



Relying on safety breaches to justify termination decisions

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The 'Harlem Shake'



The practical joker

The Australian Workers' Union, Tasmania Branch v Goldfields Limited
[2001] T9609

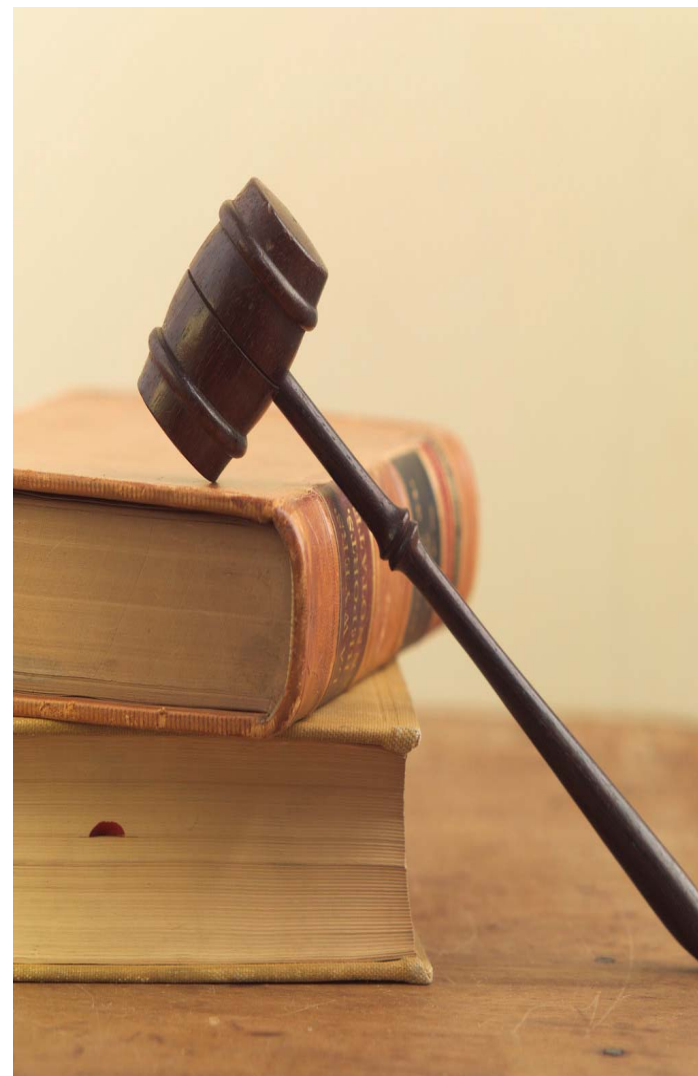
on appeal:

