

ENFORCEABLE UNDERTAKING

Part 11, Work Health and Safety Act 2011

The commitments in this undertaking are offered to the regulator by

Century Yuasa Batteries Pty Ltd

ACN 009 685 232

COMMENCEMENT OF UNDERTAKING

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 commence to operate as a legally binding commitment on the part of the person from the date it is given.

DEFINITIONS

Contravention means an alleged contravention.

OIR means the Office of Industrial Relations.

OHSMS means an Occupational Health and Safety Management System.

person means an individual who or a legal entity which has a duty under the *Work Health and Safety Act 2011*, the *Electrical Safety Act 2002* or the *Safety in Recreational Water Activities Act 2011* and can give a written undertaking. The term includes individuals, each partner in a partnership, corporations, individuals or corporations as trustees of trusts, statutory corporations, public authorities, the State of Queensland, the Commonwealth of Australia and other Australian states and territories.

regulator means the Deputy Director-General, Office of Industrial Relations, being the person appointed by the Governor in Council as regulator under the Safety Acts.

safety Acts means *Work Health and Safety Act 2011*, *Electrical Safety Act 2002* and *Safety in Recreational Water Activities Act 2011*.

WHS undertaking or undertaking or enforceable undertaking means a written undertaking given under Part 11 of the *Work Health and Safety Act 2011* by a person in connection with a matter relating to a contravention or alleged contravention by the person of the *Work Health and Safety Act 2011* and includes all of the contents of that document including the general information, general and enforceable terms.

PRIVACY STATEMENT

The OIR 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 11 of the *Work Health and Safety Act 2011*, Part 3 of the *Electrical Safety Act 2002* or Part 4 of the *Safety in Recreational Water Activities Act 2011*. This information will be managed within the requirements of the current state government privacy regime.

The OIR may publish the undertaking and information contained in it for purposes identified in the undertaking or for other appropriate purposes in publications such as newspapers and on its website. The OIR may be required to disclose personal information to other agencies such as the Queensland Police Service and WorkCover Qld in accordance with enforcement activities that may be conducted as part of an investigation. Information on our privacy policy is available at www.worksafe.qld.gov.au.

SECTION 1: GENERAL INFORMATION

1.1 Details of the person giving the undertaking

Nominated person:	Century Yuasa Batteries Pty Ltd (CYB)
Street address:	37-65 Cobalt Street, Carole Park, Queensland 4300
Mailing address:	As above
Telephone:	(07) 3361 6166
Email address:	info@cyb.com.au
Legal structure:	Australian proprietary company

Type of business:	Battery manufacturer
Commencement date:	1928
Workers:	Full time: 464
	Part time: 8
	Casual: 5
Products and services:	CYB manufactures and supplies car, marine and other types of batteries.
Comments:	CYB is Australia's oldest battery manufacturer, having been in operation for almost 90 years. CYB is an affiliate of GS Yuasa International Limited, a Japanese company which is one of the world's primary battery manufacturers with affiliates in 19 countries.

1.2 Detail the contravention

It is alleged that between 30 June 2020 and 19 November 2020, CYB held a health and safety duty pursuant to section 19(1) of the *Work Health and Safety Act 2011* (Qld) (**WHS Act**), to ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by CYB, or whose activities in carrying out work were influenced or directed by CYB while the workers were at work in the business or undertaking, and failed to comply with its duty, and the failure exposed an individual to a risk of death or seriously injury, contrary to section 32 of the WHS Act.

1.3 Detail the events surrounding the contravention

At all material times, CYB was a duly incorporated company which conducted a business or undertaking which included the manufacture of batteries from its premises at Carole Park, Queensland.

The premises included a battery plate pasting line used to make plates for battery manufacturing.

On 18 November 2020, a worker employed by CYB was cleaning the rotary divider section of the battery plate pasting line. The divider section (which cuts the plates) was fitted with interlock devices on the guards to stop the rotating cylinders as part of the normal operation. In addition, a single light beam presence-sensing system had been installed on entry and exit areas of the rotary divider, which stops the divider if triggered. The light beam is intended to act as protection against injury to plant operators as well as stopping the divider in the event the product gets caught during production.

As part of the cleaning process, the worker stopped the rotary divider machine and lifted the front and rear guards. The worker operated an override switch on the control panel and used a hand-held manual controller to jog the rollers, so that they continued to rotate while the worker removed the build-up of paste from the accessible areas of the rollers using a small lead offcut.

During this process, the worker's right hand was drawn in between the rollers and crushed. As a result, the worker sustained a serious hand injury to the right hand.

1.4 Detail the enforcement notices issued that relate to the contravention detailed in term 1.2

☐ Not Applicable

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
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20 November 2020	Prohibition Notice	P1026425	Operating the divider section on the battery plate pasting line (rotary line) where workers are at risk of a serious injury where their body parts can come into contact with the hazardous moving parts (e.g rotating battery plate cutters).	CYB complied with this Prohibition Notice and only operated the rotary divider machine once additional controls measures had been implemented. See term 1.11 below.
20 November 2020	Improvement Notice	I2024083	CYB did not ensure so far as is reasonably practicable a safe system of work for cleaning the rotating cylinders and battery cutting blades on the divider section of the rotary line.	CYB complied with this Improvement Notice by: <ul style="list-style-type: none"> • developing a standard operating procedure (SOP) and competency assessment document which detailed the steps and technique for cleaning the rollers and cutting blades within the divider; and • requiring all relevant personnel to successfully complete the competency assessment, prior to performing the task of cleaning the divider without supervision.

1.5 Detail the injury sustained or illness suffered by worker/s or other/s as a consequence of the contravention detailed in term 1.2

The worker sustained a serious right hand injury. The injured worker underwent surgery the day after the incident which resulted in the amputation of the worker's right index finger.

