

# **ENFORCEABLE UNDERTAKING**

*Part 11, Work Health and Safety Act 2011*

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

**JBS Australia Pty Limited**  
(the Entity)

**ABN 14 011 062 338**

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## 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 JBS Australia Pty Limited from the date it is given.

## DEFINITIONS

**Contravention** means an alleged contravention under the Safety Act.

**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 JBS Australia Pty Ltd 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.

**Entity** means a legal entity which has a duty under the *Work Health and Safety 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.

**OIR** means the Office of Industrial Relations.

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

**Safety Act** means the *Work Health and Safety Act 2011*.

**Very Serious Injury** means, for this publication, 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.

**WHSMS** means a Work Health and Safety Management System.

## 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*. 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 [worksafe.qld.gov.au](https://worksafe.qld.gov.au).

## SECTION 1: GENERAL INFORMATION

### 1.1 Details of the Entity giving the undertaking

<b>Entity:</b>	JBS Australia Pty Limited
<b>Street Address:</b>	Level 2, 215 Adelaide Street, Brisbane QLD 4000
<b>Mailing Address:</b>	GPO Box 2473, Brisbane QLD 4000
<b>Telephone:</b>	07 3344 0000
<b>Email address:</b>	risk@jbssa.com.au
<b>Legal structure:</b>	Australian Proprietary Company
<b>Type of business:</b>	Meat and food processing
<b>Commencement date:</b>	27 July 1990
<b>Workers:</b>	As at 15 April 2024
Permanent, full-time:	7667
Permanent, part-time:	98
Daily hire:	1,445
Casual:	1,335
<b>Products and services:</b>	JBS Australia is the country's largest meat and food processors, operating technologically advanced meat production and value-added facilities and feedlots, and a high-quality meat cutting and case ready production facility.
<b>Comments:</b>	<p>JBS Australia's mission is to be the best in all that we do, completely focused on our business, ensuring the best products and services to our customers, a relationship of trust with our suppliers, profitability for our shareholders and the opportunity of a better future for all of our team members.</p> <p>JBS Australia's activities are diverse and include operating a network of 10 processing facilities, 6 feedlots, 2 cold storage and warehousing facilities, transport, distribution and logistics (carrier) services and administrative and professional services which support those activities.</p>

### 1.2 Details of the contravention

The WHS Prosecutor alleges that JBS Australia Pty Limited (**JBS Australia**) contravened section 32 of the Safety Act by failing to comply with its health and safety duty under section 19(1) of the Safety Act. The alleged contravention is said to have occurred at 2 Lock Way Riverview (the **Workplace**) on 6 September 2021.

**1.3 The events surrounding the contravention**

On 6 September 2021, at the Workplace, a worker was operating a fleshing machine (Plant). This Plant is used to strip fat and muscle from the hide, or cape, of an animal. It contains a blade which separates the skin from the attached tissues and flattens and stretches the hide.

In the course of operating the Plant, the worker's right hand was caught in the Plant while attempting to clear a blockage, and the worker sustained an injury.

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

<b>Date issued</b>	<b>Notice type</b>	<b>Notice number</b>	<b>Contravention or prohibited activity</b>	<b>Action taken in response to notice</b>
7 September 2021	Prohibition Notice	P1026199	Allowing workers to operate the Italian Tannery Machinery, Model: FBS 32, Part Number: 2165, while access to the rotating components of the machine was not controlled.	Notice complied with. Toolbox conducted across both shifts at the Workplace which outlined the updated Fleshing task description which included an interim isolation procedure for access.
7 September 2021 and 13 October 2021	Improvement Notices	I2058335 and I2058350	You have not ensured, that if access to the area of the plant requiring guarding is necessary during operation, maintenance or cleaning of the plant, the guarding is an interlocked physical barrier that allows access to the area being guarded at times when that area does not present a risk and presents access to that area at any other time.	Timeframe for September Notice not able to be met, October Notice complied with. Fortress style lockout system upgrade guarding was added to enforce isolation of the hydraulics prior to accessing the area behind existing guarding.

**1.5 The injury sustained or illness suffered by worker as a consequence of the contravention detailed in term 1.2**

The worker sustained lacerations and a degloving injury to the right hand including all fingers except the thumb. After the incident, the worker's right ring finger was amputated, and skin and muscle grafts were taken to reconstruct the worker's right hand.

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

The worker remains an employee of JBS Australia. The worker has an open statutory workers' compensation claim.

