

ENFORCEABLE UNDERTAKING

Part 11, Work Health and Safety Act 2011

The commitments in this undertaking are offered to the regulator by

FOLLOWMONT TRANSPORT PTY LTD
(the person)

ACN 010 518 279

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*.

Very Serious Injury means, for this publication, is an injury that has caused nervous system damage liable to lead to mental incapacity or permanent restriction of mobility or involves a major amputation of a limb or part of the body – for example amputation above the knee or elbow.

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 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: Followmont Transport Pty Ltd (Followmont)
Street address: 45 Taylor Place, Eagle Farm, Queensland 4009
Mailing address: As above
Telephone: [07] 3608 4900
Email address: safety@followmont.com.au
Legal structure: Australian proprietary company limited by shares
Type of business: Transport company
Commencement date: 30 May 1984
Workers: Followmont has the following number of workers which are employed across its Queensland and New South Wales operations:
Full time: 750
Part time: 7
Casual: 104
Products and services: Road freight transport, warehousing and logistics.
Comments: Followmont is Queensland's largest family-owned transport company that is engaged in the transportation of general freight for a diverse range of clients and whose operations extend into New South Wales.

1.2 Detail the contravention

It is alleged that on 22 November 2017, at Moranbah in the State of Queensland:

1. Followmont failed to comply with the health and safety duty under section 19(1) of the *Work Health and Safety Act 2011* (Qld) (Act) to ensure, so far as reasonably practicable, the health and safety of a worker, contrary to section 32 of the Act; and
2. Followmont directed or allowed a worker to carry out work at the workplace without an authorisation under a regulation, contrary to section 43(2) of the Act.

1.3 Detail the events surrounding the contravention

- a) On 22 November 2017, the worker was operating a forklift at a freight depot and operated the forklift to load and unload a truck.
- b) While holding the unsecured ends of three load restraint straps, positioning them over the load, the worker loaded a cage containing parcel freight onto the truck with the forklift.
- c) As the worker began reversing the forklift away from the truck, the worker felt movement around their leg and was pulled forward toward the steering wheel and against the accelerator of the forklift.
- d) The worker was pulled out of the forklift cabin and onto the ground, the forklift swung around and reversed unmaned into the truck.
- e) The worker did not hold a high risk work licence for use of the forklift at the time.

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

Date issued	Notice type	Notice number	Contravention or prohibited activity	Action taken in response to notice
05.12.2017	Improvement Notice	11044049	Worker operating an Industrial Forklift Truck at the Moranbah depot and the worker was not the holder of a High Risk Work Licence nor was the worker engaged in a course of	Followmont undertook a forklift licence review immediately following the incident and satisfied itself that all forklift operators have current high-risk work licences for

			training towards a certification in order to be licensed to carry out the high risk work; and under the supervision of a person who is licensed to carry out the high risk work.	forklift operation.
20.02.2018	Improvement Notice	11015252	Lighting of the Moranbah depot yard for loading and unloading trucks not adequate for workers to safely carry out the tasks required for loading and unloading.	Followmont engaged a consultant to conduct an illumination report. Following receipt of the illumination report, Followmont replaced the floodlighting at the depot and installed an LED light bar on the forklift used for loading/unloading at night. A second illumination report was then conducted, and mobile solar light towers were implemented at the depot. The second illumination report was provided to the inspector.

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 compound fracture to the left femur and a severed artery in the left ankle.

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 compensation benefits in accordance with Queensland workers' compensation legislation. Pursuant to Followmont's return to work process, and consultation with the worker and WorkCover Queensland, the worker has returned to work on suitable duties in a role hosted by one of Followmont's agent freight providers.

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
Commencing 23.11.2017	Followmont arranged accommodation for the worker's family following the incident so that they could be close to the Townsville Hospital where the worker was being treated. Followmont also provided a car for the family during that time and covered all meal expenses.	Accommodation, meals and a car were provided for a number of weeks following the incident while the worker remained in hospital.
Immediately following the incident	Followmont provided access to support counselling services for all staff at the Moranbah depot following the incident.	
Commencing 30.11.2017	The Far North Queensland Regional Manager and the Townsville Branch Manager visited the worker in hospital regularly following the incident to check in and provide emotional support, and also arranged magazine packages for the worker.	The worker was in hospital for approximately 1 month following the incident. This support was provided a couple of times a week throughout that time and continued in the form of telephone calls after the worker returned home.

7.12.2017	Followmont's Health and Safety Manager liaised with WorkCover for the worker to be transferred to a private hospital to ensure the worker was comfortable while surgery was delayed.	
14.12.2017	Followmont arranged a hospital television, an iPad and Netflix for the worker while the worker was in hospital.	Followmont has since given the iPad to the worker to keep and continues to pay for the worker's Netflix subscription.
30.04.2018	Followmont made arrangements for the worker to return to work on suitable duties with an agent freight provider in Mackay where the worker resided.	
Commencing June 2018	Followmont's Central Queensland Regional Manager at the time visited the worker once the worker was based in Mackay working for an agent freight provider to check in and offer any support needed to assist that transition.	
Ongoing	Followmont's Health and Safety Manager and Return to Work Coordinators remain in regular contact with the worker to provide general support, conversation, and monitor the worker's recovery and return to work.	

1.8 Detail any current OHSMS implemented and maintained by the person

Followmont adopts a comprehensive risk management approach to health and safety that emphasises safe driving, handling of dangerous goods, and fatigue management. Followmont has in place a Safety Management System (SMS) governed by an overarching health and safety policy which is supported by risk assessments and risk management plans, standard operating procedures, and consultation, communication and training for general work health and safety and chain of responsibility compliance. Followmont's SMS and safety practices are developed in line with the principles of *AS/NZS 4801:2001 Occupational health and safety management systems—Specification with guidance for use*.