1.6 Detail the employment status and the workers' compensation or other insurance status regarding the worker/s who sustained injury or suffered illness as detailed in term 1.5

The worker/s detailed is:

- ☒ an employee/s of the entity
- ☐ a self-employed worker/s
- ☐ other
- ☐ not applicable

Status: The worker received workers compensation under the *Workers' Compensation and Rehabilitation Act 2003* (Qld). The worker has returned to work with CYB on a full-time basis performing alternative duties.

1.7 Detail the support provided or proposed by the person to the injured worker/s and/or family or other/s

Date	Description of support	Comments
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18/19 November 2020	First aid was rendered on site, prior to the injured worker being transported by ambulance to hospital.	
19 November 2020	OHS Nurse contacted WorkCover to inform them about the incident and initiate claim acceptance so that treatment could commence immediately. Prior to and following the surgery, CYB's OHS Nurse contacted the injured work on a daily basis to offer any additional support.	
	Following incident, the injured worker and other workers had access to CYB's employee assistance program (EAP).	CYB's EAP is facilitated externally through LifeWorks. The EAP is available to workers on an ongoing basis.
January 2021	After a short time off work, the injured worker participated in return-to-work program facilitated by CYB, returning to work on a part-time basis performing alternative duties. In that time, the worker was given additional support by CYB's OHS Nurse and GM Operations.	The worker has now returned to work with CYB on a full-time basis.
February 2021	The worker returned to work with CYB on a full-time basis in the new role of Junior Maintenance Planner.	The worker was offered a new position at CYB as a Junior Maintenance Planner and was offered mentoring and support by several members of the leadership team in order to transition into the new role. The worker remains employed by CYB on a full-time basis.

1.8 Detail any current OHSMS implemented and maintained by the person

CYB has an existing OHSMS incorporating a work health and safety policy, various work procedures and related forms. CYB's OHSMS has been prepared and is maintained in accordance with the requirements of AS/NZS ISO 45001:2018. It is implemented across all business divisions of CYB.

Implementation of the OHSMS for CYB's Industrial Division has been independently certified as compliant with the requirements of AS/NZS ISO 45001:2018 (certificate HSM41074, issued 1 September 2020). The scope of this certification covers design, manufacture, project management, distribution, installation, monitoring and service of power system solutions and associated warehouse operations.

Implementation of the OHSMS for CYB's Automotive Division has not yet been independently certified as compliant with the requirements AS/NZS ISO 45001:2018, but certification for this scope of operations will be obtained as part of this undertaking (see Term 3.2.5 below).

CYB are constantly looking for improvements to our operations for our key risks. These include changes to operations to reduce risks associated with manual tasks, clear delineation between mobile plant & pedestrians workers as well as equipment & task based risk assessments. CYB have undertaken specific plant & equipment risk assessments arising from this incident and are well underway in making a range of improvements to our operations that have been identified from this risk management process.

1.9 Detail the level of auditing undertaken on the OHSMS referred to in term 1.8, including compliance audits and audit frequency

An internal audit program is established under the OHSMS, where the OHSMS is audited to verify the OHSMS has been properly implemented and is maintained to meet the requirements of AS/NZS ISO 45001:2018.

The OHSMS for CYB's Automotive and Industrial Divisions will also subject to an external audit program, with external audits conducted on an annual basis.

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

In order to give the relevant profile to this undertaking and ensure all relevant stakeholders are involved and action plans are approved and budgeted at corporate level, the following has taken place:

- details of the undertaking have been discussed and agreed during weekly Steering Committee meetings; and
- other parties have been consulted: EHS Manager, Marketing Manager, Manufacturing leadership team.

1.11 Detail the rectifications to the workplace or work practices made as a result of the contravention and events detailed in terms 1.2 and 1.3 and the enforcement notices issued as detailed in term 1.4

CYB undertook the following rectification works as a result of the contravention and events detailed in terms 1.2 and 1.3, and the enforcement notices issued as detailed in term 1.4:

- (a) In relation to the rotary divider machine, CYB implemented further control measures for the use and operation of the machine:
- the motor of the rotary divider machine was to be de-energised once the safety inter-lock on either the front or rear guard was broken;
 - the "override" function on the control panel of the rotary divider machine was removed;
 - the divider was to be operated in manual or automatic once the safety circuit had been activated;
 - the front and rear guards of the machine were to be closed at all times while the machine was in operation;
 - tooling was connected to the machine;
 - a "reset" switch was to be pressed before the machine could restart;
 - the speed adjustment dial, which previously allowed the speed at which the rollers were rotating to be manually adjusted, was deactivated; and
 - the manual jog speed was to be at a 'fixed' slow speed.
- (b) CYB developed a Standard Operating Procedure (SOP) and competency assessment document which detailed the steps and technique for cleaning the rollers and cutting blades within the divider; and
- (c) CYB required all relevant personnel to successfully complete the competency assessment, prior to performing the task of cleaning the divider without supervision.

Total amount spent on rectifications

\$ 5,000

SECTION 2: GENERAL TERMS

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

2.1 Acknowledgement that the regulator alleges a contravention occurred as detailed in term 1.2

CYB acknowledges that the regulator alleges a contravention of the WHS Act by CYB as detailed above in term 1.2.

2.2 Statement of regret that the contravention occurred and the reasons the person considers this undertaking is a more appropriate response to the contravention than a court imposed sanction

CYB regrets that the incident occurred and resulted in injuries to the worker.

CYB considers that through the implementation of the activities proposed in this undertaking, the safety of

workers and others at CYB's workplaces will be improved. Likewise, tangible benefits will be delivered to both the wider industry and the community through the activities proposed in this undertaking which would not otherwise be achieved by a Court imposed sanction.

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

CYB is committed to ensuring that the behaviours, activities and other factors that caused or led to the incident will not reoccur. This commitment is demonstrated through the actions CYB has already taken, as outlined in term 1.11 above, and the further actions specified in this undertaking, to substantially reduce, to the extent reasonably practicable, the likelihood of a similar incident occurring.