**1.7 Support provided to the injured worker and family**

<b>Date</b>	<b>Description of support</b>	<b>Comments</b>
6 September 2021 - Ongoing	Regular contact with the injured worker's family and injured worker.	JBS Australia has maintained close contact with the injured worker since the injury. This includes face-to-face visits, phone calls and emails. JBS Australia continues to work with the injured worker to identify any further treatment options. In 2024 JBS Australia supported the injured worker's participation in a Skills for Education and Employment (SEE) program to prepare them to return to employment.
6 September 2021 - Ongoing	Financial assistance	JBS Australia has provided financial assistance including hospital parking and transport to and from medical and allied health appointments.
October 2021 - Ongoing	Financial assistance	JBS Australia has provided financial assistance for gardening and house cleaning services.
December 2021 - Ongoing	Medical and allied health treatment	JBS Australia has provided financial assistance for and access to expert counselling support.
October 2021 - Ongoing	Medical and allied health treatment	JBS Australia has provided financial assistance for physiotherapy including at home and clinic-based services (shoulder).
October 2021 - Ongoing	Medical and allied health treatment	JBS Australia has provided financial assistance for hand therapy and scar care services.
December 2023	Medical and allied health treatment	JBS Australia has provided financial assistance for dietitian support as well as pre-prepared meals post-surgery for a period of 6 weeks.
2024	Vocational support Classes	JBS Australia has provided support for English lessons via the SEE program.

## 1.8 JBS Australia's WHSMS

JBS Australia is committed to:

1. ensuring a healthy and safe workplace for all workers, contractors and visitors; and
2. complying with WHS legislation in all jurisdictions in which it operates.

It does so by implementing a comprehensive WHSMS at all sites, from corporate offices to skin processing sheds.

As a condition of its license for self-insurance, JBS Australia's WHSMS meets the requirements of AS/NZS 4801:2008 *Occupational health and safety management system - Specification with guidance for use* and AS/NZS 4804:2001 *Occupational health and safety management system - General guidelines on principles, systems and supporting techniques*. JBS Australia holds itself to the Australian standard and framework for self-insurance prescribed by the AS.NZS 4801:2001 and undertakes a range of external and internal audits to verify compliance with that standard. The JBS Australia WHSMS is endorsed by the Board.

JBS Australia's WHSMS establishes the framework through which it manages health and safety in its workplaces. JBS Australia's WHSMS utilises policies, procedures, guidance materials, forms and similar to achieve the objectives and commitments set out in the JBS Australia Workplace Health and Safety Policy. Below is an overview of the key areas included within the WHSMS:

1. Risk management including in relation to hazardous substances, vehicle operations, electrical safety, plant and equipment, biological safety, falls from heights, manual handling, remote and isolated work, legionella, asbestos, Hendra virus, Q-fever, psychosocial hazards, hearing conservation and fire arms;
2. Emergency response and coordination including in relation to emergency planning, first aid, fire safety, grass and bushfire response;
3. Contractor management;
4. Chain of responsibility;
5. Consultation; and
6. Audit and inspection programs.

JBS Australia believes it is crucial that workers understand their individual responsibilities and accountabilities. This is achieved through robust training and induction programs for all team members and the development and issue of WHS responsibility statements for key positions within the organization.

The JBS Australia WHSMS is a 'living' framework that is constantly evolving as a result of regular consultation with the workforce, legislative changes, audits of the program and learned outcomes from other sources.

By way of example, in response to the new code of practice *Managing the risk of psychosocial hazards at work Code of Practice 2022*, JBS Australia implemented a dedicated Maintaining a Healthy Workforce Framework. This Framework underpins JBS Australia's injury management and health and wellbeing programs and our commitment to providing a safe workplace for its team members.

JBS Australia is focused on continuous improvement with respect to safety performance.

**1.9 The level of auditing undertaken on the WHSMS referred to in term 1.8, including compliance audits and audit frequency**

**External WHSMS Audits**

As part of JBS Australia's assurance program, one site from each business unit is required to undergo an external WHSMS audit by an accredited WHSMS Auditor each year.

Sites are selected based on a range of factors including the site's risk and injury profile, results from previous WHSMS audits, when it was last externally audited and the number of workers at that site.

Audit outcomes, including non-conformances and observations are provided to the business and site leadership teams. An annual overview is also provided to the JBS Australia executive leadership team.

All non-conformances, observations and progress towards closing out corrective actions are recorded in the JBS Australia safety and governance platform.

**Internal WHSMS Audits**

JBS Australia has an annual internal audit program which covers all sites and includes the following audits:

1. System audit (based on the National Audit Tool (**NAT**)) conducted by the Group Risk Team is completed on all other production, feedlot and cold storage facilities which have not had an external WHSMS audit in the calendar year; and
2. Critical / High risk validation audits are undertaken by the Safety Operational managers targeting high risk areas, such as heights and confined spaces, on an agreed schedule based again on incident / near miss trend analysis.

Audit outcomes, including non-conformances and observations are provided to the business and site leadership teams. An annual overview is also provided to the JBS Australia executive leadership team.

All non-conformances, observations and progress towards closing out corrective actions are recorded in the JBS Australia safety and governance platform.

**Other Key Site Validation Processes**

JBS Australia also utilizes site-based programs to drive positive safety behaviors and culture including:

1. Monthly safety inspections conducted by site and site senior management; and
2. Safety observations and Safety walks conducted by site and site senior management.

