

“Keeping industry updated”

ALL Investigation companies should be aware of yet another case in the transport industry denoted below for your information. It is important to be aware that this also applies to the P I Industry. You need to manage your field investigators appropriately not just for your own logistical financial benefit to fulfill your client’s wishes but also to protect your operator/s’ health & safety and your own exposure to OH&S prosecution as well as Common Law liability. It does not matter if they are employed or sub-contractors, you need to ensure that your investigators are not overworked, do not drive for several hours and then commence a 6 or 8 hour segment of surveillance, then expect them to drive thereafter to avoid an accommodation charge for your client. Such actions are common in the Investigation industry and indeed seriously illegal.

Most directors of Investigation firms do not have any OH&S system or appropriate risk management applications in place or manage OH&S issues with their regular clients for whom the work is actually being performed. A ‘System’ is really the only way you can adequately manage your obligations. The management of OH&S is also required by law to be evidentiary. If you do not have an OH&S System we can help you as we have designed an OH&S System specifically for the Investigation industry meeting AS4804; 4801. Please call us for further assistance to protect yourself and your workers.

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safety at work



When driver fatigue is the employer’s responsibility

A recent court case extends an employer’s workplace beyond what it has been commonly thought to be. The case also found that the director of a trucking company was personally liable under health and safety legislation for a fatigue-induced accident that resulted in one of its drivers being killed.

With estimates that 17 per cent of fatal crashes in NSW involve heavy trucks, though they only make up around two per cent of registered vehicles, the case has far-reaching implications for companies in the transport industry and their obligation to effectively manage the risks of driver fatigue.

Apart from examining the system of work for breaches of safety regulations, a second issue in the case was the legal definition of

‘place of work’. The judge noted that place of work included any vehicle, and he rejected the notion that the employer’s place of work be limited to a fixed geographical location such as a central office. He concluded that the company’s trucks, wherever they may be, including the one being driven at the time of the accident, were places where the company’s work was performed.

The case sends warnings to all employers in the transport industry, and emphasises that they must take an active role in the promotion and maintenance of safety as it relates to fatigue. Contact us if you have concerns about your legal obligations over workplace safety. ■

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