

# Application for an enforceable undertaking

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December 2025

Part 4, Health and Safety at Work Act 2015

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

Name of entity or, partnership or individual applying for this undertaking

Pact Steel Limited

# Application for an enforceable undertaking

Part 4, Health and Safety at Work Act 2015

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

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

Aaron Burkhart and Morgan Corkill

On behalf of:

Pact Steel Limited

Name of the entity giving this undertaking (if an individual or sole trader, leave blank - complete in all other cases)

Pact Steel Limited

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

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

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

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

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

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## 1. General information

### 1.1 Details of the person/persons/entity giving the undertaking

**Name of person(s) making this undertaking:** (in all cases complete with the name(s) of those who are signing this undertaking under Section 4)

Aaron Burkhardt and Morgan Corkill

**Name of entity:** (if applicable, leave blank if an individual)

Pact Steel Limited

**Type of legal entity:** (complete in all cases, for example individual, sole trader, partnership, trust, company, etc)

Company

**Nominated contact person:** (the same person listed above/one of those listed above)

As above

**Physical address:**

20 Herschel Street  
Ngāruawāhia 3720

**Postal address:** (if different from physical address)

20 Herschel Street  
Ngāruawāhia 3720

**Work phone:** 07 834 0020

**Mobile phone:** s(9)(2)(a) OIA 1982

**Email:** info@pactsteel.co.nz

**Industry:** Steel suppliers

**Workers (enter numbers):**

**Full-time:** 40      **Part time:**      **Casual:**

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

At PSL, we cover the full spectrum of steel construction, tailored to meet the demands of an evolving market. Our core capabilities include structural steel fabrication, structural erection, steel detailing, project management, and estimating and design input, ensuring seamless project execution from start to finish.

**Comments:**

PSL is the next generation of steel suppliers who have client relationships and sustainability at the heart of business. PSL's approach places client relationships at the heart of everything the company does —ensuring that every project is managed with transparency, trust, and a focus on delivering exactly what we say we will do. We pride ourselves on being a dependable partner, known for proactive communication, attention to detail, and the ability to navigate complex projects seamlessly.

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## 1.2 Detail of the contravention

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On 10 April 2024 at PSL's worksite, PSL failed to ensure, so far as was reasonably practicable, the health and safety of workers, including the victim, who worked in the business or undertaking, namely working using turning bars to rotate steel beams, did fail to comply with that duty, and that failure exposed workers, including the victim, to a risk of death or serious injury. In particular, that it was reasonably practicable for PSL to develop and implement an adequate safe system of work for the use of turning bars to rotate steel beams.

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### 1.3 Detail the events surrounding the contravention

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The event occurred on 10 April 2024, at PSL's workplace, located at 20 Herschel Street, Ngaruawahia.

PSL provides steel fabrication services throughout the Waikato, Bay of Plenty, and Auckland regions. Services include structural steel fabrication, structural erection, steel detailing, project management and estimating and design input.

The victim was employed by PSL as a structural welder/fabricator, and commenced employment with PSL on 18 September 2023. The victim was a qualified structural fabricator.

The turning bars at the site were manufactured in-house and supplied to workers for use. Turning bars are fabricated to fit the requirements of the particular task/piece of steel, and are not loaded rated. Turning bars consist of a steel plate welded to the end of a metal pipe. The plate has a slot or a cut out that fits over the flange of the steel beam when it is being used to rotate it.

#### The Incident

On 10 April 2024, the victim started work at the site sometime before 7.00 am. At 8.25am, the workshop manager accompanied the victim to a steel beam, which was mounted on 1m high trestles. The steel beam weighed 556.91kgs and measured 7.639m in length. The steel beam weighed 556.91kgs and measured 7.639m in length. The steel beam had been stored outside overnight. It had been misty and rained overnight.

The Workshop Manager explained to the victim that he was tasked with carrying out fabrication work on the steel beam. The steel beam had been previously re-worked and painted black. It needed additional steel added to it and columns welded on. The work would require the steel beam to be rotated on the trestles.

The Workshop Manager spoke to the victim instructing the victim to remove the finished workpieces sitting in his workstation using the gantry crane. The victim would then be able to move the two steel beams sitting temporarily on trestles some 3m (approximately) away and crane them onto the workstation trestles ready for further fabrication.

The Workshop Manager then left the victim to set up the work station. To turn the steel beam, the victim then decided to use a hand tool known as a turning bar. The weight of the turning bars used at site were approximately 5.5kg. The length of the turning bar used on the day of the incident was approximately 1.7m.

The victim positioned himself in the centre of the steel beam. He placed the head of the turning bar on to the flange of the steel beam. The victim then stepped up onto the steel beam while also holding onto the turning bar with his left hand. As he stepped up, he placed his right hand onto the turning bar. At the same time as he stepped up onto the steel beam, the victim pushed the turning bar slightly away from him, into a more vertical, upright position. In doing so, he unlocked the head of the turning bar from the flange of the steel beam (at this point the turning bar is free to move laterally).

As the turning bar was free to move laterally and his centre of gravity was slightly to the left and behind his base of support, the victim no longer had a fixed structure against which to support his body weight. Consequently, the victim fell backwards onto the concrete floor.

Workers came to his aid, and he was driven to the urgent care centre by colleagues. After being examined he was transferred to Waikato Hospital by ambulance where he subsequently deteriorated.

Unfortunately, the victim died in hospital from his injuries on 16 April 2024 having sustained a traumatic brain injury as a result of the fall.