**1.10 The consultation undertaken or proposed to be undertaken, in relation to this undertaking**

Consultation was conducted with stakeholders across JBS Australia and with industry and community organisations. Consultation included:

JBS Australia:

- JBS Australia directors
- Head of Risk
- COO JBS Northern
- General Manager Operations
- General Manager Feedlots
- General Manager Finance Northern
- General Manager P&C Northern
- Safety Operations Manager - Northern
- Group Manager Talent Acquisition
- Group General Manager P&C
- Group Engineer
- Division Engineer Northern
- Engineering R&D Manager

Industry/external:

- Australian Meat Processor Corporation (**AMPC**)

Possible partners active in the community:

- Corporate Learning Partners
- SenateSHJ
- TEG Risk Pty Ltd

**1.11 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**

Following the incident, JBS Australia completed a review of its system of work relating to the task that the injured worker was performing at the time of the incident. Following that review, JBS Australia has completed the following post-incident measures:

1. redesigned the Plant's guarding;
2. installed the fortress key interlocking system to guarding gates;
3. held discussions with Plant Managers and the engineering team in the redesign process and learning;
4. revised Task Descriptions to include fortress key operation;
5. completed a task risk assessment for the revised Task Description;
6. delivered training to workers on isolation and the new task description;
7. delivered toolbox talks to site employees on machine guarding; and
8. delivered toolbox talks to site employees on isolation and lock out requirements.

**Total amount spent on rectifications** **\$7,845.00**

## SECTION 2: GENERAL TERMS

JBS Australia 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**

JBS Australia acknowledges that the regulator has alleged that it contravened the Safety Act as described at 1.2 above.

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

JBS Australia deeply regrets that the incident occurred and resulted in injuries to one of its workers. JBS Australia considers that this undertaking is a more appropriate response to the alleged contravention because it provides an opportunity to make significant improvements to health and safety which extend beyond compliance with the Safety Act, to benefit its workers, the industry and communities in which it operates.

### **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**

JBS Australia is committed to providing and maintaining a safe and healthy workplace for all workers, contractors, visitors and members of the public. It is committed to eliminating or minimising health and safety hazards and risks as far as is reasonably practicable and complying with the Work Health and Safety Legislation, including all relevant Codes of Practice, applicable to the State and/or Territory that it works in.

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

JBS Australia has read and understood the '*Guidelines for the acceptance of an enforceable undertaking*' Version 2, published by the OIR and last updated in July 2024.

### **2.5 Acknowledgement that this undertaking may be published and publicised**

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

2.5.2 JBS Australia acknowledges that the undertaking may be published in newspapers.

### **2.6 Statement of JBS Australia's ability to comply with the terms of this undertaking and meet the projected costs of the activities**

2.6.1 JBS Australia has the financial ability to comply with the terms of this undertaking and has provided evidence by way of the Financial Report 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 JBS Australia, JBS Australia 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**

JBS Australia does not have a relationship with the parties who will receive benefits under this undertaking other than as an employer in the meat and food processing industry.

**2.8 Statement regarding Intellectual Property Licence**

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

**2.9 Acknowledgement that JBS Australia may be required to provide a statutory declaration**

OIR has not 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 Act.

**2.10 Statement of commitment from JBS Australia 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 JBS Australia.
- 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 JBS Australia until advised by OIR, 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.

**2.11 A commitment by JBS Australia 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**

JBS Australia is committed to providing and maintaining a safe and healthy workplace for workers, contractors, visitors, and members of the public. This commitment is documented in its Work Health and Safety Policy which is reviewed every two years. JBS Australia's goal is to provide a safe and healthy work environment that is free from workplace injury and illness. In 2021, JBS Australia developed a 5-year risk strategy to support that goal. The 5-year Risk Strategy includes five focus areas:

1. Proactive Safety Culture;
2. Regulatory Compliance;
3. Targeted Risk Reduction Strategies;
4. Cost-Efficient Insurance Solutions; and
5. Maintaining a Healthy Workplace.

JBS Australia monitors its safety performance through a range of lead and lag indicators. Information on performance is provided across the business and is reviewed on a quarterly basis. Sites have annual targets on lead indicators as well as targeted risk reduction programs focused on our key risk areas of machine interactions, electrical safety, powered mobile plant and equipment as well as livestock interactions.

**2.12 A commitment that any undertaking activities that promote or benefit JBS Australia are linked to this undertaking**

JBS Australia is committed to linking the promotion of benefits set out in this document to the enforceable undertaking. This includes acknowledging the enforceable undertaking as the source of the initiatives described below in all relevant reports, committees, advertisements and presentations.

## SECTION 3: ENFORCEABLE TERMS

JBS Australia acknowledges all activities set forth in the enforceable terms below will be auditable and details of each activity will include:

- a term number for each activity.
- how the activity will benefit workers/others, industry and the community.
- evidence that will be provided to meet compliance.
- a minimum cost.
- timeframes for completion.

JBS Australia commits to performing the activities below diligently, competently and provide evidence by the respective completion date.

### **3.1 A commitment by JBS Australia to disseminate information about this undertaking to workers, and other relevant parties**

Dissemination of information about this undertaking will be achieved by communicating the enforcement terms as follows:

1. Senior Executives will receive a copy of the enforceable undertaking via email from the Group General Manager - People and Culture.
2. JBS Australia Operational Managers will receive an email from the Group General Manager - People and Culture outlining the enforceable undertaking terms in summary format.
3. JBS Australia WHS committee members will receive an email from the Group General Manager - People and Culture outlining enforceable undertaking terms in summary format.
4. JBS Australia will make the undertaking available to all JBS Australia team members on its internal communications mobile application "Cooee".
5. JBS Australia will display a poster outlining the enforceable undertaking terms (in summary format) at all sites on safety notice boards.