2.4 Acknowledgment of the guidelines published by the regulator for the acceptance of an undertaking

I have read and understood:

Guidelines for the acceptance of an enforceable undertaking

Version: PN11783 Version 1 Dated: November 2017

2.5 Acknowledgement that this undertaking may be published and publicised

2.5.1 CYB acknowledges that the undertaking may be published on the OIR's website and referenced in OIR material.

2.5.2 CYB acknowledges that the undertaking may be publicised in newspapers.

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

2.6.1 CYB has the financial ability to comply with the terms of this undertaking and have provided evidence by way of a letter from the chief financial officer (**CFO**) of CYB with this undertaking to support this declaration.

2.6.2 In the event of loss or withdrawal of a required industry specific license, impending liquidation or sale of the entity, CYB will advise OIR of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

2.7 Statement regarding person's relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

CYB has no relationship with any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking.

2.8 Statement regarding Intellectual Property Licence

CYB grants OIR a permanent, irrevocable, royalty-free, world-wide, non-exclusive licence to use, reproduce, publish, distribute, electronically transmit, electronically distribute, adapt and modify any materials developed as a result of this undertaking.

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

OIR has requested a statutory declaration outlining details of any prior convictions, subject to any local legal constraints such as spent conviction legislation, or findings of guilt under the safety Acts.

☐ YES

☒ NO

The statutory declaration is attached (if applicable)

☐ YES

☐ NO

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

- 2.10.1 It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with CYB.
- 2.10.2 Evidence to demonstrate compliance with the terms will be provided to OIR by the due date for each term.
- 2.10.3 The evidence provided to demonstrate compliance with this undertaking will be retained by CYB until advised by the regulator, that this undertaking has been completely discharged.
- 2.10.4 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.
- 2.10.5 It is acknowledged that OIR may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to OIR.
- 2.10.6 It is acknowledged that OIR may initiate additional compliance monitoring activities, such as inspections, as considered necessary at OIR's expense.
- 2.10.7 It is acknowledged that details of all seminars, workshops and training conducted by a non-registered training provider must be notified to OIR, by email, at least one week prior. Notification should include time, date, location and the trainer/facilitator.

2.11 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

CYB and its officers are committed to meeting their obligations under the WHS Act and ensuring, so far as is reasonably practicable, that risks to health and safety are managed through CYB's OHSMS which is specifically tailored to its operations across all business divisions of CYB.

CYB and its officers seek to ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking through:

- internal and external review and audit of its OHSMS;
- implementation of the activities proposed in this undertaking;
- Environment Health and Safety (EHS) committee meetings;
- Promote within the workgroup and the EHS Committee Representatives the opportunity to appoint Health & Safety Representatives (HSRs) nominated by the workgroup and facilitate elections & training for any nominees appointed/elected to the role of Health & Safety Representative.
- weekly audits of CYB workplaces (using the 6S methodology, which includes safety);
- toolbox meetings; and
- regular health and safety training for workers and officers.
- Sharing safety alerts from factories of GS Yuasa group around the world following incidents or near misses reported.
- Training potential manufacturing leaders on Certificate 3 Competitive Systems and Practices (MSS30316) with 16 workers having completed the program or about to complete.
- Implementing a Leadership Skills Matrix to set clear direction and objectives for workers willing to step up.
- Incentivising workers on hazards reporting.
- Implementing a WESQ (Wellbeing, Environment, Safety and Quality) calendar with engagement activities all year round.

2.12 A commitment regarding linking the promotion of benefits by the person to this

undertaking

CYB acknowledges that the proposed activities in this undertaking may benefit CYB and commits to linking those benefits to this undertaking.

SECTION 3: ENFORCEABLE TERMS

CYB acknowledges all activities set forth in the enforceable terms below must be auditable and include a date for completion and a minimum cost for each activity.

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

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

Dissemination will be achieved by:

- providing information about this undertaking, including a copy of the undertaking, to CYB's:
 - Board of Directors, as part of a Board meeting; and
 - Leadership team, as part of a Leadership team meeting; and
 - workers through internal communication channels and noticeboards throughout CYB workplaces; and
- providing regular updates on the progress of the undertaking (including development and implementation of initiatives) to the same parties, in the same ways as described above.

Dissemination will occur for:

- information about the undertaking, including a copy of the undertaking, within 3 – 6 months after acceptance of the undertaking, and
- updates on the progress of the undertaking:
 - initially, within 12 months after acceptance of the undertaking; and
 - thereafter, within 12 months after the previous update for the duration of the undertaking.

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

Activities		Minimum cost	Timeframe
3.2.1	<p>Conduct a review of manual handling operations at CYB's Carole Park premises</p> <p>Manual task injuries are a risk area we are constantly addressing due to the nature of lead battery manufacturing. CYB have made some significant changes to reduce these risks however having independent subject matter experts undertake an extensive review of our operations will assist us in further reducing manual tasks risks.</p> <p>CYB will engage professional Occupational Physiotherapist to assess key manual tasks that historically have resulted in injuries to workers. These will be the Top 5 manual tasks injury areas within our Carole Park operations. The scope of these assessments will include the following.</p>	\$7,500	Within 6 months of the acceptance of this undertaking.