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

Followmont's health and safety management team undertakes an internal desktop audit of each of its branches on a monthly basis. This audit process includes a review of completed control documents such as pre-start checklists, toolbox talk attendances, equipment tag-out records, test and tag registers, first aid equipment checklists, incident reporting, drug and alcohol testing, and closing out of corrective actions previously identified.

In addition, Followmont engages an external legal professional who specialises in transport industry compliance to conduct a legal compliance review of a selected element of Followmont's SMS each year. This has included a review of the company's preparedness and ability to respond to emergency scenarios.

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

In relation to this undertaking and the activities proposed in this undertaking, Followmont has consulted internally with a range of personnel, including the:

- a) Board;
- b) Senior Leadership Team, which includes the Chief Financial Officer, Managing Director, State General Managers and General Managers for each of Linehaul, Fleet, People and Safety, Sales and Business Development;
- c) Risk Committee;
- d) Health and Safety Manager and Compliance Manager;
- e) Linehaul Leadership Team, including Linehaul Managers and Supervisors;

f) Information Technology Team.

Followmont is also engaged in consultation with third parties proposed to be involved in the delivery of the activities proposed in this undertaking, including the Queensland Trucking Association, WHS consultants, software developers and providers, and auditors.

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

- a) Immediately following the incident, Followmont undertook a forklift licence review and has satisfied itself that all forklift operators have current high-risk work licences for forklift operation.
- b) Followmont had in place at the time of the incident safe operating procedures (SOP) for loading and unloading freight. Following the incident, Followmont undertook a review of all SOPs for loading and unloading freight and, as a result of the review, updated its SOPs to specifically address uploads and handling of load restraint equipment. The updated SOPs were recirculated throughout the business and workers taken through the changes by their supervisors during toolbox talks.
- c) Followmont has undertaken a review of the company's recruitment and employment forms and checklists, and updated these to provide additional cross checks and references to all licensing requirements for applicable roles. Followmont has also upgraded its systems to provide electronic alerts to ensure copies of licences are retained and licences are renewed.
- d) Followmont has conducted a Lone Worker Review. Following the review, Followmont instructed depots to re-evaluate delivery times and ensure that, wherever possible, a support worker is supplied for Linehaul drivers at the depot.
- e) In response to the improvement notice detailed at term 1.4, Followmont engaged a consultant to conduct an illumination report. Following receipt of the illumination report, Followmont replaced the floodlighting at the depot and installed an LED light bar on the forklift used for loading/unloading at night. A second illumination study was then conducted and mobile solar light towers were implemented at the depot. The second illumination report was provided to the inspector.

Total amount spent on rectifications detailed at 1.11(e)

\$55,148.96

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

Followmont acknowledges that the regulator has alleged a contravention by Followmont as detailed above in term 1.2 of this undertaking.

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

As a family-owned business committed to ensuring the safety, health and wellbeing of its workers, Followmont is deeply regretful that the incident occurred and resulted in injuries to one of its workers.

Followmont considers that the activities proposed in this undertaking will not only ensure that a similar incident can be avoided at its depots, but they will also result in improved safety outcomes for the transport industry and therefore these benefits far outweigh the benefits that could 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

Followmont has implemented a number of measures (detailed in term 1.11 of this undertaking) to ensure that the factors which led to the alleged contravention will not occur again and, through the activities proposed in this undertaking, continues to demonstrate a commitment to improving safety outcomes.

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: 1 Dated: November 2017

2.5 Acknowledgement that this undertaking may be published and publicised

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

2.5.2 Followmont 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 Followmont has the financial ability to comply with the terms of this undertaking and have provided evidence by way of a letter from Followmont's Chief Financial Officer with this undertaking to support this declaration.

2.6.2 In the event of impending liquidation or sale of the entity, Followmont 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

Followmont has no commercial or other relationships with any corporations, officers, employees, contractors or proposed beneficiaries of donations or scholarships or other recipient of financial benefit contained in this undertaking.

2.8 Statement regarding Intellectual Property Licence

- 2.8.1. Subject to terms 2.8.2 and 2.8.3, Followmont grants the 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.
- 2.8.2. The licence granted by Followmont under term 2.8.1 does not extend to granting a licence in respect of any third-party proprietary material required to use or operate the material developed as a result of this undertaking.
- 2.8.3. The licence granted by Followmont under term 2.8.1 does not extend to granting a licence to the OIR in respect of the activities the subject of terms 3.2.1 – 3.2.3 (inclusive) and term 3.2.6 of this undertaking.
- 2.8.4. In respect of term 3.3.1 of this undertaking, the licence granted by Followmont under term 2.8.1 only extends to granting a licence to the OIR to use, publish and distribute the material 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 the person.
- 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 the person 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

Followmont adopts a comprehensive risk management approach to health and safety that emphasises safe driving, handling of dangerous goods, and fatigue management. As a family-owned business, Followmont fosters a proactive, hands on, safety leadership culture that begins with its Board members.

All of Followmont's Board members have attended the 5-day Australia Institute of Company Directors course. Followmont's Board members are actively engaged in decision making regarding the management of health and safety including, in particular, setting the company's strategic plan and risk framework, and making

decisions regarding the implementation of major safety initiatives and technology aimed at improving safety outcomes, such as Guardian and MT Data.

Followmont's Board is supported by a Senior Leadership Team, a Risk Committee, a Health and Safety Manager, a Compliance Manager and Regional WHS Committees. The Board receives monthly safety reports and compliance reports, including safety KPIs and internal audit scores for each of Followmont's branches.

