

HEALTH & SAFETY
REVIEW

OSH PAYS DIVIDENDS

The Economic & Social Benefits



TOPICS: • Defending H&S prosecutions • The economic and social benefits of risk management • Managing vehicles at work pays dividends • OSH as a competitive advantage • Litigation trends • The insurer and the insured: how insurers assess risk • Behavioural safety: the health risks • Managing health-related absenteeism

The theme for this year's *Health & Safety Review* conference – OSH Pays Dividends – is a challenging proposition. Often safety managers have to argue against the erroneous perception of OSH as being a cost, rather than an area that can yield dividends for the business.

When it comes to health and safety there are two distinct dividends. The economic dividend comes in the form of costs saved and business won as a result of performance beyond mere compliance. The social dividend is having a reputation as an employer that looks after staff, so that they are injury free and healthy. Speakers at the conference will address these issues.

Ideally, one would not have to defend HSA prosecutions or employer or public liability claims. But if your organisation is ever in the unfortunate position of having to defend an HSA prosecution, how do you set about it? And if you are defending either a EL or PL claim, do you know what to expect from the courts, at a time when many believe courts awards are increasing? And have you managed your relationship with your insurer so that your insurer will back you when defending claims? These issues will also be addressed at the conference.

morning

8.00 **LIGHT BREAKFAST/REGISTRATION**

9.00 **Opening remarks by conference chairman, LIAM HOWE** CHAIR, IOSH IRELAND BRANCH

9.15 **RONAN KENNEDY** BARRISTER

Defending Health and Safety Prosecutions

In recent years a number of employers and individuals, who have been prosecuted for alleged health and safety offences, have chosen to plead not guilty and have been acquitted. In his presentation, Ronan Kennedy will discuss the legal and evidential issues involved in deciding to defend a case. He will explain the rules judges consider when imposing sentences and the information barristers can put before a court in relation to sentencing.

9.45 **QUESTIONS/DISCUSSION**

10.00 **PAT KIRWAN**, ASSISTANT CHIEF EXECUTIVE, STATE CLAIMS AGENCY

Risk Management is Good for Business – Demonstrating your contribution to the bottom line

Pat will speak about the value risk management brings to a business, present examples of cost saving, discuss true costs, key performance indicators and propose a strategy for ensuring senior management knows your value to the business.

10.30 **GAVIN PATTISSON** DIRECTOR ENVIRONMENT, HEALTH, SAFETY & SECURITY, ALKERMES PHARMA IRELAND

OSH Leveraging a Competitive Advantage

Gavin will outline how integrating good environmental health and safety practice into business operations can help leverage competitive advantage, both in terms of supporting business growth, and reducing operational costs.

11.00 **DISCUSSION FORUM**

Delegates are invited to raise questions, offer opinions and engage in discussions.

11.10 **COFFEE** 

11.40 **DEIRDRE SINNOTT** SENIOR INSPECTOR WORK-RELATED VEHICLE SAFETY, HSA

Managing vehicles at work pays dividends

Deirdre will speak about the legal, economic and social reasons why managing workplace transport and work-related vehicle safety is an imperative.

12.10 **AILBHE GILVARRY** SOLICITOR, PARTNER MASON HAYES & CURRAN

Litigation trends

Ailbhe will speak about current litigation trends, encompassing recent significant judgments and awards of the High Court, the impact of increased

Court jurisdictions, the introduction and effect of the Court of Appeal and the case for reform.

12.40 **DISCUSSION FORUM**

Delegates are invited to raise questions, offer opinions and engage in discussions.

12.55 **LUNCH**

afternoon

2.00 **MAURICE QUINLAN** DIRECTOR, THE EAP INSTITUTE

Managing Workplace Behavioural Risks

Maurice will talk about the development of management of workplace behavioural risks, including work stress, critical incident stress, workplace violence, workplace bullying, intoxicants and mental health. With alcoholism now classed as a disability in a recent case, this and other cases and developments now present challenges to health and safety professionals. This presentation will outline steps employers can take to limit exposure to all workplace behavioural health risks and the economic costs involved.

2.40 **MICHAEL LEAHY** CHARTERED INSURER

The Relationship between the Insured and the Insurer

Michael will speak about the insurance policy, the legal contract between the insured and the insurer. He will discuss how an insurer assesses risk for both employer liability (EL) and public liability (PL) insurance. He will explain why the relationship needs to be good for both parties, how premiums can be reduced and how accidents/claims should be handled.

3.10 **RICHARD WYNNE** DIRECTOR, WORK RESEARCH CENTRE

Managing health-related absenteeism – front of pipe and end of pipe solutions

Richard will talk about the nature of health-related absenteeism and workplace strategies for its prevention and management. He will also cover the main causes and issues affecting health-related absenteeism.

3.40 **DISCUSSION FORUM**

Delegates are invited to raise questions, offer opinions and engage in discussions.