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

DATE	NOTICE TYPE	NOTICE NUMBER	CONTRAVENTION OR PROHIBITED ACTIVITY	ACTION TAKEN IN RESPONSE TO NOTICE
DD / MM / YEAR	N/A PSL did not receive any enforcement			
DD / MM / YEAR	notice in relation to the contravention.			
DD / MM / YEAR				

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**1.5 Detail the rectifications to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)**

Following the incident, PSL completed the following actions:

1. Designed and implemented a Safe Operating Procedure for the use of Turning Bar.
2. Implemented standard Turning Bar dimensions within the company.
3. Included Turning Bar as a stand-alone activity within PSL's Hazard Risk Register.
4. Increased control measures within the Hazard Risk Register for Working at Height.
5. Company and group meetings held by the Managing Director to discuss mental health and to focus on improving health and safety within PSL. This includes encouraging staff to contribute suggestions for improving workplace safety. Please see Appendix at 1.5 for further details.

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

The total amount of money spent on rectifications is \$35,980.00.  
Please see Appendix at 1.6 for a full breakdown of costs.

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**1.7 Detail the injury sustained or illness suffered by victim(s) or other(s) as a consequence of the contravention or, (as applicable) the potential for fatal injury or future fatal illness**

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The victim suffered fatal injuries.

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

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Describe the victim(s) relationship to you/the entity in question: (for example, employee(s)/shareholder/director/family member/contractor, etc. If the relationship has more than one dimension, for example a family member who is also an employee and a director and/or shareholder of the business, or an employee who is a shareholder (etc) - then please describe this)

The victim was an employee of PSL.

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**Detail offer of amends or payments:**

PSL provided the following support to the victim's family immediately following the incident:

- Financial amends – a donation of \$15,000 to the victim's family, with a letter of support which is attached to the EU application. PSL also held a service for the victim, which included blessing the workshop where the victim worked. A Karakia was given at the service by local hapu.

s(9)(2)(a) OIA 1982

- Counselling - PSL pay for a counselling service for employees, EAP. PSL extended the service to the victim's family for free and paid for a counselling service for the family to use, free of charge and for unlimited sessions.

s(9)(2)(a) OIA 1982

**Offer of Reparation to Victim's Family**

PSL offers to pay the victim's family an amount of \$140,000 in addition to the above contributions, to make amends for the emotional harm suffered by the victim's family as a result of the incident, and offers to pay \$192,066.00 for consequential loss. Payment of amends will be made within 30 days of acceptance of the Enforceable Undertaking. PSL recognises no amount of money will make right the loss of a family member, however, the sum is intended to reflect the reparation order a Court would have made as part of a sentencing.



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

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Describe how health and safety risks are managed, including types of procedures or policies or standards:

PSL operates within the steel fabrication, welding, and steel erection sectors. At times, PSL's staff are involved in high-risk activities which have significant potential for serious or catastrophic harm.

PSL has adopted and implemented a comprehensive HSMS based on the Australian/New Zealand 45001:2018 Occupational Health and Safety Management Systems Standard. PSL believes the business is operating within the parameters and guidelines of this standard. PSL intends to pursue certification in the future.

PSL has a procedure documenting the process of hazard identification, determination of risk, identifying controls and control review. The procedure is accompanied by use of one or more of the following company documents:

- Area & Task Observations
- Pre-start Assessments
- Plant & Risk Assessments
- Monthly Office, Site & Task Observations
- Safe Work Method Statements (SWMS)
- Toolbox Talks
- Action Cards
- Minor Works

PSL utilises several additional means of monitoring hazards, near misses, and incidents:

- Hazard Risk Register
- Area & Task Observations, Monthly Office, Site & Task Observations
- Bi-monthly HSE Committee review of events.
- An Event Register recording hazards, near hits and incidents. These are discussed, along with learnings, as part of the monthly company toolbox talk.

PSL has various documented Standard Operating Procedures to outline the operational control requirements to manage H&S risks i.e.:

- Lock-out/ Tag-out procedure
- Lifting & Rigging
- Handheld Grinder
- Exclusion Zones
- Battery Operated Tools

Managing workplace safety is achieved by building trust with employees and creating a 'No blame' culture. This is built upon using:

- Company induction and training.
- Health & Safety Manual.
- Health, safety, and well-being information given to employees during their induction, including policies regarding health and safety and wellbeing, hazard and risk assessment procedure, and emergency procedures.
- Subcontractor Handbook is provided as part of the onboarding process (sent prior to work starting).
- PSL "house rules" – the PSL Employee Handbook includes company policies and procedures.
- Safe Operating Procedure acknowledgement and assessment.

Health and wellbeing risks are managed within the organisation by:

- Policies such as Diversity & Inclusion, Employee Wellness and Bullying & Harassment outline the PSL's commitment to physical and mental health.
- Monitoring and adjusting employee workloads.
- Delivering training & discussions on mental health, stress management, fatigue, and safe work practices.
- Offering confidential Employee Assistance Programmes (EAP), counselling, or access to occupational health.
- Promoting ergonomic workstations, safe equipment, adequate lighting, ventilation, and break areas.
- Encouraging conversations around wellbeing and reduce stigma associated with mental health.
- Annual employee health monitoring.
- Acknowledge contributions, celebrate successes, and build team connection during toolbox talks or social outings.

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

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PSL has a structured audit programme to ensure the HSMS remains effective, compliant, and is continually improving.