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

Followmont is committed to linking the promotion of any benefits provided pursuant to this undertaking to the undertaking.

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 a minimum cost for each activity.

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

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

Followmont commits to disseminating information about this undertaking. Dissemination will occur through the following:

- a) Circulation of the undertaking and delivery of a presentation to Followmont's Board members, Senior Leadership Team, Risk Committee, Regional WHS Committees, Regional Managers and Branch Managers;
- b) Informing all Followmont employees and subcontractors of this undertaking through toolbox talks or usual electronic forms of communication

Dissemination will occur within 6 months of the date of acceptance of this 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
<p>Background - Followmont's current systems</p> <p><u>Guardian</u></p> <p>a) Followmont has recently implemented technology known as 'Guardian' in all of its Queensland and New South Wales Linehaul vehicles to prevent driver fatigue and distraction related events in real time. This technology is used by leading transport and logistics companies world-wide to reduce fatigue events. It is currently only used in Australia by major transport companies.</p> <p>b) Guardian uses face and gaze tracking algorithms to measure head position and eye closure in order to sound alarms and activate seat vibration when safety parameters are exceeded. In addition, forward facing and rear facing cameras are used to capture critical information about road conditions at the time of an event.</p> <p>c) When a fatigue or distraction event is detected, data and footage are immediately relayed to the Guardian centre which alerts Followmont's Fleet management and Linehaul allocators, allowing them to respond in real time to developing situations by making contact with drivers.</p> <p>d) While the live response capabilities of Guardian are extremely effective, there is currently no system in the industry to process and manipulate Guardian data to proactively manage and improve safety.</p>		

	<p><u>MT Data</u></p> <p>e) Followmont has a state of the art fleet tracking system to ensure safety compliance which tracks vehicle location, direction, speed and route. The system produces reports and notifications of speeding, exceeded holding times, fuel usage and trip times for fleet management.</p> <p><u>Driver, Fleet and Freight Allocations and Rostering</u></p> <p>f) Followmont's current Linehaul rostering and fleet allocation for drivers is undertaken manually. This system relies on Followmont's Linehaul allocators to have an intimate knowledge of chain of responsibility (CoR) laws, fatigue management and licensing requirements for each route, and to conduct licensing checks and perform hundreds of fatigue calculations manually.</p>		
3.2.1	<p>Linehaul Rostering Software</p> <p>a) In consultation with software developers and its current platform providers, Followmont will develop software for Linehaul rostering which integrates Guardian, MT Data, Truckmate, Followmont's HR system, Oracle, and business program, Board, into one business intelligence system.</p> <p>b) The integration will combine data on:</p> <ul style="list-style-type: none"> • past hours driven; • past fatigue or distraction events; • estimated future driving hours; • fleet requirements; • scheduled fleet repairs and maintenance; • any high risk licences required for a route; • driver licence records. <p>c) The integration will measure these combined data outcomes against licensing requirements for fleet and high risk plant, and against CoR fatigue laws, in order to allocate routes, fleet and freight, and roster drivers.</p> <p>Benefits to workers</p> <p>d) While Followmont has implemented industry leading safety programs for driver monitoring, state of the art fleet tracking, maintains heavy vehicle and high risk licensing records, and employs Linehaul allocators to calculate compliance with CoR fatigue laws, its current systems do not have the capability to integrate routes with licensing requirements and licence records and undertake fatigue management calculations against CoR fatigue laws.</p> <p>e) There is currently no system in the</p>	<p>\$196,850 (estimated costs of:</p> <ul style="list-style-type: none"> • Followmont's dedicated project management resources and business resource employed to oversee delivery of the software; • consulting fees for software developers; • fees for software platform providers to assist with consultation design, build and test and configuration; • platform licensing for 3 years). <p>Attachment A sets out a detailed breakdown of the cost items described above.</p>	<p>Within 18 months from the date of acceptance of this undertaking.</p> <p>Screenshots, project reports and invoices will be provided to the OIR.</p>

	<p>transport industry for driver rostering which can proactively account for compliance with CoR fatigue laws nor, in particular, manage fatigue in real time based on past driving hours and fatigue or distraction events. Programs for fatigue management currently assess compliance with CoR fatigue laws retrospectively.</p> <p>f) Followmont's integrated Linehaul Rostering Software will not only ensure proactive compliance with CoR fatigue laws and high risk licensing requirements, but will:</p> <ul style="list-style-type: none"> • manage fatigue in real time rather than by rough estimations or retrospective calculations to provide industry leading driver safety against fatigue; and • eliminate the risk of human error in understanding CoR fatigue laws and calculating driver hours, and in cross-checking licensing requirements against driver licence records and depot rostering and licence records; • ensure no driver is allocated to a route requiring a high risk work licence if they do not hold the requisite licence; and • allow drivers to utilise their rest periods as efficiently as possible by providing four-week forward rostering instead of week to week rostering. 		
3.2.2	<p>Linehaul Analytics Software</p> <p>a) In consultation with software developers and its current platform providers, Followmont will integrate MT Data, Guardian, Truckmate and Oracle to develop Linehaul Analytics Software which will enable managers to generate customisable reports on critical driver safety that utilises data from all of these systems in order to, for example:</p> <ul style="list-style-type: none"> • see data based on region, branch or driver level; • map company-wide fatigue zones; • identify fatigue zones for specific routes or individual drivers; • review all data and statistics for a particular driver including: <ul style="list-style-type: none"> i. number/statistics of speed exceedances, fatigue or distraction related events'; ii. compliance statistics i.e. fit-for duty history, fault reports; • generate driver profiles and scorecards that will bring together key safety, compliance and performance statistics across all systems to enable customisable coaching and training for drivers to 	<p>\$192,850 (estimated costs of</p> <ul style="list-style-type: none"> • Followmont's dedicated project management resources and business resource employed to oversee delivery of the software; • consulting fees for software developers; • fees for software platform providers to assist with consultation design, build and test and configuration; • platform licensing for 3 years). <p>Attachment A sets out a detailed breakdown of the cost items described above.</p>	<p>Within 18 months of the date of acceptance of this undertaking.</p> <p>Screenshots, project reports and invoices will be provided to the OIR.</p>