4.00 **CHAIRMAN'S CLOSING REMARKS**

4.10 **COFFEE AND PAPERS**



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CONFERENCE CHAIRMAN LIAM HOWE CHAIRMAN, IRELAND BRANCH INSTITUTION OF OCCUPATIONAL SAFETY AND HEALTH (IOSH)

Liam was formerly head of engineering at Coillte and before that safety manager at Coillte Enterprises. He is a chartered engineer and a chartered fellow of IOSH. He is chairman of the IOSH Ireland Branch and a member of the Board of Trustees of IOSH.

about the speakers

AILBHE GILVARRY SOLICITOR, PARTNER
MASON HAYES & CURRAN

Ailbhe Gilvarry is a partner in the Litigation Department of Mason Hayes & Curran. She specialises in claims defence for Irish insurance companies, UK underwriters and self-insured corporations, encompassing product, public, and employer liability claims.

RONAN KENNEDY BARRISTER

Ronan Kennedy is a barrister and entered the Law Library in 1999. He is an honours LLB graduate and holds a Diploma in Arbitration and an Advanced Diploma in Employment Law. His practice comprises a mix of civil and criminal work. His civil practice includes personal injury and employment cases. On the criminal side he acts for both the State (he is on the DPP's public prosecutions panel) and for defendants. He has a particular interest in regulatory law and has defended prosecutions under the Safety, Health and Welfare at Work Act 2005. He was junior counsel for the defendant in the landmark decision of the Court of Criminal Appeal in the DPP v P J Carey (Contractors) Limited case.

PAT KIRWAN DEPUTY DIRECTOR, STATE CLAIMS AGENCY

Pat Kirwan has been involved in risk management from the outset of his career. He has worked in a consultant and senior management role in a wide range of industry types, including healthcare, services, food processing, construction, transport, quarrying and brewing/drinks. Pat is currently deputy director with special responsibility for risk and operations with the State Claims Agency.

MICHAEL LEAHY CHARTERED INSURER

Michael Leahy was claims director at AIG Ireland up until the end of February last. He joined AIG in Dublin as a claims inspector in 1982, having spent the previous three years learning the claims trade at the Norwich Union in Limerick. He became claims manager in 1990 and a director of the Irish company in 2002. He is an Associate of the Chartered Insurance Institute and a Chartered Insurer. He has a Legal Studies Diploma from the College of Commerce in Rathmines and was a Director of the MIB in Ireland until recently. He played rugby at senior level for Garryowen and Wanderers in the 1980s, as well as under-21 Gaelic Football for Limerick.

GAVIN PATTISON DIRECTOR ENVIRONMENTAL HEALTH, SAFETY AND SECURITY, ALKERMES PHARMA IRELAND

Gavin Pattison is the director of Environmental Health, Safety and Security (EHSS) for Alkermes Pharma Ireland Limited. He has strategic EHSS responsibility for the company's Irish operations and is a key

member of the Alkermes corporate EHSS team. With over 20 years' experience in both engineering and EHS management fields, Gavin has developed and successfully implemented strategies across a variety of industries that positively impact organisational EHS culture, resulting in measureable and lagging performance improvement. He is a Chartered Health and Safety Practitioner and holds a MSc in Environmental Health and Safety Management and a B.Eng (Hons) in Energy Engineering.

MAURICE QUINLAN DIRECTOR, THE EAP INSTITUTE

Maurice Quinlan's interest in Employee Assistance Programmes (EAPs) developed when he worked with an Irish semi-state company. Following a period studying EAPs in the U.S., he pioneered the occupational alcoholism programme concept in Europe in the 1980s. He founded the EAP Institute to provide EAP services, training and consulting to a variety of companies, public and private. The Institute has provided training in the UK and Europe has also acted as consultant to the International Labour Organisation on prevention and assistance training on alcohol and drug problems. Maurice holds a diploma in Social Science from University College Cork and is a fully accredited member of the Employee Assistance Professional Association (EAPA) Irish Branch and is an associate member of IOSH. He holds membership of the European Workplace Drug Testing Society (EWDTS), the Employee Assistance Society of North America (EASNA) and the Irish Association of Alcohol and Addiction Counsellors (IAAAC). In November 2004 he received a special recognition award by the Employee Assistance Professionals Association (EAPA) at its 33rd Annual Conference, in recognition of his commitment and contribution to the EAP profession.

DEIRDRE SINNOTT SENIOR INSPECTOR, WORK-RELATED VEHICLE SAFETY, HSA

Deirdre Sinnott is the HSA's senior policy inspector and leader of the Authority's programme for work-related vehicle safety, covering workplace transport safety, work-related road safety and driving for work. Deirdre works closely with primary stakeholders, including the Road Safety Authority, An Garda Síochána, the European Transport Safety Council, EU-OSHA and the European Commission, to help influence a sustainable reduction in work-related vehicle injury and deaths in Ireland and beyond.

RICHARD WYNNE DIRECTOR, WORK RESEARCH CENTRE

Richard Wynne is a director of the Work Research Centre. He specialises in workplace health issues. He has carried out many studies of absenteeism and other workplace health issues at EU and at national level.