#### Internal Audits:

Internal audits are undertaken by PSL's Health and Safety Manager on a monthly basis. These audits assess a range of safety critical items such as emergency preparedness, hazardous substance compliance, safety equipment functionality, adherence to operational procedures and the correct use of machinery, equipment and tools. The audit also identifies hazards, risks and non-compliant items.

#### Compliance Audits

A compliance audits are conducted annually by PSL's Health and Safety Manager to verify alignment with the Health and Safety at Work Act 2015, supporting regulations, and applicable standards. Changes or additions are recorded in the Legal & Other Requirements Register along with a summary of the requirements and demonstration of compliance.

#### External Audits:

External or third-party audits are completed on an annual basis. These audits provide independent assurance of HSMS effectiveness and compliance. Audits that PSL has completed recently are attached to the application, from Sitewise and the Sustainable Steel Council.

#### Corrective Actions and Review

All findings are documented, with corrective actions assigned, tracked, and follow-up to ensure issues are resolved. The results are reported to the Managing Director within a weekly report. This ensures audit outcomes inform continuous improvement across the HSMS.

#### Summary:

Through this structured process—covering internal, compliance, and external audits—PSL maintains confidence that our HSMS is robust, legally compliant, and effective in protecting workers, contractors, and visitors.

Going forward, PSL will continue with Sitewise accreditation (attached to the application), as well as the Sustainable Steel Council's (2024 Audit attached) new offering of 2 types of certification.

PSL will be undertaking the SSC Responsible Products Certification Programme in November 2025 (the RP Programme). The RP Programme is adapted from the Australian Steel Institute's (ASI) Steel Sustainability Australia (SSA) certification programme to provide a best practice standard to assess sustainability performance in the manufacturing and processing of steel across the steel value chain in New Zealand. While the focus is on sustainable practices there are evidential requirements under Principle 1: Governance to having a Safety Management System, Principle 2: Responsible – Health Impacts Declaration & Principle 3: Healthy – Manufacturing OH&S Assessment. This certification process further increases the strength of PSL's commitment to Health and Safety.

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

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PSL is committed to effective consultation, to ensure that the undertaking creates meaningful improvements to health and safety outcomes.

1. PSL are in consultation with the following persons/organisations as part of this undertaking:

- PSL staff, Health and Safety Committee, and supervisors - to discuss the alleged contravention and the steps that are being taken to strengthen the Health and Safety Management System (HSMS). Discussions have also been held at management level to confirm the company's commitment to resourcing and implementing the activities contained within this undertaking. Initial feedback sessions were held to identify gaps in current practices, particularly around the safe use of turning bars and standing on steel to assist with its rotation while using a turning bar.

2. Industry bodies – PSL proposes to engage with SCNZ, NZ Safety Council, and Safeguard:

#### Steel Construction NZ (SCNZ)

- SCNZ have offered their services to send out emails regarding the incident.

#### New Zealand Safety Council:

- PSL has engaged with Karyn Beattie, the CEO and Board member of the New Zealand Safety Council. Ms Beattie suggested developing a handout (10,000 copies) which will be translated into Filipino, Telugu, and Mandarin. Ms Beattie has approached Sitesafe and they are happy to distribute.

#### Safeguard

- PSL has had discussions with Safeguard regarding a proposed article in their magazine. Safeguard are happy to proceed with this.

#### Other industry engagement

- SiteSafe - Leadership in Safety course

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## 2. General terms

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

### 2.1 Acknowledgement that WorkSafe alleges a contravention occurred as detailed in term 1.2

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PSL acknowledges that WorkSafe alleges a contravention occurred as detailed in Term 1.2, under sections 36(1)(a), 48(1) and (2)(c) of the Health and Safety at Work Act 2015.

PSL acknowledges the seriousness of this allegation and recognises the importance of ensuring robust systems are in place to prevent risks to health and safety in all work activities.

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### 2.2 Statement of regret that the contravention occurred

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PSL sincerely regrets and is deeply saddened by the accident, and the impact of the incident on the victim's family, friends, and work colleagues, and extends its deepest sympathies. PSL was devastated to lose one of its workers, who was an integral part of the community at PSL and is deeply missed. PSL regrets the contravention that occurred and is remorseful for the incident.

PSL took immediate steps to address the issues that contributed to the incident, as detailed at 1.2. PSL has provided financial and counselling assistance to the victim's family.

PSL acknowledges the opportunity to improve its health and safety. The company is committed to learning from this event and strengthening its systems, processes, and safety culture to ensure such risks are effectively identified, controlled, and eliminated and/or minimised as far as reasonably practicable in the future.

PSL is dedicated to improving its safe system of work in place for the use of turning bars to rotate steel beams.

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

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PSL considers that, on balance, this enforceable undertaking is the most appropriate response to the alleged contravention for the following reasons:

- **Positive Health and Safety Outcomes:** An enforceable undertaking will allow PSL to implement substantial and measurable improvements to its HSMS, ensuring that identified risks are controlled and that learnings are embedded into everyday practice.
- **Direct Benefits to Workers and Industry:** The activities committed to under this undertaking will provide lasting health and safety benefits not only for PSL's workers, but also for contractors, visitors, and the wider steel fabrication and construction sector.
- **Commitment to Continuous Improvement:** This process supports PSL in taking responsibility for the contravention by making genuine, sustainable improvements that go beyond compliance and contribute to a stronger safety culture.
- **Collaborative Approach:** An enforceable undertaking allows PSL to work constructively with WorkSafe, industry bodies, and workers to implement initiatives that improve safety outcomes, rather than focusing resources solely on a punitive process.
- **Proportional Response:** While PSL acknowledges the seriousness of the contravention, an enforceable undertaking provides a balanced and constructive mechanism for accountability, learning, and future prevention.