Dissemination will occur within 3 months of approval of undertaking.

JBS Australia will provide to OIR copies of the relevant emails, pages or posts and posters outlined above.

**3.2 Activities to be undertaken to promote the objects of the Safety Act that will deliver benefits for workers/others**

Activities	Cost	Timeframe
<p>3.2.1 <b>Focused Safety Leadership Training</b></p> <p>JBS Australia will engage an industry leading safety leadership training business, to develop and deliver a tailored training program centered on human and organisational performance principles. The program will be provided to 200 senior managers and site-based teams as follows:</p> <p><b>Executive leadership</b> – 1 x half day face to face session to provide visibility of the program themes and concepts.</p> <p><b>Senior leadership</b> – 1 x 2-day face to face workshop with Plant and Site managers covering:</p> <ol style="list-style-type: none"> <li>1. Challenge the paradigm and mindsets;</li> <li>2. No blame cultures;</li> <li>3. Actionable leadership behaviours; and</li> <li>4. Safety leadership beyond the workspace.</li> </ol> <p><b>Frontline leadership</b> – 2 x half day workshops to deliver practical approaches to applying human and organisational principles for:</p> <ol style="list-style-type: none"> <li>1. Pre-start meetings;</li> <li>2. Safety interactions;</li> <li>3. Risk and hazard identification; and</li> <li>4. Near/Miss Incident investigation.</li> </ol> <p><b>Cost breakdown</b></p> <p>Following is a breakdown of estimated costs of the external facilitator:</p> <ol style="list-style-type: none"> <li>1. Project management, design and consultation to create program aligned to JBS Australia's organisational needs and outcomes sought ~ \$35,000</li> <li>2. Delivery of bespoke training program as per the above outline ~ \$87,000</li> </ol> <p><b>Evidence</b></p> <p>JBS Australia will provide copies of the following items to OIR as evidence of compliance with this term:</p> <ol style="list-style-type: none"> <li>1. the agreement with the external facilitator for the training;</li> <li>2. the invoice for payment of the external facilitator for the training;</li> <li>3. the training package as provided by the external facilitator;</li> <li>4. signed training attendance records; and</li> <li>5. invoices and receipts associated with the employee training costs.</li> </ol>	<p>\$122,000</p>	<p>Within 12 months of EU approval</p>

Activities	Cost	Timeframe
<p>3.2.2 <b>Vulnerable Worker Project</b></p> <p><b>Within 12 months of EU acceptance</b></p> <p>JBS Australia will engage industrial safety engineering experts to develop and produce innovative visual aids (using pictures and diagrams) to assist JBS Australia reinforce key safety instructions provided to its workers on:</p> <ol style="list-style-type: none"> <li>1. what the required risk minimisation actions are;</li> <li>2. any specific isolation procedures;</li> <li>3. where all isolation points are; and</li> <li>4. how to isolate plant.</li> </ol> <p>To develop the visual aids the industrial safety engineering experts will:</p> <ol style="list-style-type: none"> <li>1. review human-machine interaction hazards, across 160 machines in the meat processing production chain.</li> <li>2. review and update all current machine risk assessments.</li> </ol> <p>The industrial safety engineering experts will prepare visual aids to be printed on hard-copy reference cards by JBS Australia.</p> <p>JBS Australia will display the visual aids on each of the 160 machines.</p> <p>The industrial safety engineering experts will carry out machinery risk assessments aligned to AS/NZS4024.1201 focusing on engineering controls on 160 machines in the meat processing production chain, and document, review and update the risk assessments for those machines.</p> <p><b>Within 24 months of EU acceptance</b></p> <p>JBS Australia commits to carry out any remedial works recommended by the industrial safety engineering experts for non-conformances with AS/NZS4024.1201. JBS Australia has allocated up to \$124,008 for those rectifications.</p> <p>JBS Australia will share the methodology for selection of machines to be assessed, assessment process and resourcing, lessons learned, examples of the visual aids and observations from JBS Australia's workforce on the effectiveness of the visual aids via a one-hour presentation to the Meat Industry Health &amp; Safety Forum.</p> <p>JBS Australia will repeat the one-hour presentation to the Meat Industry Health &amp; Safety Forum at a relevant WHSQ manufacturing industry forum.</p>	<p>\$309,008</p>	<p>Within 24 months of EU acceptance</p>

Activities	Cost	Timeframe
<p><b>Evidence</b></p> <p>JBS Australia will provide copies of the following items to OIR as evidence of compliance with this term:</p> <ol style="list-style-type: none"> <li>1. a copy of the plant risk assessments;</li> <li>2. a copy of any remedial works action plan;</li> <li>3. work orders and/or receipts for rectification work;</li> <li>4. each of the 160 hard-copy reference cards;</li> <li>5. minutes of the relevant Meat Industry Health &amp; Safety Forum; and</li> <li>6. a copy of the PowerPoint presentation (or similar materials) delivered to the Meat Industry Health &amp; Safety Forum.</li> </ol>		
<b>Total minimum cost of benefits for workers/others</b>	<b>\$431,008</b>	

