned on light duties for 2-3 hours a day. He was back to work on full duties as supervisor within 4 weeks. Initially he wore his arm in a sling but this was no longer required by July. At that time he described his thumb where he had the grafts as 'a bit sensitive' but this was improving as the skin heals and his thumb strengthens with regular strengthening exercises. Once a week, a hand therapist saw him at work to monitor his progress. Mr [REDACTED] said the doctors at the Manukau super clinic are very pleased with his progress. Management have checked in regularly with Mr [REDACTED] to enquire of his progress and he has confirmed on many occasions that the injury has not had any lasting impact by way of restricting work flow, social interactions or activities.

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

Amcor Flexibles NZ made a voluntary payment to Mr [REDACTED] of \$10,000 net of income tax, by way of amends. This sum was been assessed by reference to a sum awarded in other prosecutions involving injuries to a worker's hand and a similar outcome. Mr [REDACTED] was very gracious in his acceptance of the payment.

The person(s) detailed: (describe victim's relationship to the person)

Mr [REDACTED] is an employee of Amcor Flexibles NZ.

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

See above.

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)

The Occupational Health & Safety Management System (OHSMS) is made up from a series of cascading Policies and Procedures, issued by the Occupational Health, Safety And Environment (OHSE) professionals within the organisation, that connect in the following way

Amcor Global OHSE

- 2. Amcor Flexibles Asia – Pacific (AFAP) OHSE
- 3. Amcor Flexibles NZ OHSE
- 4. NZ Site specific OHSE

At each level the documentation becomes more detailed, directive and focused on specific activity and work instruction. Amcor Flexibles NZ and site specific documentation also includes local legislative & Industry Best practice requirements as applicable.

The Amcor Flexibles NZ OHSE Management System has 3 major system components- General Management *(GM) Standards, Critical Risk Areas + (CR) & Key Risk Areas # (R) (see Table below). These are the mandatory minimum requirements for all Amcor operations; additionally all Amcor businesses must also comply with any additional requirements of local legislation.

GENERAL MANAGEMENT * STANDARDS		CRITICAL RISK AREAS +	
GM1	Leadership	CR1	Machinery Purchasing, Design, Installation, Start-up & Operation
GM2	OHSE Management System	CR2	Fire Safety
GM3	Hazard Identification, Risk Assessment and Risk Control (HIRAC)	CR3	Energy isolation, Lock Out & Tagging Procedures
GM4	Training	CR4	Work at Height
GM5	Communication, Participation & Consultation	CR5	Traffic Management (Works Transport)
GM6	Incident investigation	CR6	Confined Spaces
GM7	Injury Management & Rehabilitation		KEY RISK AREAS #
GM8	Contractors	R7	Manual Handling
GM9	Auditing	R8	Noise Levels
GM10	Standard Operating Procedures	R9	Hazardous Materials & Dangerous Goods
GM11	Permit to Work	R10	Emergency Response
GM12	Essential Safety & Environment Rules	R11	Asbestos
GM13	Documentation	R12	Excavation & Demolition
GM14	Hazard Alerts & Best Practice Sharing	R13	Electricity & Electrical Safety
GM15	Management of Change (MOC)	R14	Storage & Racking
		R15	Travel & Working Off Site
		R16	Working Alone
		R17	Housekeeping – 5S

Central to the management of OHSE is GM 3 – Hazard Identification, Risk Assessment and Control. This requires the ongoing identification, rectification and reduction in risk levels for any identified risks. Registers of Risk are utilised across the business to drive focused campaigns for injury & risk reduction, with requirements to review controls applied over lapsed time periods. The focus of risk improvement activity is a combination of directive from Amcor Global & AFAP OHSE Teams and local assessments for priority; priority is determined through the utilisation of a Risk Scoring Matrix and where trends indicate systemic issues of concern.

Co-workers (employees) are engaged in the processes to identify and contribute to practicable solutions for risk reduction and in the evaluation of effectiveness.