For these reasons, PSL believes that this undertaking represents the most appropriate and effective response, as it ensures accountability while maximising opportunities for improvement and wider industry benefit.

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

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PSL expresses sincere remorse for the incident that occurred on 10 April 2024, and for the risk of harm that workers, including the victim, were exposed to.

PSL deeply regrets the incident and is committed to ensuring that such an incident is not repeated. The company is taking active steps to strengthen its HSMS, including the development of safe systems of work for all high-risk activities, enhanced worker training, and the introduction of more rigorous monitoring and auditing practices.

PSL recognises that maintaining a strong safety culture requires ongoing leadership, consultation with workers, and continuous improvement. The company is dedicated to working constructively with WorkSafe, industry partners, and its workforce to implement meaningful changes that will protect workers and improve health and safety outcomes across all of its operations.

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

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(write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

has read and understood the *Enforceable undertakings* policy.

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

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(write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

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

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

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(write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

has the financial ability to comply with the terms of this undertaking and have provided evidence by way of

(type of evidence provided)

Financial Statements

with this undertaking to support this declaration.

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In the event of impending receivership, liquidation or sale of the entity, (write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

will advise WorkSafe of the relevant circumstances and its capacity to comply with the outstanding terms of this undertaking.

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## 2.8 Statement outlining any relationship between the person and any corporations, officers, employees, contractors, proposed beneficiaries of donations or scholarship or other recipient of financial benefit contained in this undertaking

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PSL confirms that there are no undisclosed relationships between PSL and any corporations, officers, employees, contractors, or other proposed beneficiaries of donations, scholarships, or other financial benefits identified in this undertaking.

Where financial benefits, training, or industry initiatives are proposed under this undertaking, they will be provided through independent and appropriately qualified organisations to ensure transparency, impartiality, and the integrity of the process.

If any potential or perceived conflict of interest arises during the implementation of this undertaking, PSL will disclose the details to WorkSafe promptly and take steps to manage the matter in a transparent and appropriate manner.

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## 2.9 Statement regarding Intellectual Property

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(write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

grants WorkSafe a perpetual, non-exclusive, worldwide and royalty-free licence to use, for any purpose, all Intellectual Property Rights in relation to any material developed as a result of this undertaking. This licence includes the right to use, copy, modify and distribute the materials.

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

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(write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

acknowledges that it may be necessary for WorkSafe to obtain a statutory declaration outlining details of any prior convictions (safety related) outside of New Zealand and that it will provide such declaration if required by WorkSafe

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

1. It is acknowledged that responsibility for demonstrating compliance with this undertaking rests with the person.
2. Evidence to demonstrate compliance with the terms will be provided to WorkSafe by the due date for each term.
3. The evidence provided to demonstrate compliance with this undertaking will be retained by the person until advised by WorkSafe, that this undertaking has been completely discharged.
4. It is acknowledged that any failure to meet the due date for an enforceable term will result in the matter being escalated and may lead to enforcement action.
5. It is acknowledged that WorkSafe may undertake other compliance monitoring activities to verify the evidence and compliance with an enforceable term, and cooperation will be provided to WorkSafe.
6. It is acknowledged that WorkSafe may initiate additional compliance monitoring activities, such as inspections, as considered necessary at WorkSafe's expense.

(write the name of the person(s) or entity giving the undertaking)

Pact Steel Limited

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### 3. Enforceable terms

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

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

#### **3.1 A commitment by the person to perform activities that will ensure the ongoing effective management of risks to health and safety in the future conduct of its business or undertaking**

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Detail the management strategies to be employed that will satisfy and demonstrate to officer/s of the person that this commitment is being met:

PSL is committed to implementing all reasonably necessary human resource, asset, funds, and time into all components of this application to ensure the undertakings are achieved to a high standard.

PSL is committed to the ongoing effective management of health and safety risks in the conduct of its business, now and in the future. This includes developing and maintaining robust safe systems of work, providing comprehensive training to workers and contractors, and implementing a strengthened HSMS with regular risk assessments, audits, and reviews.

PSL will actively monitor and evaluate the effectiveness of these measures, ensuring corrective actions are applied promptly. The company is also committed to fostering a strong safety culture, engaging workers and management in proactive identification and management of risks, and promoting continuous improvement across all operations.

The enforceable undertaking will be supported with specific oversight by Shane Andrews (Health and Safety Manager at PSL) with support from Mr Burkhart (Director).

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

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(this may include to work health and safety representatives and in the organisation's annual report, if applicable)

Dissemination will be achieved by doing the following:

PSL commits to disseminating information about this enforceable undertaking, to workers and other relevant parties. PSL commits to disseminating information within 60 days of acceptance of the enforceable undertaking.

PSL will deliver on this commitment by:

- a) providing a copy of the undertaking to all staff, once it has been agreed;
- b) engaging and communicating with the Health and Safety Committee; and
- c) publishing a copy of the undertaking on all noticeboards around the site.