**3.3 Activities to be undertaken to promote the objects of the Safety Act that will deliver benefits for industry**

Activities	Cost	Timeframe
<p>3.3.1 <b>Develop video resources for the meat processing and other industries which help Pacific Australia Labour Mobility (PALM) scheme workers to settle into life in Australia and work safely</b></p> <p><b>Activity</b></p> <p>JBS Australia will create an animated, in-language video series for PALM scheme workers. The topics to be covered are:</p> <ol style="list-style-type: none"> <li>1. Our WHS laws, your rights and responsibilities (based on content published by OIR, including the information available at the following link: <a href="https://www.worksafe.qld.gov.au/safety-and-prevention/creating-safe-work/workers-rights-and-responsibilities">https://www.worksafe.qld.gov.au/safety-and-prevention/creating-safe-work/workers-rights-and-responsibilities</a>);</li> <li>2. Machinery and equipment: General overview of common hazards and risks, working at heights, PPE, guarding and isolation procedures (based on content published by OIR including the information available at the following link: <a href="https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0011/20306/guidetomachinery-equipmentsafety.pdf">https://www.worksafe.qld.gov.au/__data/assets/pdf_file/0011/20306/guidetomachinery-equipmentsafety.pdf</a>);</li> <li>3. Health and hygiene;</li> <li>4. Alcohol and drugs; and</li> <li>5. Sexual health and wellbeing.</li> </ol> <p>JBS Australia will:</p> <ol style="list-style-type: none"> <li>1. Engage communications agency, SenateSHJ, to work with JBS Australia staff familiar with the PALM scheme and other industry stakeholders to produce culturally appropriate animations addressing the themes outlined above. SenateSHJ's scope of work includes engaging a supplier of translation services to translate the animations into Tongan – Lea Faka-Tonga (Tonga), Tok Pisin (Papua New Guinea), Tok Pisin (Solomon Islands), Fijian (Fiji) and Samoan (Samoa).</li> <li>2. Provide draft copies of the style frame and script for each topic to the OIR for review prior to commencing production.</li> <li>3. Share the videos with organisations involved in the recruitment, preparation, and pastoral care of PALM workers, pre- and post-arrival, including: <ul style="list-style-type: none"> <li>○ the Labour Sending Units (<b>LSUs</b>) in workers' home countries;</li> <li>○ Country Liaison Officers and labour attachés;</li> <li>○ meat processing companies that recruit PALM workers, via AMPC; and</li> <li>○ Other channels in consultation with the PALM Advisory Group, Department of Foreign Affairs and Trade (<b>DFAT</b>) and the Department of Employment and Workplace Relations (<b>DEWR</b>).</li> </ul> </li> </ol>	<p>\$80,000</p>	<p>Within 24 months of EU acceptance</p>

Activities	Cost	Timeframe
<p>4. Make the videos available on YouTube, so workers can access them directly on the mobile devices they are provided with on arrival.</p> <p><b>Project implementation</b></p> <p>The project will be executed by SenateSHJ as follows, and according to the following approximate timeframes:</p> <ol style="list-style-type: none"> <li>1. <b>Consultations and concepting</b> – Consultation with PALM agencies and associated third parties to identify: 1) key lifestyle and safety themes, 2) cultural considerations, and 3) video distribution and impact assessment opportunities. <b>TIMING:</b> Weeks 1- 4 of project commencement.</li> <li>2. <b>Pre-production</b> – Develop style frames and scripts to be presented and approved before production commences. <b>TIMING:</b> Weeks 5 – 6 of project commencement.</li> <li>3. <b>Consultation with OIR</b> - Provide draft copies of the style frame and script for each topic to the OIR for review prior to commencing production. <b>TIMING:</b> Week 7 of project commencement.</li> <li>4. <b>Production</b> – Production will entail guide voice over recording, animatics and asset creation, animation and multi-language voice over recording to be conducted in conjunction with translation agency. <b>TIMING:</b> Weeks 7-14 of project commencement (subject to timing of OIR feedback).</li> <li>5. <b>Post-production</b> – Sound mix, music, versioning to tailor executions to each language, captioning, publishing. <b>TIMING:</b> Weeks 15-18 of project commencement (subject to timing of OIR feedback).</li> <li>6. <b>Distribution</b> – Following completion of the videos, they will be uploaded to YouTube and distributed to PALM program agencies and stakeholders mentioned above. <b>TIMING:</b> Weeks 19-22 of project commencement (subject to timing of OIR feedback).</li> <li>7. <b>Impact report</b> – SenateSHJ will prepare a final impact report addressing the distribution and (where possible) views of the videos, and detailing attempts to obtain qualitative feedback from stakeholders on their impacts). <b>TIMING:</b> Month 24 of project commencement.</li> </ol>		