Prior to the expenditure in light of this incident, the Amcor Airport Oaks site alone had already spent \$1.24 million on health and safety improvements since 2013. All the steps taken in 3 years, were provided to the inspector. They are significant both in scope and achievement.

As a result of this incident, Amcor Flexibles NZ has already spent \$289,000 in improvements in 6 months, having fulfilled commitments it voluntarily proposed in July 2016.

Each year there will be continued investment in Health & Safety initiatives (guarding/ Lock Out Tag Out (LOTO)/Ergonomics/ Access/ mechanical lifting/ employee health & Wellbeing) by Amcor Flexibles NZ to the value of approximately \$500,000 per year over FY17-FY19 as Amcor Flexibles NZ continues its journey of risk reduction as part of the drive to Zero Injuries.

Amcor Flexibles NZ is also working with WorkSafe as a part of their pilot programme – the High level Engagement programme – where over a period of 8-9 months WorkSafe lead activity to engage/ educate and enforce (if necessary) with a company; to review systems and practices across the company (rather than individual specific locations.) To date WorkSafe has completed a meeting with GM/ VP Amcor Flexibles NZ & the NZ OHSE Manager to discuss/ agree on the programme; 3 satisfactory visits to the Albany site and a planned visit to the Airport Oaks site in late March. As a result of this engagement to date the following has been achieved and discussed:-

- Review of existing OHSMS and it's deployment into daily activity & practices
- Review of employee engagement protocols & practices and discussions with employee representatives
- Acknowledgement of Amcor Flexibles NZ processes for sharing Lessons Learned & improvements between NZ sites, other Amcor facilities
- WorkSafe have made recommendations for minor improvements to Machine Safety/ employee engagement/ refinement to Best Practice levels for the OHSMS/ celebration of success, which have been acted upon. A recommendation for sharing of Best practices with wider NZ Industry has not been acted upon to date.

Amcor Flexibles NZ will continue as part of this programme working together with a view to achieving the desired outcomes.

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

Amcor Flexibles NZ has a long standing participation in the Accident Compensation Corporation (ACC) Workplace Safety Management Programme (WSMP) programme which independently verifies the OHSMS to the specified standards every 2 years; Amcor Flexibles NZ has been a holder of Tertiary status since 2011 and was successfully audited again to this standard in December 2016.

Every 3 years each Amcor site is subject to an audit to the Amcor OHSE standards (specified above) - the audits are conducted by an non-local Amcor trained/ accredited auditor. Three of the four Amcor Flexibles NZ sites have been audited in the last 18 months achieving Bronze/ Silver & Gold accreditation ; with the fourth site (Bronze) scheduled for audit later this year. Achievement of the different levels is related to a risk scoring process within the audit framework (i.e lower the risk= higher the achievement).

Additionally Amcor Flexibles NZ is subject to other external audits which look in depth at the OHSMS – Hazardous Substances & New Organisms (HASNO) - all sites compliant/ Sedex –Audit to International Standards for adherence to responsible business practices which looks at Labour/ Health & Safety/ Environment & Ethics - the results of this audit are viewable to customers globally. Amcor sites also are audited to ISO standards which review the OHSMS.

Regular internal reviews of the OHSMS are undertaken by each site by the OHSE professional in conjunction with the site operational leadership team.

A specific audit to AS/NZS 4804:2001 has not been undertaken to date as it is considered that the audit against the Amcor OHSE SMS Standards is more comprehensive. However, with the demise of the ACC WSMP audit programme, it is planned to complete an audit against an appropriate external standard to provide a status against a NZ benchmark.

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

The Amcor Flexibles NZ Executive Leadership team has been involved in the formulation of this undertaking, including the NZ OHSE Manager, General Manager - Operations, and Vice President and General Manager of New Zealand.