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Dissemination will occur by: DD / MM / YEAR

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**3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace**

ACTIVITIES	COST (\$)	TIMEFRAME
Outline the activity and the expected outcomes		
3.3.1 Provide further staff training opportunities and opportunities for development and progression:		
- Health and Safety Representative (Vertical Horizons - 2 day initiative)	\$585	2 years
- Leadership in Safety Programme for middle managers/supervisors (Site Safe)	\$1920	2 years
3.3.2 Audit of competency - development and implementation of internal training and competency-based assessment package for staff.		
- Development of system and training of in house NZQA assessors	\$1500	2 years
3.3.3 Fabrication and installation of steel manipulators	\$150,000	2 years
3.3.4 Purchase and installation of additional crange at PSL facility	\$100,000	2 years
Please see Appendix at 3.3 for further details		
Total estimated cost of benefits for workers/others	\$ 254,005.00	

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

ACTIVITIES Outline the activity and the expected outcomes	COST (\$)	TIMEFRAME
3.4.1 Article published in Safeguard Magazine	\$2552	2 years
3.4.2 Safety Alert document sent to SCNZ members	\$2000	2 years
3.4.3 Work with the NZ Safety Council to develop a safety handout for distribution by SiteSafe.	\$2000	2 years
This would be translated into Filipino, Telugu, and Mandarin.		
3.4.4 Provide scholarships for the Health and Safety Association of New Zealand (HASNZ):		
a) Health and Safety Diploma;	\$10,000	
b) Poutama;	\$10,000	
c) Women in Safety Excellence (WISE)	\$10,000	
Total cost/timeframe	\$30,000	2 years

Please refer to Appendix 3.4 for further details.

**Total estimated cost of benefits for industry** **\$ 36,552.00**

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

ACTIVITIES	COST (\$)	TIMEFRAME
3.5.1 Donation to Bay of Plenty Coast Guard	5,000	2 years
3.5.2 Donation to Raglan Coast Guard	5,000	2 years

Please see Appendix at 3.5 for details.

**Total estimated cost of benefits for the community**

**\$ 10,000**

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

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

- 3.6.1 The suitability of a SafePlus assessment will be determined by the Enforceable Undertakings Panel when your application is considered.
- 3.6.2 In addition to the total cost below (3.7) all costs of a SafePlus Onsite Assessment will be met by the person making this undertaking. The fee charged for an Onsite Assessment is a commercial matter between your business and the SafePlus Accredited Assessors that you commission.
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### 3.7 Minimum spend

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(write the name of the person(s) or entity giving the undertaking)

3.7.1 Pact Steel Limited

commits to a minimum spend of \$ 648,640.00 for this undertaking.

(write the name of the person(s) or entity giving the undertaking)

3.7.2 Pact Steel Limited

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

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(write the name of the person(s) or entity giving the undertaking)

3.7.3 Pact Steel Limited

Acknowledges the minimum spend comprises of the:

TOTAL COST	MINIMUM SPEND
Financial amends paid to victims (if applicable)	348,083.00
Benefits to workers/others	254,005.00
Benefits to industry	36,552.00
Benefits to community	10,000
<b>Estimated cost of the undertaking</b> Plus GST (if any)	<b>\$ 648,640.00</b>

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#### 4. Execution

##### Authorised representative of an organisation

Undertaking given by (name of authorised representative)

Aaron Burkhardt

In my own right and in my capacity as (for example, President, Chairperson etc)

Director.

of (for example, organisation name)

On the (day) 11 day of (month) 03, 2026 (year).

Signature of the person giving the undertaking:

s(9)(2)(a) OIA 1982

Undertaking given before me:

Witness name: SHANE ANDREWS

Witness address:

20 HERSCHEL STREET  
NGARUAWAHIA

Witness signature:

s(9)(2)(a) OIA 1982

#### 5. Acceptance

This undertaking is accepted by WorkSafe.

On the (day) 13 day of (month) March, 2026 (year).

Signature of person accepting the undertaking:

s(9)(2)(a) OIA 1982

Name of WorkSafe representative: (name of WorkSafe representative, WorkSafe (or delegate))

Tracey Conlon, Head of Regulatory Services and General Counsel

Undertaking given before me:

Witness name: Anna Roberts

Witness address:

s(9)(2)(a) OIA 1982

Witness signature:

s(9)(2)(a) OIA 1982

## **Appendix – A**

This appendix contains further detail of the initiatives outlined within the application for an enforceable undertaking made by Pact Steel Limited, with numbering corresponding to the relevant section in the application document.

### **1.5 Detail the rectification to the workplace or work practices made as a result of the contravention (1.2), events (1.3) and the enforcement notices issued (1.4)**

**The following actions have been completed following the incident:**

#### **1. Safe Operating Procedure (SOP) implemented for the use of Turning Bar (HS.SOP.40)**

Following the incident, PSL designed and implemented a Safe Operating Procedure for the use of Turning Bars on 19 April 2025, which is attached. The SOP provides clear steps for an employee using a turning bar to turn steel, and details the hazards of using a turning bar and controls for those hazards.

The industry has considered turning bars to be a hand tool and therefore Safe Operating Procedures are not usually documented.

#### **2. Standardised Turning Bar dimensions within the company**

In the industry, the standard has been to manufacture turning bars in-house at the relevant business/workshop and supply the turning bars to workers for use. There are no industry standards or guidelines in relation to the manufacture and specifications of turning bars.

Following the contravention, Pact Steel Limited standardised turning bar dimensions to improve safety and consistency. Key actions included:

- Establishing uniform dimensions for all turning bars.
- Updating work procedures to reflect the standardised equipment.
- Training staff on the new dimensions and safe handling practices.
- Regularly monitoring compliance with the new standards.

These measures reduce risk and ensure safer work practices company-wide.