	<ul style="list-style-type: none"> Manual Task Risk Assessment including recommendations on potential modifications to eliminate or mitigate risk to workers when completing these tasks. Development of training material that provides guidance on these specific manual tasks which incorporates engineering controls and worker physical preparations before commencing these tasks. Quick Guide reference posters for workers in these work areas for easy reference for workers. <p>It is anticipated that this will involve two days on site and two days for the development of the training & other supporting material.</p> <p>CYB will adopt the recommendations and implement any additional control measures in consultation with affected workers, so far as is reasonably practicable (with significant engineering controls to be considered and implemented as detailed in Term 3.2.2 below).</p> <p>Plant and work processes used at the Carole Park premises are unique to that workplace. However, if any of the findings of the review can be relevantly applied to other CYB workplaces, this will also be considered.</p> <p>Benefits</p> <p>A focus on these risk areas will help to identify further engineering & education controls to reduce the potential for musculoskeletal injuries for these Top 5 risk areas on the Carole Park facility. The training and reference material developed will further reduce the potential for injury in these specific work areas by providing specific instruction on how the work can be undertaken safely</p> <p>Evidence</p> <p>CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> a letter/contract from external consultant confirming scope of services and agreement to provide services (subject to acceptance of this undertaking); a copy of the final report prepared by external consultant setting out recommendations; invoice/s received from external consultant for services rendered; A plan prepared by CYB for implementing actionable additional controls to eliminate or mitigate musculoskeletal injuries. Records of training completed for affected workers who complete the training developed by the external consultant as part of this undertaking. 		
3.2.2	<p>Automation of plant to eliminate or reduce manual handling operations at CYB's Carole Park premises</p> <p>CYB will undertake an automation project at its Carole Park premises. Our Assembly area contains several high pace repetitive manual handling activities, involving transfer of plate bundles and battery subassemblies.</p> <p>We are looking at removing 5 steps of manual handling as described below:</p> <p>- Step 1: operator1 picks each plates bundle and transfers it to a staging area.</p>	\$450,000	Within 36 months of the acceptance of this undertaking.

	<p>- Step 2: operator1 picks stack of 6 bundles and transfers it to a conveyor.</p> <p>- Step 3: operator2 picks bundle by bundle and inserts inside jig box</p> <p>- Step 4: operator3 picks bundles from the jig box and inserts them inside plastic container.</p> <p>- Step 5: operator3 transfers the battery case full of bundles to conveyor.</p> <p>These bundles of plates can weight between 0.88KG and 2.72KG but the weighted average is close to 2KG. Using this as a reference,</p> <p>Plan is to make 5,200 batteries per day in our Assembly area. This equates to 31,200 bundles handled and 743 batteries made per assembly line, per shift.</p> <p>The 5 steps described above equate to 40 tons of components being handled across three operators during one shift. This would be used across three shifts (120 tons of components).</p> <p>At the completion of this project CYB will engage an independent auditor to review the final plant set up to confirm compliance with relevant components of AS4024.</p> <p>Benefits</p> <p>Eliminating certain manual handling tasks through automation at the Carole Park premises will significantly reduce the risk of workers sustaining a musculoskeletal injury. Automation is also expected to improve productivity and job satisfaction among affected workers. It will also assist with improving CYB's health and safety culture.</p> <p>Evidence</p> <p>CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> • scope of works prepared by internal stakeholders/ external specialised contractors; • a letter/contract from external specialised contractors (if required) confirming scope of services and agreement to provide services (subject to acceptance of this undertaking); • invoice/s received from any suppliers/contractors relating to the automation works; • a 6 monthly report as evidence of progress (including expenditure to date and detailed update of project progress) • a copy of a final implementation report confirming scope of automation works completed. • Engage an independent auditor to audit the plant against relevant components of AS4024 and provide a copy to the regulator of this audit findings and any associated actions. • A change management report detailing relevant updates to CYB's OHSMS documents and training materials etc. 		
3.2.3	<p>External Independent Audits of Rotary & Assembly Line 2</p> <p>CYB will also engage an external auditor to assess two key work areas at the Carole Park operation. These two areas include Rotary Expander line and the Assembly Line 2. The Rotary Expander line is the area associated with the incident that occurred on the 18th November 2020. The Assembly area consists of 3 assembly lines which are identical, subsequently, the audit findings from Assembly Line 2 can be applied to Lines 1 & 3 respectively.</p>	\$12,000	Within 12 months of the acceptance of this undertaking.

	<p>The scope of these audit will include alignment to AS/NZS 4024.1201, 4024.1801, 4024.1803 related to guarding and discussion with operators of the equipment to understand their interactions with the machinery</p> <p>Benefits</p> <p>Undertaking an independent audit of the machinery in these areas will help identify any gaps between these standards and the current safety audits undertaken by CYB. CYB where reasonably practical will then implement a program to close gaps identified based on the level of risk.</p> <p>Evidence</p> <p>CYB will provide the following evidence for this activity;</p> <ul style="list-style-type: none"> • scope of works prepared by the external auditor • a copy of the invoice confirming the completion of this audit • a final report provided by the external auditor with the identified gaps from the audit • a program of works to be undertaken for the gaps identified from the audit updated 6 monthly during the period of the enforceable undertaking 		
3.2.4	<p>Appoint and train Mental Health First Aid Officers</p> <p>CYB have noticed an increase in mental health issues raised by workers. As a quick response to this, CYB Operations Management team went through training and achieved certification as Mental health First Aiders. Nine managers received that training in July 2022.</p> <p>Discussions occurred at management level following this training with questions around relevance to extend this program to other workers within CYB.</p> <p>CYB will engage with External Registered training organization (RTO) to train a minimum of 15 workers as Mental Health First Aid Officers.</p> <p>Benefits</p> <p>A new team of trained Mental Health First Aid Officers will be available to workers across multiple CYB's workplaces. Mental Health First Aid Officers will be equipped to provide initial support to workers at CYB workplaces who may experience a mental health issue, including about where to obtain professional help and how to provide first aid in a crisis situation.</p> <p>Evidence</p> <p>CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> • training course materials; • certificates of completion issued by External Registered training organization for workers who complete the course; • list of trained Mental Health First Aid Officers; • invoice/s for training costs. 	\$10,000	Within 12 months of the acceptance of this undertaking.
3.2.5	<p>Creation of additional Environment Safety and Health (EHS) role within CYB EHS team</p> <p>CYB's EHS team currently comprises two full-time team members (Manager and Coordinator). CYB will recruit and engage an</p>	\$80,000 (being the minimum total annual remuneration for the new	Initial recruitment and engagement within 12 months of the