Activities	Cost	Timeframe																																
<p><b>Cost breakdown</b></p> <p>Following is a breakdown of estimated costs for the production of videos.</p> <table border="1" data-bbox="284 427 1098 1048"> <thead> <tr> <th data-bbox="284 427 611 584">Process stage</th> <th data-bbox="611 427 823 584">Professional fees (\$)</th> <th data-bbox="823 427 946 584">Costs (\$)</th> <th data-bbox="946 427 1098 584">Sub-total (exc. GST) (\$)</th> </tr> </thead> <tbody> <tr> <td data-bbox="284 584 611 645">Consultations/concepting</td> <td data-bbox="611 584 823 645">20,000</td> <td data-bbox="823 584 946 645">-</td> <td data-bbox="946 584 1098 645">20,000</td> </tr> <tr> <td data-bbox="284 645 611 705">Pre-production</td> <td data-bbox="611 645 823 705">6,000</td> <td data-bbox="823 645 946 705">-</td> <td data-bbox="946 645 1098 705">6,000</td> </tr> <tr> <td data-bbox="284 705 611 790">Production (costs inc. translation and voice overs)</td> <td data-bbox="611 705 823 790">14,850</td> <td data-bbox="823 705 946 790">20,670</td> <td data-bbox="946 705 1098 790">35,520</td> </tr> <tr> <td data-bbox="284 790 611 875">Post-production (costs inc. music licence)</td> <td data-bbox="611 790 823 875">3,230</td> <td data-bbox="823 790 946 875">250</td> <td data-bbox="946 790 1098 875">3,480</td> </tr> <tr> <td data-bbox="284 875 611 936">Distribution</td> <td data-bbox="611 875 823 936">10,000</td> <td data-bbox="823 875 946 936">-</td> <td data-bbox="946 875 1098 936">10,000</td> </tr> <tr> <td data-bbox="284 936 611 996">Impact report</td> <td data-bbox="611 936 823 996">\$ 5,000</td> <td data-bbox="823 936 946 996">\$ -</td> <td data-bbox="946 936 1098 996">5,000</td> </tr> <tr> <td data-bbox="284 996 611 1048"><b>TOTAL (EXC. GST)</b></td> <td data-bbox="611 996 823 1048"><b>59,080</b></td> <td data-bbox="823 996 946 1048"><b>20,920</b></td> <td data-bbox="946 996 1098 1048"><b>80,000</b></td> </tr> </tbody> </table> <p><b>Evidence</b></p> <p>JBS Australia will provide the following items to OIR as evidence of compliance with this term:</p> <ol style="list-style-type: none"> <li>1. links to the videos on their completion;</li> <li>2. the invoice(s) for payment to the video production team; and</li> <li>3. a short report within 24 months after commencement of this activity. This Report will address the distribution and (where possible) views of the videos, and detail attempts to obtain qualitative feedback from stakeholders on their impacts.</li> </ol>	Process stage	Professional fees (\$)	Costs (\$)	Sub-total (exc. GST) (\$)	Consultations/concepting	20,000	-	20,000	Pre-production	6,000	-	6,000	Production (costs inc. translation and voice overs)	14,850	20,670	35,520	Post-production (costs inc. music licence)	3,230	250	3,480	Distribution	10,000	-	10,000	Impact report	\$ 5,000	\$ -	5,000	<b>TOTAL (EXC. GST)</b>	<b>59,080</b>	<b>20,920</b>	<b>80,000</b>		
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<b>Total minimum cost of benefits for industry</b>	<b>\$80,000</b>																																	

**3.4 Activities to be undertaken to promote the objects of the Safety Act that will deliver benefits for community**

Activities		Cost	Timeframe
3.4.1	<p><b>Financial contribution to OHS Body of Knowledge</b></p> <p>JBS Australia commits to making a financial contribution to the OHS Body of Knowledge. The donation will be in the sum of any remaining balance of the \$124,008 allocated for rectification in 3.2.2 Vulnerable Worker Project, which is not spent on rectification.</p> <p><b>Benefits</b></p> <p>The OHS Body of Knowledge is dedicated to improving work health and safety in Australia, and so benefitting not only Australian workers but their families and others who may be impacted by workplace fatality, injury or ill-health.</p> <p><b>Evidence</b></p> <p>JBS Australia will provide the following items to OIR as evidence of compliance with this term: receipt for donation.</p>	Remaining balance of \$124,008 allocated for rectification in 3.2.2 Vulnerable Worker Project and which is not spent on rectification.	Within three years of EU acceptance
<b>Total estimated cost of benefits for the community</b>		<b>Remaining balance of 3.2.2</b>	

**3.5 Agreement to pay the OIR’s recoverable costs**

3.5.1 JBS Australia agrees to pay OIR’s costs associated with this undertaking, as itemised below, and it is acknowledged that payment is due 30 days after receiving the OIR invoice:

Recoverable costs	Amount
Administrative costs	\$4,600
Legal costs	\$1,500
Compliance monitoring costs	\$3,450
Publication costs	\$2,000
<b>Total of OIR recoverable costs</b>	<b>\$11,550</b>

### 3.6 Minimum spend

3.6.1 JBS Australia acknowledges the minimum cost for this undertaking will comprise of the following:

<b>Estimated total value of</b>	<b>Minimum spend</b>
Benefits to workers/others/community	\$431,008
Benefits to industry	\$80,000
OIR recoverable costs	\$11,550
<b>Estimated total minimum spend for the undertaking</b>	<b>\$522,558</b>

3.6.2 JBS Australia agrees to donate any residual amount arising from the total minimum cost value not being met to the OHS Body of Knowledge.