The new bars were detailed in house as per the Senior Fabricator drawings. These plans were then input into the Python X and cut to the dimensions. Three differing gap dimensions (10mm, 12mm & 16mm) allowing for use on 6-14mm steel have been produced. As per the SOP this provides no more than 4mm play i.e. a 10mm turning bar can be used to turn steel with a thickness of 6-8mm.

⇒ *Refer to attached drawings for precise dimensions.*

### **3. Inclusion of Turning Bars as a stand-alone activity within PSL's Hazard Risk Register**

The industry has considered turning bars to be a hand tool, and therefore turning bars are not generally included as part of a company's risk register for their business.

PSL's Hazard Risk Register is **attached** with the application. Turning Bars were inserted as a stand-alone activity into the Hazard Risk Register on 19 April 2024.

The Register notes that working with Turning Bars is a high risk activity, due to the risk of falls, crush injuries, slips and trips, etc.

Specific controls are listed in the register to make the activity into a moderate-risk activity. In particular, the register requires employees to:

- Ensure there is no more than 4mm play (total) between the gap of the turning bar and the flange of the steel.
- Keep both feet on the ground lifting and lowering steel.
- Clean and dry the area where the turning bar is to be placed.
- *Register attached.*

### **4. Increased control measures within the Hazard Risk Register for Working at Height**

Following the contravention, Pact Steel updated the Hazard Risk Register to strengthen controls and reduce risk. A review of the '*working at height*' activity was initiated to identify gaps in existing controls, reassess risk ratings, and implement stronger control measures.

Three additional controls were introduced in conjunction with the release of *Working at Height HS.SOP46* (25.11.24) and the previously released *Turning Bar HS.SOP40* (09.05.24). The controls were:

- Carry out a risk assessment to identify the correct equipment to use.
- Do not stand on steel or work trestles.
- Follow HS.SOP46 Working at Height, **attached** with the application.

These measures ensure safer work practices and ongoing compliance with health and safety obligations.

#### **5. Company and group meetings held by the Managing Director to discuss mental health and provide updates on WorkSafe**

In response to the contravention, Pact Steel held several impromptu company and group meetings led by the Managing Director. The focus of these meetings was on mental health, wellbeing, and to keep staff informed of WorkSafe updates.

Key outcomes included:

- Providing guidance, support, and reminding staff of EAP services and their offerings. This included approaching the H&S Manager (if preferred).
- Open discussions to encourage a culture where mental health is discussed without stigma.
- Encourage staff to contribute suggestions for improving workplace safety.
- Lessons learned from mistakes can be applied to prevent recurrence, improving overall safety and efficiency.
- Encourage teamwork and collaboration in addressing risks and improving processes.
- Build trust between staff and management, creating a positive workplace culture.

### 1.6 Total amount of money spent on rectifications

For ease of reference these costs are separated out into categories in the table below.

Category	Expense	Amount
1. Turning SOP consultation with employees, design and training.	Wages/salary, productivity	\$5000.00
2. Standardised Turning Bar dimensions.	Wages/salary, productivity, materials and consumables	\$750.00
3. Inclusion of turning bars in HRR.	Salary	\$150.00
4. Increased control measures for working at height including employee consultation, SOP design, training.	Wages/salary, productivity	\$5000.00
5. Company & group meetings.	Wages/salary, productivity	\$25080.00
<b>Total</b>		<b>\$35980.00</b>

### 1.10 Detail any consultation with unions/sector/industry as to their views on whether an enforceable undertaking would be an acceptable alternative to prosecution.

PSL staff are not part of a union.

PSL has created a working group for the EU application. The working group consists of the following personnel:

- Aaron Burkhart (MD), s(9)(2)(a) OIA 1982 s(9)(2)(a) OIA 1982  
[REDACTED]  
[REDACTED]  
[REDACTED] were asked for their ideas on sections 3.3, 3.4 & 3.5.

The group came together on Thursday 16th of October and Monday 20th October with the intent to finalise PSL's contributions towards the EU. Initial meeting on the 16th entailed discussion on the EU application which included the meaning of an EU, the positives and the opportunity for PSL as a group to give back to staff, industry and the community (in sections 3.3, 3.4 & 3.5). Staff were asked to consider options for 3.3, 3.4 & 3.5 and bring these to the table at the next meeting. The meeting on the 20th focused on collating staff ideas, and discussing the positive outcomes for each one.

PSL are holding regular toolbox meetings – attendance register and the sheet for discussion for 7 November 2025 is attached.

Steel Construction NZ (SCNZ) has been approached regarding support and have suggested both an email release to members and the opportunity to speak at an SCNZ workshop. The email correspondence with SCNZ is attached.

Safeguard New Zealand (Safeguard) are able to run a one-page article in their magazine focusing on the incident and the lessons learned following the incident. The email correspondence with Safeguard is attached to the application, and an example of an article is attached. The article will be titled "Enforceable Undertaking", with the company name at top right, and a named person from the company as author. A short blurb at the end of the article will explain to readers why the article has been published. The article will be approximately 800 words in the one-page space available. The article will discuss the accident, WorkSafe's findings, rectifications made by PSL and lessons learned following the accident.

### **3.3 Activities to be undertaken to promote the objectives of the health and safety legislation that will deliver benefits for workers and/or work and/or the workplace**

The activities to be undertaken will require significant internal resourcing and investment which includes labour costs, loss of production, and additional resources including staff time, transportation, staff expenses, and training material development and delivery. Pact Steel has committed such resource and is dedicated to delivering the proposed initiatives. Pact Steel estimates it will spend an additional \$138,750.00 (plus GST if any) on such costs.