	<p>improve safety outcomes and compliance.</p> <p>Benefits to workers</p> <p>b) While Followmont has implemented industry leading safety programs for driver monitoring and state of the art fleet tracking, there is currently no integration between these systems and therefore no integrated reporting capabilities. Manual collation and manipulation of complex data across multiple systems is required to generate reports and meaningful information from these platforms, in order to identify safety root causes and make proactive decisions to manage risk and improve safety outcomes for drivers.</p> <p>c) Followmont's Linehaul Analytics Software will also contribute to the development of Followmont's safety culture. It will enable management to generate and manipulate integrated customised reports in order to review and manage risk. This will include the ability to develop customisable coaching and training for drivers identified as having fatigue hotspots or driving exceedances.</p>		
3.2.3	<p>Linehaul Workflow Software</p> <p>a) In consultation with software developers and its current platform providers, Followmont will develop software to manage key Linehaul driver safety processes on one automated electronic platform available on the tablets located in Linehaul vehicles, including:</p> <ul style="list-style-type: none"> • Pre-starts; • Non-conformance report (NCR) sign offs; • Incident reporting; • Vehicle fault reporting; • Job management; • Effective communication of key company messages to all drivers. <p>Benefits to workers</p> <p>b) Key driver safety processes are currently managed by paper records and this is consistent with current industry practice. Automating these processes on a central electronic platform will provide significant safety benefits to workers by improving safety management in the transport industry where drivers are constantly travelling. For example, drivers currently receive paper NCRs. Paper NCRs are hard to keep track of and require the driver to return the signed paper NCRs to a base.</p> <p>c) Development of Followmont's Linehaul Workflow Software will create efficient, central and reliably documented reporting and announcements of key safety matters</p>	<p>\$56,800 (estimated costs of:</p> <ul style="list-style-type: none"> • Followmont's dedicated project management resources and business resource employed to oversee delivery of the software; • consulting fees for software developers; • fees for software platform providers to consult and assist with configuration). <p>Attachment A sets out a detailed breakdown of the cost items described above.</p>	<p>Within 18 months of the date of acceptance of this undertaking.</p> <p>Screenshots, project reports and invoices will be provided to the OIR.</p>

	<p>such as fatigue hot spots in real time to drivers. In doing so, this software will also encourage drivers to report even minor faults or incidents which will be allocated directly to the relevant teams to be actioned.</p> <p>d) It will also, for example, allow Followmont to flag NCRs on the tablet in a driver's vehicle to prevent the driver from commencing a run until they have acknowledged the NCR and corrective action through the tablet.</p>		
3.2.4	<p>Good Health and Mental Wellbeing Program</p> <p>a) Transport industry drivers can spend a lot of time away from their friends, family and colleagues, and often work in regional areas, eat and sleep on the road, and remain in sedentary positions for long periods.</p> <p>b) As part of this undertaking, Followmont will develop and implement an integrated risk-based good health and mental wellbeing program for its workers that seeks to reflect common psychological and general health workplace hazards for transport industry drivers.</p> <p>c) The development of the program will occur through:</p> <ul style="list-style-type: none"> the development of a good health and mental wellbeing policy; the completion of a risk assessment for common psychological workplace hazards for drivers using outcomes of driver debriefings, welfare checks and consultation (updated as required); the completion of risk assessments for common general health and workplace hazards for drivers (updated as required); engaging an external service provider to deliver initial training to Managers and Supervisors in mental illness prevention, early detection and intervention, and support available; the development of an e-learning module for workers focused on the promotion of good mental health and wellbeing as well as education on mental illness prevention, early detection and intervention, and the support available. <p>d) The program will be delivered through the following initiatives:</p> <ul style="list-style-type: none"> Managers and Supervisors, in conjunction with the Health and Safety Team, will have the knowledge and skills to make early detections and interventions through worker welfare checks, and be involved in the continual 	<p>\$70,000 (estimated costs for:</p> <ul style="list-style-type: none"> External service provider fees for delivery of training (estimated \$8,000); EAP services provided by an external service provider over 3 years (estimated \$42,000) flu vaccinations over 3 years (estimated \$10,000); internal costs for development of the policy and e-learning module, and delivery of health programs over 3 years (estimated \$5,000); and costs for responding to feedback from the worker surveys (estimated \$5,000)). 	<p>Followmont will develop and commence implementation of the program within 6 months of acceptance of this undertaking.</p> <p>Followmont will provide its good health and mental wellbeing policy to the OIR for suggested improvements within 3 months of acceptance of this undertaking.</p> <p>Over the period of the undertaking, Followmont will provide 6 monthly program reports to the OIR outlining the program initiatives delivered and associated costing, with evidence (such as training records, screen shots, campaign plans, survey samples and invoices).</p> <p>Followmont will provide a report to the OIR, within 14 months of implementation of the program outlining the feedback from workers and recommendations for improvements to the program.</p>

