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Beyond The Workplace Accident

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Why undertake an internal investigation?

- To isolate cause
- To review systems
- To improve systems
- To prepare for external investigation

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Case Example

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Who can investigate?

- Internal
- External

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Internal Investigation

- Operator
- DDE
- Other officeholders

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External Investigators

- Union
- Chief Inspector
- Board of Enquiry
- Coroner
- WorkCover
- Police

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Legal ramifications of an accident

- Coroners Court
- Board of Enquiry
- DNR prosecution
- Chief Inspector directives
- WorkCover claim and worker rehabilitation
- Common law claim
- Criminal Code

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So there has been an incident...

- Safety
- Notification
- Investigation
- Damage Minimisation (including Rehabilitation)
- Future Risk Minimisation

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Safety

- Employees, Contractors and other people on site
- Investigators
- The Community
- Other related persons

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Notification

- Who should I call first?
- What do I have to tell who?
- What are the Company's rights and obligations?
- What are my rights and obligations?

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Internal Investigation

- Practical steps
- Reasonable Direction
- Scope of investigation
- Confidentiality
- Privilege
- What do we do with the report?

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Police Investigation

- Obligation to give a statement
- Legal representation
- Police powers and responsibilities

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Investigation by statutory position holders

- Obligation to provide information
- Rights and obligations generally
- Legal representation

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Investigation by Workcover

- Obligation to provide information
 - Self incrimination
- Rights and obligations generally
- Legal representation

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Protection of information

- What if investigation shows changes are required?
- What are the Company's obligations if it finds fault?
- Does subsequent change prove prior liability?

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Rehabilitation

- Obligations
- Company's Rights
- Ongoing Issues
- Stress Claims

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Risk Assessment

- Systems Review
- Training
- Ongoing management of risk areas

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