

LegalSAFE 2011 - Programme

- 9.15AM** **Introduction from Chairperson**
Mike Cosman, Managing Director, Impac
- 9.20AM** **Why it's not always only the employer's fault**
Serious workplace incidents can result in enforcement action taken against the injured worker's employer, but the duties under the HSE Act extend to many other parties too. Every contract has a principal with duties under the Act. Suppliers of plant and equipment, as well as designers of machinery or buildings, also have duties, and these have recently been tested before the courts.
- How far up the chain will the Department of Labour look?
 - Is pre-qualifying contractors or exchanging health & safety policies enough?
 - What extent should h&s be covered in the tendering process?
 - Should the principal intervene if work being done by a contractor appears unsafe – and how?
 - What stance does the DoL take in these circumstances?
- Alan Cooper, Practice Leader – Health & Safety Practice Development, Workplace Services, Department of Labour*
- 10.10AM** **Investigating serious harm incidents – Going under the microscope**
Most employers understand that they have to tell the Department of Labour about serious harm incidents but many don't understand that they also have to carry out their own internal investigation, and the pitfalls that can arise in doing that.
- What sort of investigation do you have to run, and can you make it legally privileged?
 - The extent of the Department's powers to seize evidence
 - DoL interviews - who has to attend, and what does the privilege against self-incrimination mean in practice?
 - Is there a place for lawyers in the investigation process? Can they represent the employer and its employees?
 - Practical tips for dealing with the DoL
- Sarah-Lee Stead, Senior Associate, Kensington Swan (Akl)*
Greg Cain, Partner, Kensington Swan (Wgtn & Chch)
- 11.00AM** **MORNING BREAK**
- 11.20AM** **Case Study - Integrating contractor safety on a large project**
The Victoria Park tunnel project in central Auckland will be opened before the end of 2011, well ahead of schedule. This complex project required innovative safety strategies to successfully form a cohesive team from the many contractors involved, some from competing organisations. The project won the Engagement category at the 2011 New Zealand Workplace Health and Safety Awards.
- Peter Lee-Cooper, Health & Safety Co-ordinator, Victoria Park Alliance*
- 12.10PM** **Is your workforce "fit for work"?**
The performance of people at work can be impaired not only due to the effects of alcohol and drugs but also as a result of a variety of additional causes that are sometimes overlooked, or even unknown to the employer. Awareness of these impairment risks is essential because they can result in – at best – lost productivity, and at worst a fatality. This session will focus on:
- What is impairment – causes and types
 - How do we recognise it?
 - How do we manage it?
 - Protecting your business
- Lee Polychronopoulos, Managing director, BSS NZ*
- 1.00PM** **LUNCH**
- 1.45PM** **The truth about bullying and stress**
In Australia earlier this year the problem of workplace bullying was perceived to be such a serious issue it prompted the redrafting of legislation to cover it. What about in New Zealand – does bullying actually happen in our workplaces? If so, how do you recognise it and what should you do to keep your workplace safe? This session will look at some recent court decisions where employees have alleged bullying. We will look at the facts of these incidents to reveal what was and what was not viewed as bullying, and whether the employer in each case complied with its legal obligation to provide a safe workplace. We will also look at workplace stress. Everyone was talking about it a few years ago. Has it gone away as an issue for employers? We will look at some claims that have been made and how employers should respond.
- Samantha Turner, Partner, Simpson Grierson*
- 2.35PM** **Panel discussion: - all practicable steps**
At the heart of your legal obligations under the HSE Act is the need to take "all practicable steps" to maintain a safe working environment. This phrase has long confused employers and provided fruitful debating material for lawyers. What does it really mean, and how widely should one have to look to find "the current state of knowledge"?
- 3.15PM** **Wrap up – Conference Close**
Mike Cosman, Managing Director, Impac

SAFEGUARD LegalSAFE 2011



THOMSON REUTERS

Who should attend

- H&S Managers and Advisors
- HR Managers and Advisors
- Health & Safety Lawyers
- Employment Lawyers

Where & When

AUCKLAND

8 November

Heritage Hotel

WELLINGTON

9 November

Copthorne Hotel, Oriental Bay

CHRISTCHURCH

10 November

Chateau on the Park

Investment

\$449 + GST

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