Goldfields Limited v Australian Workers' Union Tasmania Branch [2002] T10111



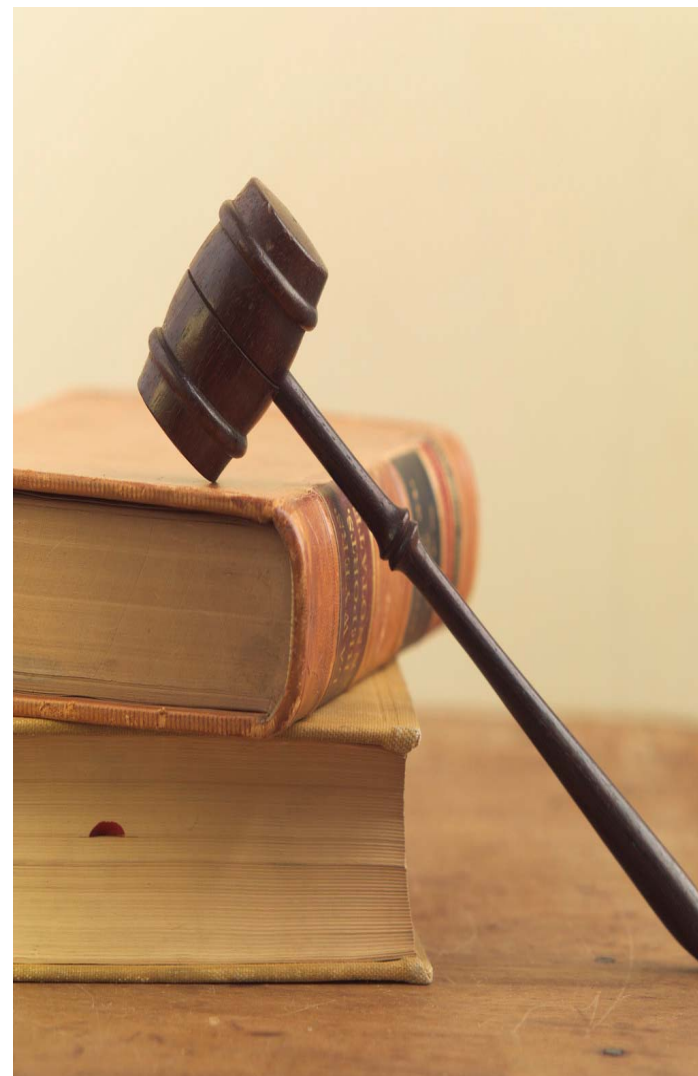
Practical jokes resulting in injury

*Kirkham v Department
for Correctional
Services [2013]
SAIRCComm 4*



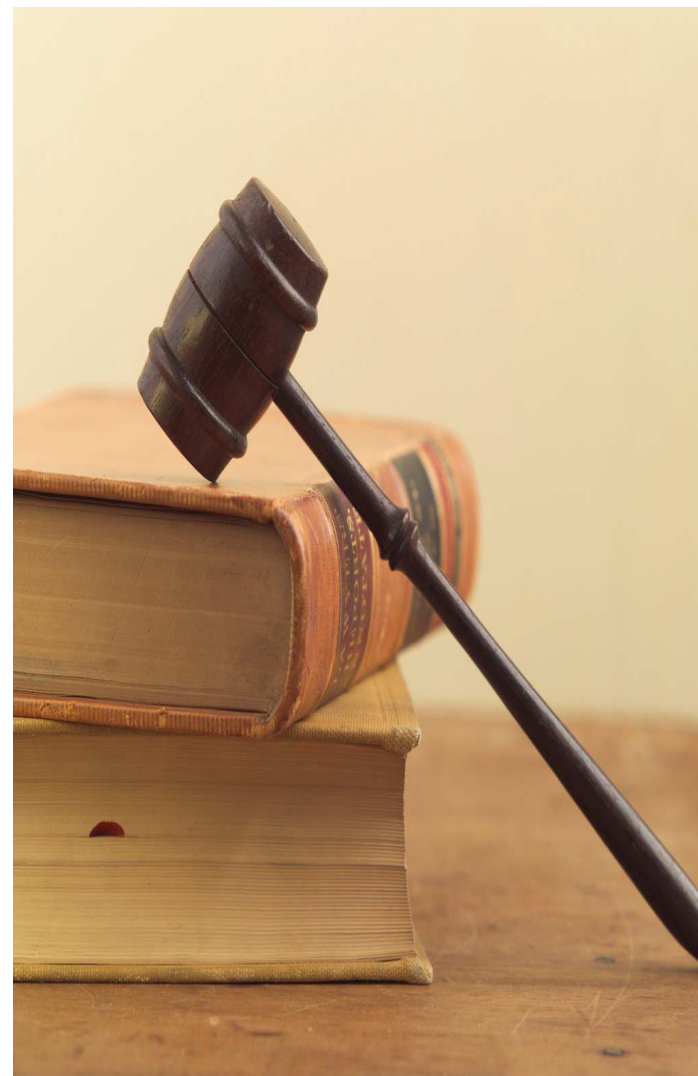
Practical Jokes resulting in injury and safety prosecution

*Inspector Estreich v
Zaccardelli & Ors*
[2012] NSWIRComm
47



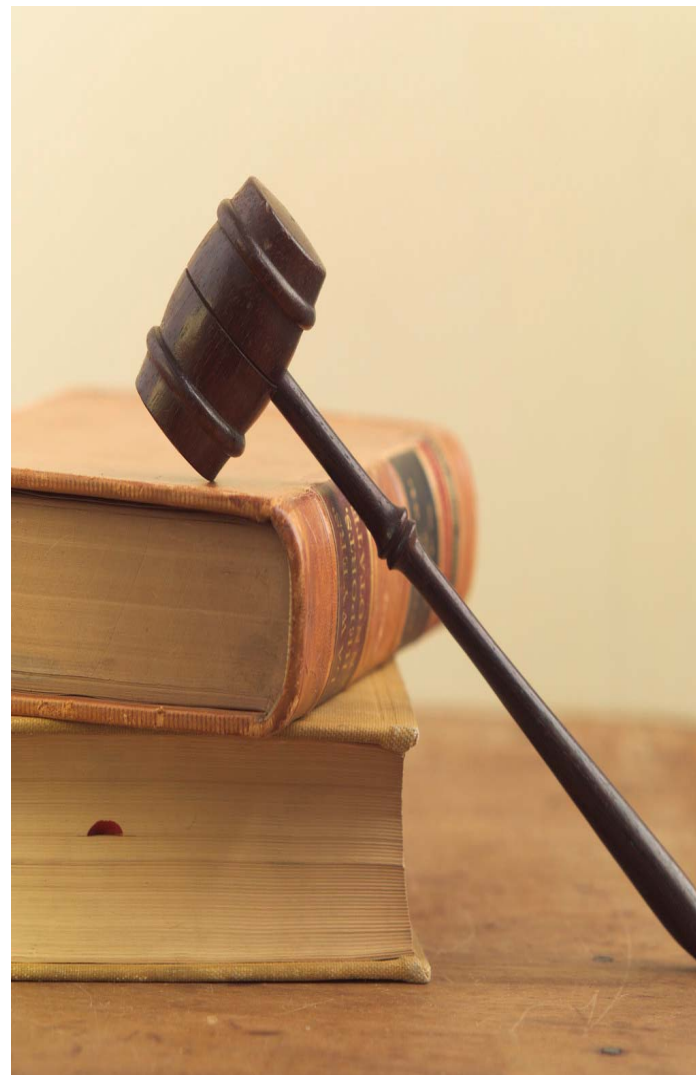
Investigation - procedural flaws

*Haigh v Bradken
Resources Pty Ltd*
[2013] FWCFB 2918



Relevance of an employee's disciplinary record

*Lawrence v Coal &
Allied Mining Services
Pty Ltd T/A Mt Thorley
Operations/Wakeworth*
[2010] FWAFB 10089



Tips to take away

TRAIN &
ENFORCE

Train your employees in your work health and safety policies, undertake refresher training regularly and publicise policies at work

INCORPORATE

Ensure up to date safety policies and include safety obligations in employment agreements

COMPLY

Ensure compliance with your own policy, if you commit to something as an employer, follow through

CONSISTENCY

Enforce matters of safety consistently but always consider mitigating circumstances before dismissal decisions