### 3.7 A commitment to maintain a WHSMS

1.7.1 JBS Australia acknowledges that there is a formal documented WHSMS acceptable to the regulator that satisfies the principles of Australian Standard *AS/NZS 4804:2001 Occupational health and safety management system -General guidelines on principles, systems and supporting techniques*.

1.7.2 JBS Australia commits to maintaining its WHSMS.

### 3.8 A commitment to ensure the WHSMS is audited by a certified third-party auditor

3.8.1 JBS Australia acknowledges that the certified third-party auditor selected to perform WHSMS audits must meet the qualification requirements as set by the regulator.

3.8.2 JBS Australia commits to ensuring its WHSMS will be audited by a certified third party auditor.

3.8.3 JBS Australia acknowledges that details of the third-party auditors' qualifications will be provided with audit reports submitted to OIR under 3.9.3.

3.8.4 JBS Australia acknowledges that costs associated with these audits will be met by JBS Australia as part of the undertaking.

3.8.5 JBS Australia commits to ensuring its WHSMS will be audited against criteria utilising the NAT.

3.8.6 JBS Australia acknowledges that the current WHSMS 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 at JBS Australia's Dinmore site or another mutually agreed site, within three months of this undertaking being accepted.

3.8.7 JBS Australia 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 WHSMS audit report to OIR

- 3.9.1 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 JBS Australia 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.
- 3.9.3 It is acknowledged that the auditor's qualifications will be provided with audit reports submitted to OIR.

**3.10 A commitment to implement the recommendations from third party audits**

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

**SECTION 4: EXECUTION**

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

**EXECUTED** by JBS Australia Pty Limited )  
(ABN 14 011 062 338) in accordance with )  
section 127(1) of the Corporations Act 2001 )  
(Cth): )



Signature of Director



Company Secretary

HUGH BRENT EASTWOOD

ANGELA RYE

Name of Director

Company Secretary

on the 6<sup>th</sup> day of May, 2025

Before me:



Signature of witness



Address of witness

BELLE SAKRZEWSKI-HETHERINGTON

Name of witness

## SECTION 5: ACCEPTANCE

This undertaking is accepted by the regulator on the 29th day of JULY, 2025



-----  
Signature of regulator

Donna Heelan

-----  
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**

<b>Event Number</b>	306729
<b>Entity</b>	JBS Australia Pty Limited
<b>ABN</b>	14 011 062 338
<b>Entity Address</b>	Level 2, 215 Adelaide Street, Brisbane QLD 4000
<b>Location of alleged contravention</b>	2 Lock Way, Riverview, Qld, 4303
<b>Date of alleged contravention</b>	6 September 2021

#### **1 History of the application**

- 1.1 JBS Australia Pty Limited (JBS) is Australia's largest meat and food processor, operating technologically advanced meat production and value-added facilities and feedlots, and a high-quality meat cutting and case ready production facility. Employing a total of 7,667 workers, JBS's activities include a diverse network of 10 processing facilities, six feedlots, two cold storage and warehousing facilities, transport, distribution and logistics (carrier) services and administrative and professional services.
- 1.2 The undertaking given by JBS relates to an alleged contravention of the Work Health and Safety Act 2011(WHS Act) on 6 September 2021 where a worker, employed by JBS, sustained an injury while operating a fleshing machine (plant).
- 1.3 The plant is used to strip fat and muscle from the hide, or cape, of an animal. It contains a blade which separates the skin from the attached tissues and flattens and stretches the hide. During this operation and while attempting to clear a blockage in the plant, a worker's right hand became trapped in the plant.
- 1.4 As result, the worker sustained laceration and a degloving injury to the right hand including all fingers except the thumb. Following the incident, the worker's right ring finger was amputated, and skin and muscle grafts were taken to reconstruct the worker's right hand.
- 1.5 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 JBS, 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.
- 1.6 On 14 March 2024, JBS notified the Office of Industrial Relations (OIR) Enforceable Undertakings (EU) Unit of their intention to give a WHS undertaking (undertaking) for this matter.
- 1.7 On 20 March 2025, an Evaluation Panel (panel) evaluated JBS's initial undertaking including all supporting documentation.
- 1.8 Initially, the panel were not willing to recommend acceptance of the undertaking. The panel provided JBS with written feedback and advised they were willing to re-evaluate a revised undertaking that appropriately addressed the feedback.

- 1.9 On 15 May 2025, JBS submitted a revised undertaking and supporting documents.
- 1.10 On 19 June 2025, following a return evaluation, the panel unanimously recommended the revised undertaking be considered for acceptance as an EU.