	<p>identification of hazards and risks, and the implementation of preventative tools and support.</p> <ul style="list-style-type: none"> • implementation of an employee assistance program (EAP) for which Followmont will engage an external service provider to provide access to counselling and support services for workers and their immediate families. • implementation of the e-learning module for workers that is focused on the promotion of good mental health and wellbeing, as well as education on mental illness prevention, early detection and intervention, and support available; • delivery of educational campaigns, programs and resources that reflect common psychological and general health workplace hazards and risks in the transport industry, such as exercise, diet and nutrition, drugs and alcohol, sleep awareness, sun protection, creating good financial habits, proactive management of potential impacts on relationships (based on risk assessments and worker consultation); • monitoring and improving driver wellbeing facilities in vehicles, and at rest stops and accommodation based on survey feedback and consultation with workers; and • introduction of annual pop-up flu vaccination clinics at Followmont's largest branches, and medical reimbursements in regional areas, to promote the uptake of flu vaccinations and general good health. <p>e) Followmont will develop and implement worker surveys annually from the commencement of the program to obtain feedback on the effectiveness of the program. This will involve:</p> <ul style="list-style-type: none"> • Developing and administering surveys to workers every 12 months; • Developing a report based on feedback after 14 months, outlining the feedback and any recommendations for improvement to the program, and providing a copy of this report to OIR; • Developing a report 6 months after provision of the first report outlining any changes made to the program in light of feedback, and providing a copy of this report to the OIR. <p>f) Followmont will maintain a record of and use worker surveys to monitor the</p>		<p>Followmont will provide a further report to OIR within 6 months of the first report outlining any changes that have been made to the program as a result of feedback.</p>
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	<p>effectiveness of the program over the period of this undertaking in order to identify any improvements (and evaluate the program for ongoing implementation at the conclusion of this undertaking).</p> <p>Benefits to workers</p> <p>g) Followmont's integrated good health and mental wellbeing program will reflect the common general and psychological health hazards and risks in the transport industry, based on risk based assessments and consultation to ensure support for workers is tailored to their unique needs. Delivery of the program will not only promote awareness of good health and mental wellbeing, but also a supportive workplace culture, and provide tools for good general health and the prevention, detection and intervention of mental illness.</p>		
3.2.5	<p>Forklift refurbishment</p> <p>a) Followmont will retro-fit all older forklifts in its fleet with the same industry leading sensor technology (3 metre sensors) that is current in new forklifts. This will largely need to be carried out in rural regions.</p> <p>b) Followmont will conduct an audit following the retrofit to record and ensure all forklifts have been fitted with 3-metre sensors.</p> <p>Benefits to workers</p> <p>c) Sensor technology ensures pedestrians are able to work safely around forklifts by identifying a clear exclusion zone at all times.</p>	<p>\$15,000 (estimated costs of retrofitting approximately 50 forklifts).</p>	<p>Within 12 months of the date of acceptance of this undertaking.</p> <p>Evidence of completions will be provided to the OIR by way of invoices or internal labour costs and audit results.</p>
3.2.6	<p>Accredited third party safety audits</p> <p>a) As part of this undertaking, Followmont commits to expanding its current auditing arrangements by engaging a certified third party auditor to carry out 3 audits of Followmont's complete SMS throughout the period of this undertaking in order to ensure that it aligns with the principles of AS/NZS 4804:2001 and compliance with general health and safety and CoR laws.</p> <p>b) The audits will include a review of how the National Heavy Vehicle Laws are being integrated into Followmont's SMS.</p> <p>c) As set out in term 3.8 of this undertaking, the first audit will be carried out within 6 months from the date of acceptance of this undertaking and a further two audits will be carried out at 12 month intervals following that.</p> <p>d) In accordance with this undertaking, Followmont commits to ensuring the recommendations resulting from the first and second audit will be fully implemented and recorded as actioned by the auditor, and that the recommendations arising from</p>	<p>\$30,000 (estimated cost of auditor's fees).</p>	<p>The first audit to be carried out within 6 months of acceptance of this undertaking, the second audit within 12 months of the first audit and the third audit within 12 months of the second audit.</p>

	the third audit are confirmed in writing to the OIR as being implemented.		
Total minimum cost of benefits for workers/others		\$561,500	

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

Activities		Minimum cost	Timeframe
3.3.1	<p>Industry publication – Handling restraint straps on a forklift</p> <p>a) Followmont will engage a WHS consultant endorsed by the Queensland Trucking Association (QTA) to prepare a paper on the risks of entanglement associated with load restraining equipment and the safety practices that can be implemented to manage those risks.</p> <p>b) The paper will be accompanied by a short video to demonstrate the impacts of the paper.</p> <p>c) Followmont will consult with Workplace Health and Safety Queensland (WHSQ) and the QTA and other transport providers in relation to the publication and distribution of the paper.</p> <p>Benefits to industry</p> <p>d) Lone workers handling loading restraint is common among the transport industry.</p> <p>e) The publication will raise awareness of the risks associated with these practices and how to manage them.</p>	\$15,000	<p>Within 12 months of the date of acceptance of this undertaking.</p> <p>A copy of the paper and video will be provided to the OIR for feedback prior to publication.</p> <p>A copy of invoices for consultant's fees will be provided to the OIR.</p>
3.3.2	<p>Industry presentation - Sharing lessons learned</p> <p>a) Followmont will present at WHSQ Transport Networking Meetings held in Brisbane, the Sunshine Coast, Toowoomba and South West, Wide Bay, Rockhampton and Mackay to share with industry the lessons learned arising out of the incident and promote the benefits and outcomes of this undertaking, including any further outcomes of the industry publication above at term 3.2.1, and the measures that Followmont has implemented to manage risks associated load restraint straps.</p> <p>Benefits to industry</p> <p>b) Lone workers handling loading restraint is common among the transport industry.</p> <p>c) The publication will raise awareness of the risks associated with these practices and how to manage them.</p>	\$3,000 (this is for hard costs only that relate to travel, accommodation meals and other hard costs of attending each location to present).	<p>Within 18 months of the date of acceptance of this undertaking.</p> <p>Prior to finalisation, a copy of the presentation will be provided to the OIR.</p> <p>Evidence will be provided to the OIR by way of attendance lists or presentation programmes, and invoices for travel, accommodation, meals and other hard costs.</p>
Total minimum cost of benefits for workers/others		\$18,000	