#### **3.3.1 Staff training opportunities**

##### **SiteSafe**

Health and Safety Leadership Training - To equip managers, supervisors, and team leaders with the knowledge, skills, and behaviours necessary to lead a safe and healthy workplace. Leadership training ensures that safety is prioritised at all levels of the organisation and that managers actively support a strong safety culture.

##### **Objectives**

- Leaders actively demonstrate commitment to safety and influence safe behaviours.
- Improved hazard identification, risk management, and incident prevention.
- Enhanced employee engagement and communication around safety issues.
- Strengthened organisational culture supporting continuous improvement and compliance.

**(6 staff)**

**Cost: \$1920.00**

**Timeframe: 2 years**

*Health and Safety Representative (Vertical Horizons – 2 day initiative) \$585 2 years*

Explanation:

*This is a Vertical Horizons two-day 'Face to Face' course (Stage 1) which introduces participants to the roles and responsibilities of a Health and Safety Representative (HSR)*

*under New Zealand law. Key topics include worker advocacy, risk management, issuing provisional improvement notices, and handling unsafe work. The course provides credits for the NZ Certificate in Workplace Health and Safety (Level 3) and aligns with Unit Standards 29315 and 30264.*

*PSL understand that a challenge it faces is that management are not always on the ground and are not always informed of behaviours and what is happening when they are not around. PSL want to train staff members as HSRs to try and meet this challenge.*

*PSL's intention is to have at least one staff member attend this course, but subject to staff uptake as many as one in each department (staff consultation has not yet occurred).*

### **3.3.2 Audit of Competency**

The Competency Audit Programme will be implemented to ensure that all employees performing high-risk work for the company are competent, capable, and adequately trained for their assigned tasks. The programme supports the organisation's commitment to safety, quality, and continual improvement by systematically verifying that personnel skills and qualifications meet job and regulatory requirements.

AOCs are valid for 1 year whereby employees will be reassessed.

Reassessment will also be required after:

- Incident/near miss involving the worker.
- Extended absence from the role.
- Use of new plant/equipment or introduction of new procedures.

Assessors must hold Unit Standard 4098. Use standards to assess candidate performance. They must be able to be **competent, licensed, and experienced** in the activity being assessed. Assessors are appointed by a Managing Director.

#### **Benefits include:**

##### **1. Safety and Risk Reduction**

- Ensures that only competent and authorised personnel perform high-risk tasks such as working at height, machine operation and crane operation.

- Reduces the likelihood of incidents and near misses by identifying skill or knowledge gaps early.
- Verifies the effectiveness of training and the practical application of safe work procedures.

## 2. Legal and Regulatory Compliance

- Demonstrates compliance requirements relating to competency management.
- Provides documented evidence for audits, client reviews, and regulatory inspections.
- Supports improvement plans by showing proactive competency assurance.

## 3. Workforce Development

- Identifies training and upskilling needs for both individuals and teams.
- Encourages continuous improvement and accountability in work performance.
- Assists in targeted investment in training and mentoring programs.

## 4. Management and System Improvement

- Provides objective data for management review, helping to evaluate training effectiveness.
- Highlights weaknesses or gaps in the competency management system.
- Supports succession planning by identifying qualified and capable personnel.

## 5. Client and Stakeholder Confidence

- Builds confidence that work is carried out by qualified, competent personnel.
- Enhances company reputation and credibility in tendering and certification processes.
- Demonstrates the company's commitment to quality, safety, and continual improvement.

**Cost: \$1500**

**Timeframe: 2 years**

### **3.3.3 Fabrication and installation of steel manipulators**

Explanation:

*Post incident PSL looked at better ways to handle materials in the workshop, in particular steel beams, to try and minimise, and potentially eliminate, the use of turning bars in the future. After a lot of research, PSL found the Peddirotator which is designed and manufactured by Peddinghaus <https://www.peddinghaus.com/beam-rotator/peddirotator/machines/44>*

*PSL also came to the conclusion that additional crange in the workshop is needed.*

#### Manipulators

##### *Advantages*

- *Ability to have 2 x welders working on the beam, which means 2 x people that won't need to use a turning bar.*
- *Simple design, and easy to use. This means the training component would be simple and would suit PSL's workforce.*
- *Easy to manage for the leaders in the workshop from a health and safety point of view.*
- *The rotators can handle beams of different lengths, weight, and profiles.*
- *Once the beam is in the machine the worker doesn't have to consider any other methods to manipulate the beam (ie turning bar).*
- *Considerably reduces the risk of any employees injuring themselves, or other employees while handling beams.*
- *Adjustable height – this will improve employees health by an improved welding posture.*

##### *Disadvantages*

- *The cost for 1 set of manipulators is roughly \$200,000 NZD. For a business PSL's size this is not feasible.*

- *This machine takes up a large area in the workshop, which is very limited at PSL's facility.*
- *This machine is purchased from the US, this could be a long lead time item.*

*After taking the above into account, PSL reached the conclusion that the pros well and truly outweigh the cons. The biggest issue however was the capital cost to the business. PSL accordingly reached out to a well-respected design and manufacturing company in Hamilton – Stafford Engineering - and asked if they could design PSL something similar to suit its needs in the workshop. The idea behind this was that PSL could meet the costs of its own design up front, and then supply the materials, and fabricate the machine in the workshop to keep the cost down and make it financially achievable.*

*Stafford has designed a machine that PSL consider is well suitable for its business which is a similar design to the peddirotator. PSL believe they can potentially fit 2 of these machines in the workshop, which would eliminate up to 4 x fabricators / welders from using a turning bar to roll steel. This would also eliminate the fabricators / welders from using the gantry crane to roll beams.*

*PSL consider that this will have a huge impact to health and safety. The feedback from employees has been positive.*

**Cost: \$150,000**

**Timeframe: 2 years**

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

#### **3.4.1 Safeguard New Zealand Magazine**

Publishing an article in *Safeguard New Zealand Magazine* provides both internal and external benefits for the company and the wider industry:

### **Organisational Benefits**

- Demonstrates transparency and a proactive approach to learning from incidents.
- Highlights the company's commitment to worker safety, mental health, and continuous improvement.
- Reinforces a positive safety culture and supports the company's reputation as a responsible and learning organisation.
- Provides assurance to clients, and staff that lessons have been identified and corrective actions implemented.