	<p>additional EHS professional to join CYB's existing EHS team on a full-time, ongoing basis.</p> <p>Benefits An additional EHS resource will enable the EHS team to be more available to CYB's workers to promptly action or resolve safety-related matters. The EHS team will have additional capability and capacity with 3 full-time team members, allowing the team to more actively engage with workers. A greater presence of EHS personnel will also assist with improving CYB's health and safety culture.</p> <p>Evidence CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> • role profile; • contract of service/employment; • PAYG payment summaries. 	<p>role).</p> <p>Ongoing employment costs after the first year will be covered by CYB, as costs incurred in the ordinary course of business.</p>	<p>acceptance of this undertaking.</p>
3.2.6	<p>Certification of CYB's OHSMS for CYB's Automotive Division under AS/NZS ISO 45001:2018</p> <p>CYB will obtain independent certification of its OHSMS for its Automotive Division under AS/NZS ISO 45001:2018 and commit to yearly external audits of the OHSMS following certification (in accordance with Term 3.8 – 3.10 below).</p> <p>Benefits The OHSMS for CYB's Industrial Division is already certified under AS/NZS ISO 45001:2018. Obtaining external certification of the OHSMS for CYB's Automotive Division will mean that CYB's OHSMS is fully certified across all of its business divisions. Complete certification will demonstrate CYB's commitment to compliance and will improve worker confidence in the OHSMS across all business divisions. It will also contribute to improving CYB's health and safety culture.</p> <p>Evidence CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> • certificate of registration certifying compliance with AS/NZS ISO 45001:2018; • audit schedule and yearly audit report/outcomes; • invoice/s relating to costs of certification. 	<p>\$10,000 (being certification costs).</p> <p>Ongoing costs for yearly audits following certification will be covered by CYB, as costs incurred in the ordinary course of business (see Term 3.8 – 3.10 below).</p>	<p>Certification of OHSMS for CYB's Automotive Division within 12 months of the acceptance of this undertaking.</p> <p>Yearly external audits following certification during the period of this undertaking.</p>
3.2.7	<p>Development of a bespoke safety leadership program</p> <p>CYB will partner with an external culture, risk and leadership consultant to develop a bespoke program to help CYB develop a world-class safety culture. This will include:</p> <ul style="list-style-type: none"> • development of a Safety Culture Maturity Program, comprising a range of workshops for CYB workers: <ul style="list-style-type: none"> ○ Senior Leader alignment workshop; ○ Safety leadership workshops; • preparation of a Safety Vision Model/Framework for CYB. <p>Benefits Workers at all levels within CYB will acquire relevant safety leadership skills to recognise and improve the health and safety culture at CYB. An improved health and safety culture will benefit all workers at CYB, in particular by encouraging openness and willingness to improve throughout CYB's business. Senior Leadership team will also be reminded of their responsibilities and obligations (including Board Members).</p>	<p>\$10,000</p>	<p>Within 12 months of the acceptance of this undertaking.</p>

	<p>Evidence CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> • a letter/contract from external consultant confirming scope of services and agreement to provide services (subject to acceptance of this undertaking); • a copy of the materials, including workshop materials, produced by the external consultant; • invoice/s received from external consultant for services rendered; • training records for relevant workers documenting attendance at workshops. • Copy of document shared with the Board, signed by its members. 		
Total minimum cost of benefits for workers/others		\$579,500	

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

Activities	Minimum cost	Timeframe
<p>3.3.1 Host a safe work event in partnership with Industry Partners Australia (IPA)</p> <p>CYB will partner with IPA to host, prepare and deliver a safe work event for IPA members, focused around:</p> <ul style="list-style-type: none"> • a case study of the incident at CYB's Carole Park premises; and • the accepted undertaking. <p>The presentation will outline:</p> <ul style="list-style-type: none"> • how the incident occurred, how the causes of the incident were addressed and how future incidents of the same nature can be avoided; and • the undertaking process, initiatives being pursued by CYB as part of the undertaking and benefits to workers, industry and the community. <p>IPA's members comprise a diverse group of companies and individual professionals working across a wide range of industries (including manufacturing, energy and resources, retail and logistics). The target audience for the event will be Managers, Operational personnel and EHS professionals. Attendance is subject to member interest and registration.</p> <p>CYB will also be hosting other events with a minimum of one per year, on topics related to health and safety.</p> <p>Benefits</p> <p>Through sharing learnings from the incident, CYB will assist industry attendees by increasing awareness of issues relating to the introduction of new plant to a workplace and the risks arising from adopting new or changed work processes.</p> <p>Raised awareness of the incident across a number of relevant</p>	\$600	<p>First event: within 12 months from acceptance of this undertaking.</p> <p>Second event: within 24 months from acceptance of this undertaking.</p> <p>Third event: within 36 months from acceptance of this undertaking.</p>

	<p>industries may prevent similar incidents occurring in the future at other workplaces. Sharing details of the accepted undertaking will also promote the benefits of the undertaking process, including delivery of benefits to workers, industry and the community through initiatives proposed as part of the undertaking.</p> <p>Evidence CYB will provide the following evidence for this activity:</p> <ul style="list-style-type: none"> • invoice/s for external event costs (catering, venue hire etc.) • a copy of the materials presented; • any available attendance records (de-identified, if required). 		
Total minimum cost of benefits for industry		\$600	

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

Activities		Minimum cost	Timeframe
3.4.1	<p>Community awareness campaign on battery safety</p> <p>CYB will develop a series of informational and educational videos which focus around correct product use, application, safety, care and maintenance and how end users in the community can maximise the life of their batteries. These will be a combination of both in-house and external agency produced videos and will centre around a range of topics, including but not limited to:</p> <ul style="list-style-type: none"> • safe handling of batteries; • safely replacing car batteries; • safety tips on storing and charging batteries (across various technologies); and • safely recycling used batteries. <p>The content of the final videos will be determined in consultation with the OIR.</p> <p>CYB has extensive experience in video production, and currently has an active social media presence across various digital platforms including Facebook, LinkedIn, YouTube (@Century Batteries) and its website.</p> <p>The final videos will be provided to the OIR for review, and once approved, will be broadcast across CYB's various digital channels (both paid and organically) such as websites, YouTube, Facebook and possibly TikTok.</p> <p>Benefits</p> <p>Broadcasting the series of videos will raise awareness amongst the community about the dangers of batteries and provide practical safety advice for dealing with batteries throughout their life cycle. Given the prevalence of battery use in the community, this will ensure the audience are better equipped with knowledge about how to avoid unsafe situations involving batteries (at a home or a workplace).</p> <p>Evidence</p>	\$40,000	Within 12 months of the acceptance of this undertaking.