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	Donation to Moranbah Hospital a) The worker was first taken to Moranbah Hospital following the incident and was required to be transferred to Townsville Hospital for treatment. b) Followmont will donate \$25,000 to the Moranbah Hospital to assist with the supply of electric beds which will improve the experience of patients and enhance safety for nurses, as well as a recliner chair for in-patient use whilst receiving vital blood transfusions and other equipment necessary to ensure the safety of workers and patients at the hospital.	\$25,000	The donation will be made within 12 months of the date of acceptance of this undertaking. A letter of agreement, including identification of expenditure, and payment remittance will be provided to the OIR.
3.4.2	Royal Flying Doctor Service donation a) The Royal Flying Doctor Service Australia (RFDS) is one of the largest aeromedical organisations in the world and provides extensive primary health care and 24-hour emergency service to people across Australia. b) As part of this undertaking, Followmont will make a donation to the Queensland Section of the RFDS in the amount of \$25,000.	\$25,000	The donation will be made within 3 months of the date of acceptance of the undertaking. Evidence will be provided by way of a letter of acceptance from the RFDS and receipt upon payment.
Total minimum cost of benefits for workers/others		\$50,000	

3.5 Agreement to pay the OIR's recoverable costs

3.5.1 Followmont 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	\$3,814
Legal costs	\$1,500
Compliance monitoring costs	\$3,410
Publication costs	\$2,000
Total of OIR recoverable costs	\$10,724

3.7 Minimum spend

3.7.1 Followmont acknowledges the minimum spend for this undertaking will comprise of the:

Estimated total value of	Minimum spend
Benefits to workers/others	\$561,500
Benefits to industry	\$18,000
Benefits to community	\$50,000
OIR recoverable costs	\$10,724
Estimated total minimum spend for the undertaking	\$640,224

3.7.2 Followmont 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.

3.8 A commitment to aligning the SMS with Australian Standards

3.8.1 Followmont acknowledges that there is formal documented SMS in place which has been developed by the business in line with the principles of *AS/NZS 4804:2001 Occupational health and safety management systems—General guidelines on principles, systems and supporting techniques*.

3.8.2 Followmont commits to ensuring that the SMS is audited to ensure that it aligns with the principles of *AS/NZS 4804:2001 Occupational health and safety management systems—General guidelines on principles, systems and supporting techniques* within 12 months of the date of acceptance of this undertaking.

3.9 A commitment to ensure the SMS is audited by third party auditors

3.9.1 Followmont acknowledges that the auditors selected to perform the SMS audits must meet the qualification requirements as set by the regulator.

3.9.2 Followmont commits to ensuring the SMS will be audited by certified third party auditors.

3.9.3 Followmont acknowledges that details of the auditors' qualifications will be provided with audit reports submitted to OIR.

3.9.4 Followmont acknowledges that costs associated with these audits will be met by Followmont as part of the activities proposed in this undertaking.

3.9.5 Followmont commits to ensuring the SMS will be audited against criteria that meets the principles of *AS/NZS 4801:2001 Occupational Health and Safety Management Systems – Specification with guidance for use*, to verify the OHSMS meets the principles of *AS/NZS 4804:2001 Occupational health and safety management systems—General guidelines on principles, systems and supporting techniques*.

3.9.6 Followmont commits to ensuring that an initial third party audit will be undertaken at the Brisbane Branch within six months of this undertaking being accepted and a further 2 audits undertaken at 12 month intervals following, either at Brisbane or other major Branches.

3.10 A commitment to provide a copy of each finalised SMS audit report to OIR

3.10.1 It is acknowledged that audit reports received from the auditor will be sent to OIR within 30 days of the audit along with written confirmation that the report has not been altered from the copy provided to the person by the auditor.

3.10.2 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.

3.11 A commitment to implement the recommendations from third party audits

- 3.11.1 Followmont commits to ensuring the recommendations resulting from the first audit, as detailed in 3.9.2 will be fully implemented and recorded as actioned by the auditor within the second audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.11.2 Followmont commits to ensuring the recommendations resulting from the second audit, as detailed in 3.9.2 will be fully implemented and recorded as actioned by the auditor within the third audit report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.11.3 Followmont 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 report, unless OIR grants an exemption due to the actions being unreasonable.
- 3.11.4 Followmont commits to providing a detailed action plan or statutory declaration by an authorised officer of the Followmont confirming recommendations arising from the third audit have been fully implemented, unless OIR grants an exemption due to the actions being unreasonable.
- 3.11.5 The OIR may grant an extension of time for Followmont to implement recommendations resulting from OHSMS audits where Followmont is unable to implement those recommendations within the above timeframes.

SECTION 4: 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.

THE COMMON SEAL of

(Affix common seal)

FOLLOWMONT TRANSPORT PTY LTD

was affixed in accordance with the
— *Corporations Act 2001* in the presence of

BERNARD TOBIN
.....
Name of Director

Signature of Director

And

MARK TOBIN.
.....
Name of Director/Secretary

Signature of Director/Secretary

on the 20th day of October, 2020

Signature of Witness

SHARON STOLZ
.....
Name of Witness in full

277 BRAYS RD
.....
Witness address

GRIFFIN
.....
Witness address

QLD 4503
.....
Witness address

SECTION 5: SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 21st day of December, 2020



Signature of regulator

CRAIG ALLEN

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*.

