



**Practical
Cost €ffective
Health and Safety
Management in a
Challenging
Business
€nvironment**

TOPICS INCLUDE:

ECONOMICS

INTOXICANTS TESTING

PENALISATION

DATA PROTECTION

CORPORATE REPUTATION

ENVIRONMENTAL LIABILITY

COST EFFECTIVE PURCHASING

LITIGATION MANAGEMENT

The current business environment is challenging. For many companies in the private sector, orders are falling and revenues and margins are greatly reduced. Budgets in most public sector organisations are being cut. Across the board, cost cutting is the order of the day. Health and safety is no different.

Yet paradoxically the challenge can be an opportunity. Health and safety is no longer the 'nice to do' item on the corporate agenda. Businesses realise that health and safety is a 'must do'. The law requires it. But more importantly, business is now fitting health and safety into the corporate agenda, by ensuring it makes a cost effective contribution to the business.

This year's HSR conference examines a number of pressing health and safety management issues and looks at how, by managing them correctly, health and safety can contribute to the bottom line.

Conference Chair **TONY BRISCOE**

Following an early successful career, Tony Briscoe was headhunted in 1987 by the Federated Union of Employers, now IBEC, to establish an occupational health service for business and employers. Up until July 2009, when Tony left IBEC, he had responsibility for the delivery of OSH services, as well as representation, lobbying, and policy development on behalf of employers on safety, health and welfare matters and insurance. Tony was a member of the Board of the HSA from its establishment in 1989 until 2007, when he stood down. He played a significant role in developing public policies, with his influence reflected most notably in the establishment of the Injuries Board. Since leaving IBEC last summer, Tony has been involved in an advisory and consultancy capacity with a number of organisations on safety and health strategy, management and policy development. His involvement with the HSA continues in his role as a member an advisory committee. He holds a Fellowship of IOSH and a European Diploma in OSH.

morning

8.00: *Light breakfast/Registration*

9.00: *Opening remarks by conference chairman, TONY BRISCOE*
OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT CONSULTANT

9.15: **Whether Economics can contribute to Health and Safety**

PROFESSOR DAVID JACOBSON PROFESSOR OF ECONOMICS DCU

David's talk will begin with what a standard economic approach to H&S might be, concentrating on Cost Benefit Analysis (CBA). The standard approach is based on "prevention is good business". But what if this is not true? There are other ways in which more heterodox approaches can contribute. He will illustrate this using theories like Principal Agent Theory. Such theories may help to sharpen projects to prevent accidents, but business people are interested in the bottom line. This leads back to CBA. For the CBA ratios to lead to preventive action, social benefits must be included.

9.45: **Corporate Reputation: it can boost or destroy your business**

MARTIN MULLEN RISK CONSULTANT

In these very uncertain times, Martin will speak about the importance of demonstrating a positive corporate image to existing clients, potential new clients, employees, suppliers, insurers and regulatory bodies. The presentation will include a number of case studies to illustrate both positive and negative examples and will include an action plan/checklist to prepare for audits/inspections from insurance or regulatory bodies.

10.15: **Penalisation, the New Remedy: Extent and Limitations**

CAROLINE JENKINSON DEPUTY CHAIRMAN, LABOUR COURT

Caroline will speak about the confusion that can arise over what constitutes "penalisation" under the Safety Health and Welfare at Work Act 2005. This confusion has led to a number of misconceived claims coming before the Labour Court. Caroline will address the issue and outline the Court's jurisdiction in this matter. She will also review a number of cases taken under the Act and will highlight the pitfalls to be avoided arising from employee complaints under the Act.

10.45: *Discussion Forum (includes questions from floor)*

11.00: *Coffee*

11.30: **The Environmental Liability Directive**

PETER JARVIS UNDERWRITER ENVIRONMENTAL LIABILITIES,
CHARTIS INSURANCE

Environmental liabilities pose a growing, high-cost risk to companies across Europe. Heightened public awareness and enhanced environmental regulation – including the recently implemented European Union Environmental Liability Directive (2004/35/EC) – have made business increasingly responsible for environmental damage. Peter's presentation will include a brief explanation of the legislation and exemplify exposures that can be covered by the environmental insurance industry.

12.00: **Understanding your Data Protection obligations:
How it applies to Health and Safety**

GARY DAVIS DEPUTY DATA PROTECTION COMMISSIONER

The Data Protection Acts place responsibilities on all those that hold personal data: to be clear about why they hold it, what they can do with it, keeping it secure and to whom it can be passed. Meeting these obligations can sometimes require a rethink of practice, as with the provision of information to insurance companies regarding the notification of pre-claims. Gary will discuss how data protection responsibilities are met in the health and safety sector, including making information available to insurers. He will also prompt discussion as to where more clarity may be needed, to ensure that sometimes different obligations can coexist.

12.30: *Discussion Forum (includes questions from floor)*

12.45: *Lunch*

afternoon

2.00: **An Essential Guide to
Effective Litigation Management**

CAROLINE CONROY SOLICITOR, MANAGING DIRECTOR, LA TOUCHE TRAINERS

Recent cases have highlighted the potential cost for businesses in defending themselves in court. Caroline will draw upon her experience as both a practitioner and trainer to take delegates through each stage of managing a case. Caroline will explain the 'do's and don'ts' of effective litigation management, particularly how ineffective preparation can result in disaster in the witness box. The presentation will include key checklists for accident investigation, note taking, report writing and evidence presentation.

2.30: **Cost Effective Purchasing - Equipment and PPE**

COLM BROPHY PURCHASING MANAGER, ESB

Colm will outline the ESB's approach to procuring goods and services. He will speak about use of the supply-line to ensure maximum competition for contracts and how to shortlist applicant firms. He will deal with drawing specifications to avoid getting low priced but poor products, or paying too much for an unnecessarily high specification. He will examine the consolidation of requirements across the organisation to obtain the economic benefits of economies of scale.