	CYB will provide the following evidence for this activity: <ul style="list-style-type: none"> • a letter/contract from any external agency/broadcaster confirming scope of services and agreement to provide services (subject to acceptance of this undertaking); • invoice/s received from external agency/broadcaster; and • a copy of the videos. 		
Total estimated cost of benefits for the community		\$40,000	

3.5 Agreement to pay the OIR's recoverable costs

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

Recoverable costs	Amount
Administrative costs	\$4,362
Legal costs	\$1500
Compliance monitoring costs	\$3410
Publication costs	\$2000
Total of OIR recoverable costs	\$11,272

3.6 Minimum spend

3.6.1 CYB acknowledges the minimum spend for this undertaking will comprise of the:

Estimated total value of	Minimum spend
Benefits to workers/others	\$579,500
Benefits to industry	\$600
Benefits to community	\$40,000
OIR recoverable costs	\$11,272
Estimated total minimum spend for the undertaking	\$631,372

3.6.2 CYB agrees to spend any residual amount arising from the total minimum spend value not being met. Agreement on how to spend this residual will be sought from the regulator.

3.7 A commitment to maintain an OHSMS

- 3.7.1 CYB commits to ensuring that within 12 months of the acceptance of this undertaking the OHSMS shall be compliant with the principles of AS/NZS ISO 45001:2018 *Occupational health and safety management systems – Requirements with guidance for use* (noting certification of the OHSMS for CYB's Automotive Division will be obtained as part of this undertaking, as detailed at Term 3.2.5 above).
- 3.7.2 CYB acknowledges that the OHSMS will be maintained in accordance with AS/NZS ISO 45001:2018 *Occupational health and safety management systems – Requirements with guidance for use*.

3.8 A commitment to ensure the OHSMS is audited by third party auditors

- 3.8.1 CYB acknowledges that the auditors selected to perform OHSMS audits must meet the qualification requirements as set by the regulator.
- 3.8.2 CYB commits to ensuring the OHSMS will be audited by certified third party auditors.
- 3.8.3 CYB acknowledges that details of the auditors' qualifications will be provided with audit reports submitted to OIR.
- 3.8.4 CYB acknowledges that costs associated with these audits will be met by CYB as part of the undertaking.
- 3.8.5 CYB commits to ensuring the OHSMS will be audited against criteria that meets the principles of *AS/NZS ISO 45001:2018 Occupational health and safety management systems – Requirements with guidance for use*.
- 3.8.6 CYB acknowledges that the current OHSMS in place, as detailed in term 3.7.1 is acceptable to the regulator and commits to ensuring that an initial third-party audit will be undertaken within 12 months of this undertaking being accepted.
- 3.8.7 CYB commits to ensuring at least two further third-party audits will be undertaken at 12 month intervals, commencing 12 months after the initial audit.

3.9 A commitment to provide a copy of each finalised OHSMS audit report to OIR

- 3.9.1 It is acknowledged that audit reports received from the auditor will be sent to OIR within 60 days of the audit along with written confirmation that the report has not been altered from the copy provided to CYB by the auditor.
- 3.9.2 It is acknowledged that within 30 days of receipt of the auditor's written report, OIR will be advised of the intended actions for addressing each of the report's recommendations.

3.10 A commitment to implement the recommendations from third party audits

- 3.10.1 CYB commits to ensuring the recommendations resulting from the first OHSMS audit, as detailed in 3.9.2 will be fully implemented and recorded as actioned by the auditor within the second OHSMS audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.10.2 CYB commits to ensuring the recommendations resulting from the second OHSMS audit, as detailed in 3.9.2 will be fully implemented and recorded as actioned by the auditor within the third OHSMS audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.10.3 CYB commits to ensuring the recommendations resulting from the third audit report, as detailed in 3.9.2 will be fully implemented within six months of receiving the third OHSMS report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.10.4 CYB commits to providing a detailed action plan or statutory declaration by an authorised officer of the CYB confirming recommendations arising from the third audit have been fully implemented, unless OIR grants an exemption due to the actions being unreasonable.

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.

Takashi Shimizu

Name of Director



Signature of Director

And

Malcolm Gray

Name of Director/Secretary



Signature of Director/Secretary

on the 18th day of August, 2023

before me:



Signature of Witness

Eriko Eastwood

Name of Witness in full




Witness address

Witness address

Witness address

SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 30 day of August , 2023



Signature of regulator

Peter McKay, Deputy Director-General, OIR

Name of regulator

Appointed by the Governor in Council as regulator under Schedule 2, Part 1 of the *Work Health and Safety Act 2011*, Schedule 2 of the *Electrical Safety Act 2002* and section 32 of the *Safety in Recreational Water Activities Act 2011*.