Attachment A

Cost Area	Assumptions	Initiative 3.2.1	Initiative 3.2.2	Initiative 3.2.3
Followmont Resources (internal)				
Project Manager	136k/yr, at 40% effort	\$33,600	\$33,600	\$16,800
Business Analytics Resource	120k/yr at 100% effort	\$60,000	\$60,000	
External Consulting / Providers				
External Developer	196k/yr	\$50,000	\$50,000	\$25,000
HCM Costs	Consulting on data pulled and loaded to HCM	\$4,000		\$6,000
TM Implementer Costs	Consulting and system design, build, test	\$14,000	\$14,000	
Board BI	Consulting	\$8,000	\$8,000	\$4,000
MT Data	Configuration of system extracts & workflows	\$10,000	\$10,000	\$5,000
Licensing (external costs)				
Board BI - Compliance	3 new licenses	\$4,500	\$4,500	
Board BI - L/H	6 new licenses	\$9,000	\$9,000	
TM - Mileage Software	Approximately 2.5k/yr	\$3,750	\$3,750	
SUB-TOTAL		\$196,850	\$192,850	\$56,800
TOTAL				\$446,500

Work Health and Safety Act 2011

Part 11 Enforceable Undertakings

REASONS FOR DECISION

Event No.	250292
Entity	Followmont Transport Pty Ltd (Followmont)
ABN/ACN	010 518 279
Entity Address	45 Taylor Place, Eagle Farm, Queensland, 4009
Location of Incident	Lot 13, O'Neill Street, Moranbah, Queensland, 4744
Date of Incident	22 November 2017

1 History of the application

- 1.1 The undertaking relates to a workplace incident on 22 November 2017 at a freight depot at Lot 13, O'Neill Street, Moranbah, Queensland where a Followmont worker was injured.
- 1.2 The injured worker (worker) was employed by Followmont as a line haul truck driver.
- 1.3 On the evening of 22 November 2017, the worker was driving from Mackay to Rockhampton via Emerald Queensland and was required to stop at Nebo, Emerald and Moranbah on this journey to load/unload freight.
- 1.4 During the stop at the Moranbah freight depot, the worker was required to operate a forklift to unload and load the freight.
- 1.5 While holding the unsecured ends of three load restraint straps, positioning them over the load, the worker loaded a cage containing parcel freight onto the truck with the forklift.
- 1.6 As the worker began reversing the forklift away from the truck, the worker felt movement around the left leg from one of the straps that had become entangled around the worker's foot.
- 1.7 The worker was then pulled forward toward the steering wheel and against the accelerator of the forklift.
- 1.8 This action caused the worker to be pulled out of the forklift cabin onto the ground and the forklift swung around, reversing unmanned into the truck.
- 1.9 As a result, the worker sustained a compound fracture to the left femur and a severed artery in the left ankle.
- 1.10 The worker did not hold a high-risk work licence for use of the forklift at the time.
- 1.11 Following an investigation by Workplace Health and Safety Queensland (WHSQ) inspectors, prosecution action was commenced on 17 June 2019 (by complaint and summons) against Followmont, who had a health and safety duty under section 19(1) of the *Work Health and Safety Act 2011* (WHS Act), for failing to comply, so far as reasonably practicable, with the duty contrary to section 32 of the said WHS Act.
- 1.12 On 12 November 2019, Followmont notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.13 On 6 July 2020, a final draft of the undertaking (initial) was received from Followmont.
- 1.14 On 14 July 2020, an Evaluation Panel (the panel) consisting of a senior public servant and two external, independent persons evaluated the final draft undertaking and were not willing to recommend acceptance of the undertaking at this time.

- 1.15 On 22 July 2020, the EU Unit provided Followmont with evaluation feedback from the panel with the panel's suggested amendments noted and an opportunity for Followmont to resubmit an amended undertaking for re-evaluation.
- 1.16 On 20 October 2020, the EU Unit received an amended signed version of the undertaking with a covering letter and supporting documentation that provided clarification and confirmation that recommendations provided by the panel had been implemented within the amended undertaking.
- 1.17 On 11 November 2020, the panel reconvened a meeting to evaluate the amended signed version of the undertaking. Based on the amendments to the undertaking and supporting documentation received, panel members unanimously recommended the undertaking be considered for acceptance as an EU.

2 Legislation and Policy

- 2.1. It is alleged that Followmont failed to comply with section 32 of the WHS Act.
- 2.2. An undertaking was given in accordance with section 216 of the WHS Act that provides, 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 the relevant publications outlining information regarding the OIR EU Program and the WHS regulator's expectations for giving an undertaking.
- 2.5. The *Guidelines for the acceptance of an enforceable undertaking* dated November 2017 is a publication provided to assist duty holders in preparing an undertaking for consideration pursuant to section 230(3) of the WHS Act.
- 2.6. In determining whether to accept the undertaking as an EU, the WHS regulator has considered the provisions of section 217 of the WHS Act that provides the WHS regulator must give the person 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*.
 - 3.1.2. *Guidelines for the acceptance of an enforceable undertaking* - dated November 2017.
 - 3.1.3. EU material published on the WHSQ website - <https://www.worksafe.qld.gov.au/laws-and-compliance/enforceable-undertakings>.
 - 3.1.4. Cover letter to EU Evaluation Panel dated 7 October 2020
 - 3.1.5. Amended WHS undertaking dated 20 October 2020
 - 3.1.6. Complaint - General Purposes - Made, and Summons dated 17 June 2019.
 - 3.1.7. OIR Investigation Report – dated 21 June 2018.
 - 3.1.8. OIR's Regional Director Statement of compliance history dated 13 March 2020.
 - 3.1.9. Objective gravity statement dated 29 October 2020.
 - 3.1.10. Improvement Notice - I1015252 dated 20 February 2018.
 - 3.1.11. Improvement Notice - I1044049 dated 5 December 2017.
 - 3.1.12. Workers Compensation Report dated 31 January 2020.
 - 3.1.13. Workers Compensation Report dated 4 December 2020
 - 3.1.14. Financial Statement dated 5 May 2020.