In anticipation that Mr [REDACTED] will be approached by the panel, Amcor Flexibles NZ has engaged further with him. It is concerned that Mr [REDACTED] in no way feels that this process arises from any error on his part. Amcor Flexibles NZ has discussed the proposed Enforceable Undertaking with Mr [REDACTED]
[REDACTED]

Amcor Flexibles NZ has also discussed the proposed Enforceable Undertaking with its Health & Safety committee at Airport Oaks. It does so because it wants to ensure its workers feel that the company is taking the matter seriously and is not being given an easy ride to avoid prosecution. More to the point while it is committed to meeting its obligations under the Act and while the improvements to processes have been communicated and implemented already, it is important that the lessons learned are for the benefit of the wider industry sector and community.

SECTION 2: GENERAL TERMS

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

Acknowledgement that the regulator alleges a contravention occurred

Amcor Flexibles NZ acknowledges that Worksafe alleges a contravention occurred.

Statement of regret that the contravention occurred and the reasons the person considers this undertaking is the most appropriate response to the contravention

Amcor Flexibles NZ very much regrets this event. Its response was not confined to the one machine but to audit and improve all equipment in the extrusion department at the Airport Oaks factory. The funds invested in the last 6 months are set out above.

WorkSafe will know that Amcor Packaging New Zealand Limited has twice been prosecuted in the past for breaches of the Health and Safety in Employment Act.

Those prosecutions did not relate to the packaging businesses at Amcor Flexibles NZ's Airport Oaks Albany, Carmel Rd Christchurch or Bronston Street Christchurch sites, but to other divisions of that company that manufactured fibre, glass and corrugate. The fibre, glass and corrugate manufacturing business divisions that were subject to prosecution have always been managed and operated separately from the Amcor Flexibles NZ packaging business, and are no longer part of the Amcor group. The fibre, glass and corrugate business divisions were demerged from the Amcor group of companies in December 2013.

It follows that the packaging business divisions have not previously been the subject of prosecution

Amcor Flexibles NZ understands that a breach of the obligation to ensure, so far as is reasonably practicable, the health and safety of employees, is not dependent on there being actual harm to anybody. However, Amcor Flexibles NZ recognises that when a person does suffer injury, this must be a factor WorkSafe will take into account in making its recommendations as to enforcement. Amcor Flexibles NZ believes it has done what it can to put things right, both in reassuring Mr [REDACTED] that he is not to blame, supporting him through his recuperation, maintaining him on full pay, and in acknowledging his injury through a lump sum payment consistent with other awards of a similar kind.

In terms of commitment to workplace safety Amcor Flexibles NZ believes 'Project Roadmap' demonstrates significantly improved the health and safety outcomes for its people, and a plan to ensure continuous improvement having taken over the business in 2012.

Amcor Airport Oaks site alone has already spent \$1.24 million on health and safety improvements since 2013. All the steps taken in 3 years, were provided to the inspector. They are significant both in scope and achievement.

The Amcor Flexibles NZ Airport Oaks site had, at the time of the incident in April 2016 already achieved a clear reduction in Recordable Case Frequency Rate (RCFR) and Lost Time Injury Frequency Rate (LTIFR) as follows:

Metric	2012 - Aperio	March '16 - Amcor
LTIFR	4.9	0.00
RCFR	43.7	7.48
FAFR	58.3	74.76

The Accident Frequency Rate (FAFR) had increased due to an increase in reporting of first aid injuries.

This is a positive rather than negative feature of an effective health and safety programme.

Amcor Flexibles NZ has invested in a new health and safety management system called Mango. That transition will be completed by mid FY17.

The programme for assessing and managing the risk in relation to the extrusion machines was advanced, as is evident from the Machine Safety Book for E7 that was prepared in 2014.

The risk assessment of the E7 machine, recorded the nip bar in place.

It goes without saying that Amcor Flexibles NZ was very disappointed to find that it was not in place at the time of this incident.