Work Health and Safety Act 2011

Part 11 Enforceable Undertakings

REASONS FOR DECISION

Event Number	294386
Entity	Century Yuasa Batteries Pty Ltd
ACN	009 685 232
Entity Address	37-65 Cobalt Street, Carole Park, Queensland 4300
Location of alleged contravention	37-65 Cobalt Street, Carole Park, Queensland 4300
Date of alleged contravention	Between 30 June 2020 and 19 November 2020

1 History of the application

- 1.1 CYB is Australia's oldest battery manufacturer, having been in operation for almost 90 years. CYB is an affiliate of GS Yuasa International Limited, a Japanese company which is one of the world's primary battery manufacturers with affiliates in 19 countries.
- 1.2 CYB manufactures and supplies car, marine and other types of batteries.
- 1.3 The undertaking given by CYB relates to an alleged contravention of the *Work Health and Safety Act 2011* (WHS Act) between 30 June 2020 and 19 November 2020 where a worker, employed by CYB, was injured while working on the 'plate pasting line' used to make plates for battery manufacturing.
- 1.4 In June 2019, CYB installed plant known as the 'plate pasting line' to make plates for battery manufacturing. Following installation, testing of the plant was finalised in July 2020 and the plant was then used for manufacturing. Engineers from GS Yuasa in Japan were involved in training workers at the workplace in the use of the plant. There was no operating manual or written instructions developed.
- 1.5 The plant operates continuously over two shifts, with the operators assisting with monitoring and checking the operation to ensure the product being produced meets quality control guidelines. During this operation, paste material accumulates on the divider section rollers and the machine operators were required to clean the divider rollers, using a small lead offcut several times each day by scraping off the accumulated paste. Other scrapers or metal were not used as this could blunt or damage the roller cutting blades.
- 1.6 The divider section, which cuts the battery plates, was fitted with an interlock device on the guards to stop the rotating cylinders as part of the normal operation. A single light beam presence-sensing system had also been installed on entry and exit areas of the rotary divider, which stops the divider if triggered. The light beam is intended to act as protection against injury to plant operators as well as stopping the divider in the event the product gets caught during production.
- 1.7 On 18 November 2020, a CYB worker, employed at the time of the incident as a machine operator, was working on the rotary divider section of the plant and was tasked, as part of the workers normal duties, to clean the rotary divider section of the plant. The worker stopped the divider machine and lifted the front and rear guard. While this action would normally stop the operation of the rollers, an override switch fitted to the control panel and a handheld manual controller allowed workers to 'jog' the rollers

manually while the rollers continued to rotate. This allowed workers to remove the built-up paste using the lead offcut.

- 1.8 As the worker was cleaning the bottom right corner of the lower roller, located below the safety light beam, the workers right hand was drawn into the rotating rollers, crushed and trapped between the two main rollers. The worker sustained serious injuries to the hand, needing post incident surgery that resulted in the amputation of the right index finger, right nail bed repair, a washout of a wrist laceration and superficial radial nerve repair.
- 1.9 The incident was investigated by Workplace Health and Safety Queensland (WHSQ). A prosecution was then commenced by the Work Health and Safety Prosecutor, by complaint and summons, against CYB, for failing to comply, so far as reasonably practicable, with their health and safety duties under section 19(1), contrary to section 32 of the WHS Act.
- 1.10 On 8 June 2022, CYB notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.11 On 17 February 2023, an Evaluation Panel (panel) evaluated CYB's initial undertaking including all supporting documentation.
- 1.12 Initially, the panel were not willing to recommend acceptance of the undertaking. The panel provided CYB with written feedback and advised they were willing to re-evaluate a revised undertaking and any supporting documentation that appropriately addressed the feedback.
- 1.13 On 11 July 2023, CYB submitted a revised undertaking and supporting documents.
- 1.14 On 9 August 2023, following a return evaluation, the panel unanimously recommended the undertaking be accepted, subject to two minor amendments the undertaking.
- 1.15 On 10 August 2023, panel feedback was provided to CYB and on 18 August 2023, a revised undertaking was received with the suggested minor amendments to the undertaking.

2 Legislation and Policy

- 2.1. It is alleged that CYB failed to comply with section 32 of the WHS Act.
- 2.2. Pursuant to section 216 (1) of the WHS Act the WHS regulator may accept a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the WHS Act.
- 2.3. The Deputy Director-General (DDG), OIR has been appointed as the WHS regulator by the Governor in Council under Schedule 2, Part 1 of the WHS Act.
- 2.4. OIR provided CYB with the relevant publications outlining information regarding the OIR EU Program and the WHS regulator's expectations for giving an undertaking.
- 2.5. Pursuant to section 216(4) of the WHS Act, the WHS regulator must issue, and publish on the WHS regulator's website, general guidelines in relation to the acceptance of WHS undertakings under the WHS Act.
- 2.6. Section 217(1) of the WHS Act provides that the WHS regulator must give the person/s seeking to give an undertaking written notice of the decision to accept or reject the undertaking and the reasons for the decision.

3 Material and evidence considered by the WHS regulator

- 3.1. In making a decision regarding this matter, the WHS regulator has considered the following documents:

- 3.1.1. *Work Health and Safety Act 2011, [Part 11; section 3].*
- 3.1.2. *Guidelines for the acceptance of an enforceable undertaking* - dated November 2017.
- 3.1.3. WHS undertaking – CYB – dated 18 August 2023.
- 3.1.4. Complaint and Summons – CYB – dated 24 February 2022.
- 3.1.5. Statements of Facts – CYB.
- 3.1.6. OIR Improvement Notice I2024083 dated 20 November 2020.
- 3.1.7. OIR Prohibition Notice P1026425 dated 20 November 2020.
- 3.1.8. OIR's Statement of compliance history – CYB – dated 25 October 2022.
- 3.1.9. Workers Compensation Information – CYB – dated 13 October 2022.
- 3.1.10. Supporting documentation provided by CYB - various dates.
- 3.1.11. EU Unit Chronology Statement – CYB – dated 21 August 2023.
- 3.1.12. Initial and Return Evaluation Panel Feedback – CYB - dated 7 March 2023 and 10 August 2023.
- 3.1.13. Response to panel feedback – CYB – dated 7 July 2023.
- 3.1.14. Return Evaluation Panel Assessment – CYB – dated 25 July 2023.