- 3.1.15. Updated Moranbah Hospital donation acceptance letter dated 29 July 2020.
- 3.1.16. Royal Flying Doctor Service - Queensland Section donation acceptance letter dated 30 July 2020.
- 3.1.17. Bristol Legal letter to Followmont – Letter of support dated 5 August 2020.
- 3.1.18. Initial Evaluation Panel Assessment dated 14 July 20.
- 3.1.19. WHS undertaking – Followmont dated 6 July 2020.
- 3.1.20. Initial Evaluation Panel Feedback dated 22 July 2020.
- 3.1.21. Return Evaluation Panel Assessment dated 11 November 2020
- 3.1.22. EU Unit Chronology dated 12 November 2020.

4 Findings on material questions of fact

- 4.1 I regard the Guidelines for the acceptance of an enforceable undertaking dated November 2017, publication as containing considerations which are relevant and appropriate to my decision.
- 4.2 I find the undertaking given by Followmont 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 set out in section 1 of the Followmont undertaking.
- 4.4 I find that the procedural history relating to the undertaking is set out in section 1 above.
- 4.5 I accept the objective gravity of the matter has been assessed as a 'Low/Medium' level, which takes into consideration the nature and circumstance of the incident, the culpability of the person, the presence of any aggravating or mitigating factors relevant to the alleged offence.
- 4.6 I find the quantum of the undertaking as a proportionate amount relevant to the objective gravity, considering the Financial Statement provided by Followmont and the estimated total value of the undertaking.
- 4.7 I find the significance of the commitment in the undertaking is comparable to the capability of the person, taking into account the Financial Statement provided by Followmont and the estimated total value of the undertaking.
- 4.8 I find that Followmont have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.9 I find that Followmont, who had a health and safety duty under section 19(1) of the WHS Act failed to comply, so far as reasonably practicable, with that duty contrary to section 32 of the WHS Act.
- 4.10 I acknowledge the assurance given by Followmont 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.
- 4.11 I find the undertaking commits the person to a standard that is higher than the recognised compliance for the activity and/or to activities over and beyond recognised compliance levels.
- 4.12 I find the undertaking would constitute tangible benefits for workers, industry and the community as Followmont are committing to:
 - 4.12.1 Maintaining the Followmont Occupational Health and Safety Management System for the term of the EU and undergoing accredited third-party auditing to ensure compliance is met.
 - 4.12.2 Engaging and consulting with software developers and current platform providers to develop:

- 4.12.2.1 Linehaul Rostering Software that will measure combined data from current Followmont information technology (IT) systems and integrate into one business intelligence system to address licensing, fatigue and high-risk activities;
- 4.12.2.2 Linehaul Analytics Software that will integrate information from current Followmont IT platforms to enable Followmont Managers to generate customisable reports on critical driver safety; and
- 4.12.2.3 Linehaul Workflow Software to manage key linehaul driver safety processes on one automated electronic platform that is available on IT tablets located in linehaul vehicles.
- 4.12.3 Developing and implementing an integrated risk based Good Health and Mental Wellbeing Program to reflect common psychological and general health workplace hazards for transport industry drivers.
- 4.12.4 Refurbishing/retrofitting all older forklifts with industry leading sensor technology (three metre exclusion zone) and then conduct an audit to ensure all forklifts are compliant.
- 4.12.5 Engaging a WHS consultant, endorsed by the Queensland Trucking Association, to prepare and publish an industry paper and short video on the risk of entanglement when handling restraint straps on forklifts.
- 4.12.6 Presenting and sharing, with industry, the lessons learnt arising from this incident, outcomes from the industry publication referred to above and promote the benefits of the undertaking.
- 4.12.7 Donating to the:
 - 4.12.7.1 Moranbah Hospital to assist with the supply of electric patient beds, in-patient recliner chairs and other equipment necessary to ensure the safety of workers and patients at the hospital; and
 - 4.12.7.2 Queensland section of the Royal Flying Doctor Service to assist with primary health care and 24-hour emergency services within Queensland.
- 4.13 I acknowledge that all panel members have recommended acceptance of the undertaking as the preferred enforcement outcome in the circumstances of this case.

5 Decision

- 5.1 Because the proposed undertaking given by Followmont meets the formal requirements of the WHS Act and policy requirements, my discretion whether to accept the undertaking under section 216 of the WHS Act is enlivened.
- 5.2 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 Followmont is an appropriate enforcement option in regard to this case.
- 5.3 I have concluded that an EU is the preferred enforcement option to continuing the prosecution due to the opportunity to provide lasting organisational change within Followmont and the implementation of monitored and targeted health and safety improvements, which may not be achieved by prosecution.
- 5.4 Under section 216 of the WHS Act, it is my decision to accept this undertaking as an EU and the effect of this decision is that the prosecution proceedings shall be discontinued.


Craig Allen
Deputy Director-General
Office of Industrial Relations

21 /12/2020