The error in failing to reinstate here was compounded by the particularly unfortunate circumstance whereby the nip bar lay so close to the machine, but undetected.

Statement of commitment that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur

Amcor Flexibles NZ confirms that the behaviour, activities and other factors which caused or led to the contravention has ceased and will not reoccur

Acknowledgment of the policy published by the regulator for the acceptance of an undertaking

This policy has been read and understood:

Enforceable Undertakings Operational Policy

Version: Dated: December 2016

Acknowledgement that this undertaking will be published and publicised in full

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

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

Amcor Flexibles NZ has the ability to comply with the terms of this undertaking and meet the costs of the activities. Amcor Flexibles NZ is a subsidiary of Amcor Limited, listed on the ASX. Financial data is freely available on the Amcor website at www.amcor.com. If further assurance is requested, please clarify what is required.

In the event of impending receivership, liquidation or sale of the entity, Amcor Flexibles NZ will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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

None, save for Mr [REDACTED] as employee.

Statement regarding Intellectual Property

Ancor Flexibles NZ 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.

WorkSafe acknowledges that the 'Project Roadmap' material supplied with this document is not subject to this clause.

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

Ancor Flexibles NZ 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.

Statement of commitment from the person to participate constructively in all compliance monitoring activities for this undertaking

It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.

Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.

The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by the regulator, that this undertaking has been completely discharged.

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.

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.

It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.

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.

SECTION 3: ENFORCEABLE TERMS

The person acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and an estimated cost for each activity.

The person commits to performing the activities below diligently, competently and by the respective completion date.

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

Amcor Flexibles NZ is committed to the performance of the activities as detailed above in this application. Please also note the commitment of Mr Barris, set out below and by extension the commitment of Amcor Flexibles NZ to fulfilment of that pledge.

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:

As stated above on page 8, Amcor Flexibles NZ has already engaged further with Mr [REDACTED] and discussed the proposed Enforceable Undertaking with its Health & Safety committee at Airport Oaks, for the reasons stated.

Once the details of the undertaking are confirmed Amcor Flexibles NZ would follow its usual communication processes to all co-workers within the business through toolbox Talk framework – i.e a cascade of defined information passed down through the business, with feedback/ suggestions for improvement rising back up through the business. This will occur within 1 month of the acceptance by WorkSafe of this undertaking.

Activities to be undertaken to promote the objects of the safety legislation that will deliver benefits for workers/others

As stated above, Amcor Flexibles NZ has invested in an electronic health and safety management system called Mango. Amcor Flexibles NZ invests approximately \$85,000 per annum in implementation & maintenance of this system. That transition will be completed by mid FY17.

Within 1 month of this undertaking being accepted Mr Gavin Barris, Vice President and General Manager of New Zealand, is joining the Business Leaders Health and Safety Forum (www.zeroharm.org.nz). The Forum's pledge is:

I will:

Take personal responsibility for making health and safety a vital part of my business.

Create a workplace where everyone views health and safety as natural and important as quality, profit and customer service.

My organisation will:

Hold itself accountable before its peers by sharing its health and safety performance.

Constantly improve its health and safety performance.

Champion health and safety – inspiring our people, suppliers and customers to create Zero Harm Workplaces.

Build workplaces which guarantee reported incidents will be investigated and action taken.

The Forum will:

Use its combined skill, experience and resources to make health and safety everyone's responsibility.

Combine its strengths to improve people's ability to look after themselves and their families.

Be open to initiatives from all sources which contribute to achieving Zero Harm Workplaces.

This pledge will be signed and displayed in the organisation.

Activities to be undertaken to promote the objects of the safety legislation that will deliver benefits for industry

Amcor Flexibles NZ commits within 6 months (subject to the publisher's requirements) to promote the objects of safety legislation by commissioning an article for Safeguard Magazine detailing its learnings from this incident, and the commitments across the business in ensuring compliance with this undertaking. The article might also be published in Boardroom (Institute of Directors), Business Today or Management Today, if those publications are amenable to publication. Amcor Flexibles NZ will provide the draft article to WorkSafe 1 month prior to publication, to examine and approve the article.