3.00: **Preparing for Workplace Drug Testing**

ANYA PIERCE TOXICOLOGIST, CONSULTANT, PPM CONSULTANTS

Anya will speak about the need for a clear policy on drugs testing, including the need for a strict chain of custody. She will speak about the European Workplace Drug Testing Society's legally defensible drug testing guidelines. She will talk about the more common drugs, their effects and the detection window. The reasons for testing, from pre-employment to random, are given and the question of who should be used as the correct monitor will be considered.

3.30: *Discussion Forum (includes questions from floor)*

3.45: *Chairman's Closing Remarks*

4.00: *Coffee and Papers*

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about the speakers

DAVID JACOBSON is Professor of Economics at DCU Business School. His teaching focuses on Industrial Economics and the Economics of Occupational Health and Safety. He has also taught at universities in Japan, France, the United States, Israel and Cyprus. He has been a member of a number of research consortia funded by the EU, including one on policy and innovation in so-called low-tech industries, and another on aviation as a sectoral system of innovation in Europe. His research has also included work on health and safety, both in the Republic and Northern Ireland.

MARTIN MULLEN has worked in the insurance industry for over 30 years. After working with Lloyd Armstrong & Ramsey, in 1980 he joined Coyle Hamilton, the largest insurance broking firm in Ireland. There he worked as an insurance risk surveyor and was appointed a director of the Coyle Hamilton company Loss Control Services in 1996. Coyle Hamilton subsequently acquired Nifast and he was also appointed a director of that company. Later Martin returned to Coyle Hamilton, which afterwards became part of the Willis Group. He retired from Willis in 2008 and currently works as an independent risk consultant. Martin is a fellow of the Chartered Insurance Institute and is a Chartered Member of the Institute of Occupational Safety and Health.

CAROLINE JENKINSON was appointed Deputy Chairman of the Labour Court in September 1998. Prior to her appointment, Caroline worked with IBEC for more than 20 years. As Deputy Chairman, Caroline adjudicates on a wide range of employment rights and industrial relations matters between workers and employers. The responsibilities and role of the Court have increasingly changed in recent years, from predominately the resolution of “industrial relations” issues to the deciding on complaints of breaches of a growing range of statutory employment rights. This latter area has been considerably developed over the years, as a result of the marked increase in national and European legislation and resulting case law. The Court’s objective in industrial relations matters is to achieve an efficient and effective resolution to workplace disputes. In employment rights matters, the Court’s function is quasi-judicial and its adjudication process is legally binding on the parties.

PETER JARVIS joined Chartis Insurance in February 2009. Prior to working for Chartis, Peter worked for over five years as a senior consultant within an environmental consultancy firm. During his time in consultancy he specialised in contaminated land, brownfield redevelopment and remediation and worked for a wide range of clients, including local authorities, private developers and the Ministry of Defence. Since joining Chartis, Peter has worked as an underwriter within the environmental liabilities team and has worked to support and educate brokers within the field of environmental insurance and the Environmental Liability Directive.

GARY DAVIS joined the Office of the Data Protection Commissioner as Deputy Data Protection Commissioner in April 2006. Previously he worked in the Department of the Taoiseach, specialising in turn in Economic and Social policy matters, the Information Society and European Affairs, finishing as Head of the Government Secretariat in that Office. In the Office of the Data Protection Commissioner he is responsible for all operational matters, including dealing with complaints and ensuring compliance with the requirements of the Data Protection Acts, organising audits and promoting better understanding of the requirements of the Acts.

CAROLINE CONROY is a Solicitor and Managing Director of La Touche Training, which she founded in 1995. Caroline joined the Dublin firm of Ivor Fitzpatrick & Company, solicitors, in 1990 and specialised in litigation for five years. In 1995 Caroline set up La Touche Training. Now Ireland’s leading legal training consultancy, the company specialises in designing and running practical and experiential legal training programmes for professional and expert witnesses. Their extensive programmes train witnesses about their role in the legal process and how to investigate, collect and present first-class oral and written evidence. Caroline has trained thousands of experts and has contributed to the Law Reform Commission’s Consultation Paper on “Expert Evidence”. She has extensive experience in managing the design and delivery of training programmes to a wide variety of clients in both the public and private sectors, including enforcement and regulatory bodies.

COLM BROPHY has worked in the Electricity Supply Board for over 30 years. Since 1986 he worked in the Facilities Division and held the position of Facilities Manager from 1995 to 2007. In 2008 he was appointed as Procurement Manager in the Shared Services function, with responsibility for sourcing all generic goods and services for ESB, such as IT, Consultancy, Facilities & Construction-related services, as well as Personal Protective Equipment. In July 2009 he was allocated responsibility for ESB’s Estates Management Division, in addition to his Procurement role. Colm is an Associate of the Chartered Institute of Secretaries, as well as a member of the Irish Auctioneers & Valuers Institute.

ANYA PIERCE has worked in toxicology for more than 30 years, first in Jervis St. Hospital, then in Beaumont Hospital and now as a consultant with PPM Consultants. She was a founder member of the Irish Society of Toxicology and was the Irish representative to the European Commission high-level expert group on guidelines for the detection of drugs of abuse, especially in the workplace, and co-author of the resultant recommendations. She is past president and founder member of the European Workplace Drug Testing Society and a member of the Executive Committee of the International Association of Forensic Toxicologists. She is a past member of the committee on emerging trends/new synthetic drugs of the Irish National Advisory Committee on Drugs. Anya was the expert witness for the TEEU in the Labour Court case against Alstom (LUAS) in 2008. She is a Registered Toxicologist with Eurotox.