### **Industry and Community Benefits**

- Shares valuable learnings with other organisations in the sector, helping to prevent similar incidents.
- Contributes to the broader health and safety conversation within New Zealand's construction and steel fabrication industries.
- Promotes collaboration and knowledge sharing, supporting industry-wide improvements in safe work practices.

**Cost: \$2552.00**

**Timeframe: 2 years**

### **3.4.2 Safety Alert**

The purpose of a Safety Alert is to inform the steel construction industry of a recent safety incident, near miss, or hazard, and to share lessons learned to prevent similar occurrences. The Safety Alert serves as a tool to promote awareness, hazard recognition, and industry-wide safe practices.

#### **Content**

- **Summary of the Incident:** Clear description of what happened, including context, location, and work activity.

- Root Cause and Contributing Factors: Identification of underlying causes or unsafe conditions that led to the incident.
- Control Measures and Recommendations: Practical guidance on preventive actions, risk controls, or procedures to avoid recurrence.

#### **Distribution**

- Sent electronically to all Steel Construction New Zealand (SCNZ) members, ensuring rapid dissemination across the industry.
- Archived for future reference and incorporation into internal training or toolbox talks.

#### **Benefits**

- Raises awareness of hazards and risks within the steel construction sector.
- Supports continuous improvement and proactive risk management across member organisations.
- Reinforces a culture of safety sharing and collaboration, helping to prevent similar incidents nationally.

**Cost: \$2000**

**Timeframe: 2 years**

### **3.4.3 Work with New Zealand Safety Council to develop a safety handout for distribution by SiteSafe.**

The company will work in collaboration with the New Zealand Safety Council (NZSC) to develop a safety information handout designed to promote awareness and best practices across the construction industry. The completed resource will be distributed nationally through SiteSafe New Zealand. The handout will be translated into Filipino, Telugu, and Mandarin, to ensure it is accessible to read and understand.

#### **Purpose**

- Ensure that language barriers do not prevent understanding of critical safety information.
- Support inclusivity and engagement of a diverse workforce.
- Reinforce the company's commitment to effective communication, safety, and wellbeing for all employees.

### **Implementation**

- Translations will be professionally prepared to accurately convey technical safety content.
- Multilingual versions will be distributed alongside the English version and made available at SiteSafe offices.

### **Benefits**

- Improved understanding of safety requirements across the workforce.
- Reduced risk of incidents caused by miscommunication or misunderstanding.
- Strengthened safety culture through equitable access to critical safety information.

**Cost: \$2000.00**

**Timeframe: 2 years**

### **3.4.4 Scholarships for the Health and Safety Association of New Zealand (HASNZ)**

#### **Purpose**

- Supports the development of skilled and knowledgeable safety professionals in New Zealand.
- Encourages recipients to adopt best practices and innovative approaches in workplace safety.
- Contributes to training the next generation of health and safety leaders, increasing the overall competency within workplaces and industries.
- Helps address skills shortages in health and safety sectors.

### **Enhances Organisational Reputation**

- Demonstrates the company's commitment to workplace health and safety beyond its own operations.
- Strengthens the company's image as a leader in safety and corporate social responsibility.

### **Encourages Collaboration and Networking**

- Scholarships foster connections between students, professionals, and industry leaders, enhancing knowledge sharing and collaboration.
- Creates opportunities for the company to engage with emerging safety talent and potential future employees.

### **Supports Continuous Improvement**

- Recipients of scholarships are likely to implement new ideas, research, and safety innovations in their workplaces.
- Contributes to a culture of continuous improvement across industries.

### **Positive Community Impact**

- Provides educational opportunities that may otherwise be inaccessible, benefiting individuals, their workplaces, and the broader community.
- Encourages safety awareness at a societal level, supporting long-term accident prevention and wellbeing.

**Cost: \$30,000.00**

**Timeframe: 2 years**

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

### **3.5.1 Donation to Bay of Plenty Coastguard**

PSL will donate \$5,000 to the Bay of Plenty Coastguard. PSL will consult with them as to what this donation will support.

The Coast Guard provides critical support to the Bay of Plenty area. The victim used to enjoy fishing in the Bay of Plenty area. This contribution reflects PSL's desire to give back to the community and support causes that resonate with the victim's family and community.

**Cost: \$5,000**

**Timeframe: 2 years**

### **3.5.2 Donation to Raglan Coastguard**

PSL will donate \$5,000 to the Raglan Coastguard. PSL will consult with them as to what this donation will support.

The Raglan Coast Guard provides critical support to the Raglan area. The victim's coworkers frequently fish in the Raglan coastal area. This contribution reflects PSL's desire to give back to the community and support causes that resonate with PSL's employees.

**Cost: \$5,000**

**Timeframe: 2 years**