## **2 Legislation and Policy**

- 2.1. It is alleged that JBS 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 JBS 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 July 2024.
  - 3.1.3. Supporting submission – JBS – 15 May 2025.
  - 3.1.4. WHS undertaking – JBS – 6 May 2025.
  - 3.1.5. Complaint and Summons – JBS – 31 August 2023.
  - 3.1.6. Statements of Facts – JBS.
  - 3.1.7. OIR Statutory notices P1026199, I2058335, I2058350 and F2011483 – JBS – 7 September and 13 October 2021.
  - 3.1.8. Compliance history – JBS.
  - 3.1.9. Self-Insurance Compensation Information – JBS - 15 October 2024.
  - 3.1.10. Supporting documents:
    - 3.1.10.1. Term 2.6.1 – CEO Financial capability letter – 4 February 2025
    - 3.1.10.2. Term 3.2.1 - Third party consultant letter and scope– 4 February 2025
    - 3.1.10.3. Term 3.2.2 – Third party consultant letter and scope– 24 April 2025
    - 3.1.10.4. Term 3.3.1 – Third party consultant letter and scope – 12 May 2025
    - 3.1.10.5. Term 3.4.1 – OHS Body of Knowledge information

- 3.1.11. Initial Evaluation Panel feedback – JBS – 7 April 2025.
- 3.1.12. Return Evaluation Panel Assessment – JBS – 29 May 2025
- 3.1.13. EU Unit Chronology Statement – JBS – 20 June 2025.

#### **4 Findings on material questions of fact**

- 4.1. I regard the *Guidelines for the acceptance of an enforceable undertaking* dated July 2024, contains considerations which are relevant and appropriate to my decision.
- 4.2. I find the undertaking given by JBS 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 JBS.
- 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 JBS is ‘medium.’
- 4.6. I find the quantum of the undertaking and the respective financial commitments of JBS are proportionate to the objective gravity of the alleged contravention by JBS and account for the benefits that would accrue to them through avoiding prosecution.
- 4.7. I find that JBS have acknowledged the alleged contravention and shown regret regarding the occurrence and the consequences of the alleged contravention.
- 4.8. I find that JBS, 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 JBS 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 JBS 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 JBS are committing to:
  - 4.11.1. Disseminating information about the undertaking to JBS workers, through the internal mobile application “Cooee” and posters on all worksite noticeboards. An email and copy of the EU will also be sent by JBS’s Group General Manager- People and Culture to WHS committee members, Senior Executives and Operational Managers.
  - 4.11.2. Engaging a third-party industry safety leadership training business to develop and deliver a tailored training program centred on human and organisational performance principles. The program will be provided to 200 senior managers and site-based teams will include a combination of face-to-face training and workshops that focus on executive, senior and frontline leadership.
  - 4.11.3. Engaging a third-party industrial safety engineering expert to develop and produce innovative visual aids (using pictures and diagrams) that will assist JBS in reinforcing key safety instructions provided to its workers. Following the completion of this project, the methodology, lessons learned,

examples observations and outcomes will be shared by JBS at a Meat Industry Health and Safety Forum and a WHSQ Manufacturing Industry Forum. The engineering expert will also conduct a machinery risk assessment/audit (documenting, reviewing, and updating) on 160 machines in the meat processing production chain that will focus on engineering controls and align with specified Australian Standards. Following the audit, JBS have committed to rectifying any non-conformances identified as part of the risk assessments/audit.

- 4.11.4. Engaging a third-party communications agency to work with JBS and other industry stakeholders to develop and implement culturally appropriate video resources for the meat processing and other industries. These resources will be used to assist Pacific Australia Labour Mobility (PALM) scheme workers to settle into life in Australia and work safely. Themes for the animated in-language videos will include WHS laws, right and responsibilities, machinery safety and equipment, health and hygiene, alcohol and /drugs and sexual health and wellbeing. Following completion of the project a short report will be provided with qualitative feedback from stakeholders on the project impacts and outcomes.
  - 4.11.5. Donating any residual amount from the \$124,008 allocated for audit rectifications under Term 3.2.2, to the Safety Institute of Australia's (SIA) OHS Body of Knowledge (BoK). The BoK is designed for general OHS professionals and is an open-source resource that provides a collation of current research and practice in OHS that is easily accessible while clearly drawing on the evidence base.
  - 4.11.6. Agreeing to donate any residual amount, arising from the total minimum spend for the undertaking (\$522,558) not being met, to the SIA's BoK.
  - 4.11.7. Engaging a third-party auditor, to conduct three audits of JBS's OHSMS over the life of the undertaking to ensure it conforms with AS/NZ 4801:2008 and meets the principles of AS/NZS 4804:2001. These Australian Standards align with the conditions and requirements of JBS's self-insurance licence. All audit reports, intended actions and confirmation of actions implemented, will be provided to the OIR.
  - 4.11.8. Agreeing to pay OIR's recoverable costs.
- 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 JBS 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 JBS 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 JBS 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.



**Donna Heelan**  
**Deputy Director-General**  
**Office of Industrial Relations**

29 JULY 2025