4 Findings on material questions of fact

- 4.1. I regard the *Guidelines for the acceptance of an enforceable undertaking* dated November 2017, contains considerations which are relevant and appropriate to my decision.
- 4.2. I find the undertaking given by CYB satisfies the formal requirements of the WHS Act and the policy requirements discussed above with respect to the operation of Part 11 of the WHS Act as they have been published.
- 4.3. I find the factual background to the alleged contravention is as set out in section 1 of the undertaking given by CYB.
- 4.4. I find that the procedural history relating to the undertaking is set out in paragraph 1 above.
- 4.5. I find the objective gravity of the alleged contravention by CYB is 'medium'.
- 4.6. I find the quantum of the undertaking and the respective financial commitments of CYB are proportionate to the objective gravity of the alleged contravention by CYB and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7. I find that CYB have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.8. I find that CYB, who have a health and safety duty under the WHS Act, failed to comply, so far as reasonably practicable, with that duty contrary to section 32 of the WHS Act.
- 4.9. I acknowledge the assurance given by CYB that the behaviour that led to the alleged contravention has ceased and the commitment to ensuring the ongoing effective management of risks to health and safety in the future.
- 4.10. I find the undertaking commits CYB to a standard that is higher than the recognised compliance for the activity and to activities over and beyond recognised compliance levels.
- 4.11. I find the undertaking would constitute tangible benefits for workers, industry and the community as CYB are committing to:

- 4.11.1. Disseminating information about the undertaking and providing updates on the progress of the undertaking to CYB's Board of Directors and Leadership Team via meetings and all other employees via internal communication channels and noticeboards throughout CYB's workplaces.
- 4.11.2. Engaging a professional occupational physiotherapist consultancy to conduct a review and assessment of the top five manual tasks injury areas at CYB's Carole Park premises. The scope of this review includes recommendations on potential modifications to mitigate or eliminate risk to workers, development of training and guidance material on the specific tasks and quick guide reference posters for workers.
- 4.11.3. Undertaking a plant automation project within the battery assembly area at CYB's Carole Park premises to eliminate or reduce manual handling operations. At the completion of the project, CYB will engage an independent auditor to review the plant and ensure it complies with *AS/NZS 4024:2019 – Safety of Machinery*. A copy of the audit report, intended actions and confirmation of actions implemented, will be provided to OIR.
- 4.11.4. Engaging a safety consultancy, to complete an independent gap and guarding audit of the Rotary Extender line (area where the incident, associated with this undertaking, occurred on 18 November 2020) and Assembly Line Two at Carole Park premises. CYB advise that as the assembly lines consist of three identical assembly lines, recommendations from the audit of line two, will be applied to lines one and three, respectively. A copy of the audit report, intended actions and confirmation of actions implemented, will be provided to OIR.
- 4.11.5. Engaging an accredited Mental Health First Aid Australia trainer to train a minimum of 15 CYB workers as Mental Health First Aid Officers (MHFAO). This training will extend the number of trained and appointed MHFAO's in CYB's workplace and provide initial support to workers that may be experiencing mental health issues.
- 4.11.6. Recruiting and engaging an additional Environmental Safety and Health (EHS) professional to join CYB's existing EHS team (currently one Manager and Co-ordinator) on a fulltime, ongoing basis. This additional resource will increase CYB's EHS capability and ability to action or resolve safety related matters.
- 4.11.7. Engaging an external third-party auditor to obtain an independent certification of CYB's OHSMS for the Automotive Division at Carole Park and conduct two additional audits of the OHSMS. All audit reports, intended actions and confirmation of actions implemented, will be provided to OIR.
- 4.11.8. Engaging a culture, risk and leadership consultancy, to partner with CYB and develop a bespoke Safety Culture Maturity Program, deliver senior leader (including board members) alignment and safety leadership workshops and prepare a Safety Vision Model Framework for CYB.
- 4.11.9. Hosting a minimum of one safe work events per year over three years, in partnership with Industry Partners Australia (IPA). IPA's members comprise a diverse group of companies and individual professionals working across the manufacturing, energy and resources, retail and logistics industries with the target audience for the event being Managers, Operational personnel and EHS professionals. The first event will focus on a case study regarding the incident at CYB's Carole Park premises and expected outcomes from the EU, with subsequent events focussing on other health and safety related topics.

- 4.11.10. Developing and delivering a community awareness campaign on battery safety that will include informational and educational videos, focussing on correct product use, application, safety, care and maintenance and how end users in the community can maximise the life of their batteries. CYB will consult with OIR on the content of the final video and once approved, the video campaign will be broadcast across CYB's various digital channels (both paid and organically) such as websites, YouTube, Facebook and possibly TikTok.
- 4.11.11. Agreeing to pay OIR's recoverable costs associated with the undertaking.
- 4.12. I acknowledge that panel members have recommended acceptance of the undertaking as an appropriate enforcement outcome in the circumstances of this case.

5 Decision

- 5.1 In making my decision, I have considered and had regard to the evidence and other material referred to in paragraph 3 above, and to the facts I have found referred to in paragraph 4 above.
- 5.2 Because the proposed undertaking given by CYB meets the formal requirements of the WHS Act and policy requirements, my discretion whether to accept the undertaking under section 216(1) of the WHS Act is enlivened.
- 5.3 Based on the evidence, findings and having regard to the objects of the WHS Act, I have carefully considered this matter and am of the opinion that the undertaking given by CYB is an appropriate enforcement option in regard to this case.
- 5.4 I have concluded that an EU is the preferred enforcement option, rather than continuing with the prosecution, due to the opportunity to provide lasting organisational change within CYB and the implementation of monitored and targeted health and safety improvements that will deliver benefits to workers, industry and the community, which may not be achieved by prosecution.
- 5.5 Under section 216(1) of the WHS Act, it is my decision to accept this undertaking as an EU.



Peter McKay
Deputy Director-General
Office of Industrial Relations

30 August 2023