In addition, Amcor Flexibles NZ proposes that it work with Manukau Institute of Technology and with the University of Canterbury to run a session for engineering students on the importance of safety and awareness of guarding standards (AS 4024) including maintenance.

It is intended that a group of engineering students undertake a field trip to the Airport Oaks factory from MIT and to the Christchurch factory from UOC, to be given a practical presentation of the importance of guarding in the factory, have a tour of the plant, and then a follow up Q&A guarding session on what the students have seen and learned. It is perceived that the value of this is in its practical nature, rather than formal teaching – which will be dealt with by MIT and UOC. Within 1 month of this undertaking being accepted, Amcor Flexibles NZ will offer these field trips to MIT and UOC with the purpose of scheduling them before the end of 2017. Amcor Flexibles NZ will also offer the field trips to MIT and UOC in 2018 and 2019.

That process will also form part of the proposed article for Safeguard and any other publication which accepts publication.

The cost benefit is intangible. Subject to the publisher's agreement, the article is to be published within 6 months of the acceptance by WorkSafe of this undertaking.

Activities to be undertaken to promote the objects of the safety legislation that will deliver benefits for community

Amcor Flexibles NZ commits to a donation of up to \$25,000 to a charity, organisation or event to be agreed with WorkSafe with the purpose of raising awareness of and/or improving workplace safety in the Pacific Island community.

Agreement to pay WorkSafe's recoverable costs

Amcor Flexibles NZ agrees to pay WorkSafe's costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receipt of the WorkSafe invoice:

COSTS	MINIMUM SPEND (\$)
Administrative	
Legal	\$6,712.75 (plus GST)
Compliance monitoring	As incurred
Publication (if any)	
Total recoverable costs	\$6,712.75 (plus GST) and future monitoring costs

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

Amcor Flexibles NZ acknowledges WorkSafe's requirement that it agrees that it will not undertake any activities that may promote or benefit the person without explicitly linking that activity / benefit to this undertaking, by which it understands that in fulfilling the requirements of this undertaking it will refer to this undertaking.

Minimum spend

Amcor Flexibles NZ commits to a minimum spend of \$25,000 contribution to the Pacific Island community as stated above, and its future capital programme in relation to its OHSMS as detailed above.

Amcor Flexibles NZ 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 will be sought from the regulator.

TOTAL COST	MINIMUM SPEND (\$)
Benefits to workers/others	\$85,000
Benefits to industry	Difficult to calculate cost in advance
Benefits to community	\$25,000
OIR's recoverable costs	
Estimated total cost of the undertaking	\$110,000 plus

SECTION 4: EXECUTION

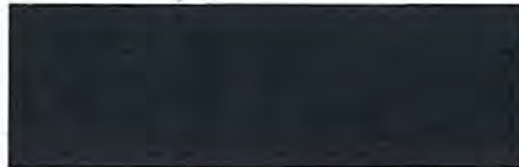
This undertaking is given by the person on the date it is accepted by the regulator as set forth in section 5 below.

(This may include to work health and safety representatives and in the annual report, if applicable)

COMPANY

Gavin Barris, as director for Amcor Flexibles NZ
on the 6 day of April 2017 before me:

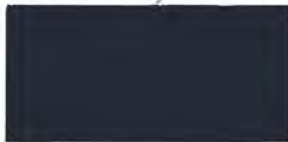
Signature of person:



Witness name: CORNELIUS VAN DIJK

Witness address:

Witness signature:



SECTION 5: ACCEPTANCE

The undertaking is accepted by the regulator

on the 26th day of April 2017 before me:
(day) (month) (year)

Signature of person:



Name:

Brett Murray
General Manager, WorkSafe (or delegate)