

A practical five-day course from **The At Work Partnership** designed to provide occupational health professionals with an in-depth understanding of occupational health law at work

# qualification



## Certificate in Occupational Health Law

**Part One: 1–3 February 2010**

**Part Two: 25–26 February 2010**

**Central London**

Course director: *Diana Kloss*, barrister and employment judge

This degree-level module is accredited by Glasgow Caledonian University.

Successful completion of academic requirements will confer 20 points at Scottish Credit Qualifications Framework Level 9



**CPD:**

10 IOSH points  
FOM and self-certification  
schemes: 29 hours

An important qualification from The At Work Partnership



**Module 1: The legal system**

*Diana Kloss, barrister*

**Module 2: Criminal law of health and safety at work**

*Mike Appleby, Housemans*

**Module 3: Employment law**

*Anne Pritam,  
Stephenson Harwood*

**Module 4: Discrimination law**

*Diana Kloss, barrister*

**Module 5: Disability at work**

*Chris Benson, Leigh Day & Co.*

**Module 6: Fitness for work**

*Diana Kloss, barrister*

**Module 7: Liability of the OH professional**

*Diana Kloss, barrister*

**Module 8: Contract law and OH**

*Chris Cox, Royal College of Nursing*

**Module 9: Liability of the employer for personal injury**

*Nick Hanning, RWPS LLP*

**Module 10: Tribunals**

*Diana Kloss, barrister*

**Delegates at our previous courses said:**

“Excellent course. Great overview of the legal issues relating to OH practice for both OH professionals and stakeholders”

*Jon Coneybeare, BAE Systems*

“An excellent, well formulated and designed course”

*Dr John Crosbie, Bellevue Surgery*

“Very useful and valuable in relation to my practice – course has been excellent”

*Sarah Jane Allison, Greater Glasgow & Clyde NHS*

“An excellent overview of OH Law relevant to everyday practice”

*Dr Elizabeth Wright, Abermed Group Ltd*

# Certificate in Occupational Health Law

A practical five-day course designed to provide occupational health professionals with an in-depth understanding of OH law at work. This new qualification will provide you with a detailed comprehension of the full scope of your legal responsibilities – so that you can ensure that your work, and the work of your department, is fully compliant with legislation and case law in the areas of occupational health, health and safety, disability and relevant employment law.

The course brings together some of the top experts in their fields. Diana Kloss, the course director, is a leading authority on OH law, and is renowned for her clear explanations and expert guidance. Five senior legal experts join Diana in lecturing on the course, providing specialist contributions on different aspects of OH law.

The outstanding subject knowledge and easily accessible presentations of the lecturing team will ensure that you come away with a detailed knowledge and understanding of your occupational health legal responsibilities, and how to meet these in practice. The course lectures are supplemented by in-depth case discussions, where students learn how to apply the law to a range of workplace scenarios.

## How will gaining this qualification benefit you and your organisation?

### You will gain:

- A comprehensive knowledge of key occupational health legal issues, from medical confidentiality and fitness for work to disability law, employment law, contract law and the liability of the OH professional and the employer.
- Guidance on a wide range of legislation, and case law and its implications for occupational health.
- An understanding of how to apply the law to different workplace scenarios and put it into context.

## Who is the course designed for?

The course is designed for occupational physicians, occupational health nurses, case managers, health and safety managers and human resources managers.

## Assessment and certification

The five-day course is divided into two parts. Reading and a limited amount of coursework are set between the two parts of the course in order to consolidate learning.

There are two forms of assessment, as follows:

- During the course, at the end of each module, students will provide written answers to questions relating to that particular module.
- Following the course, students will undertake a 3,500-word written assignment, demonstrating their understanding of occupational health law and their ability to apply it in a given workplace scenario. This will need to be completed by 7th May 2010.

Students who successfully complete the above will be awarded The Certificate in Occupational Health Law, which is accredited by Glasgow Caledonian University (GCU). Students registered with GCU will gain 20 points at Scottish Credit Qualifications Framework Level 9 (see booking form for details).

## About The At Work Partnership

The At Work Partnership provides specialist professional development courses for occupational health professionals, including two highly regarded training courses, the *Certificate in Managing OH Services*, and the *Certificate in CBT Skills for OH Professionals*, with the support of Brunel University. In addition, we conduct in-depth research studies, and publish the journal *Occupational Health [at Work]* which provides accurately written legal, practical and management occupational health information.

## About our expert tutors

### Diana Kloss – the course director

Diana Kloss is a practising barrister, employment judge and honorary senior lecturer in OH Law at the University of Manchester. Her publications include *Occupational Health Law* (4th edition, Blackwell Science, 2005) and she is currently working on the 5th edition. She is an honorary fellow of the Faculty of Occupational Medicine, an ACAS arbitrator, and she was awarded an MBE for services to occupational health in the 2009 New Year Honours list.

### Mike Appleby

Mike Appleby is a partner at Housemans Solicitors, specialising in health and safety law. He defended the maintenance arm of Balfour Beatty when it was acquitted of manslaughter in respect of the Hatfield train derailment. In 2007, he represented the managing director in the leading Court of Appeal decision on directors' health and safety duties: *R v P Ltd and G*.

### Chris Benson

Chris Benson is a partner with Leigh Day & Co specialising in discrimination work, in particular disability and equal pay. Previously, he worked as senior legal officer at the Disability Rights Commission, where he was involved in a number of leading cases including: *Nottingham County Council v Meikle*; *Kirton v Tetrosyl Ltd*; *Paul v National Probation Service*; *Smith v Churchill's Stairlifts plc*; *Spillett v Tesco Stores Ltd* and *BUPA Care Homes (BNH) Ltd v Cann*.

### Chris Cox

Chris Cox, a solicitor, is director of legal services at the Royal College of Nursing. He is the head of the in-house employment, immigration and indemnity law units. He is a regular speaker on employment law and medico-legal topics, and has contributed legal articles to nursing and health journals.

### Nick Hanning

Nick Hanning of RWPS LLP is a fellow of the Institute of Legal Executives and in 2000 became one of the first legal executive advocates. Since the case of *Long v Mercury Communications* (2001), when Jeffery Long recovered the then highest award for a first breakdown, Nick has specialised in occupational stress claims, especially for bullying and harassment. Nick acted for the claimant in the seminal case of *Majrowski v Guy's and St Thomas' NHS Trust*.

### Anne Pritam

Anne Pritam is a partner in the employment team of the international law firm, Stephenson Harwood and advises on a wide range of HR and employment-related matters, with particular emphasis on the practical management implications of employment law and employee disputes. She is a recommended expert in her field in the current *Chambers UK* and *Legal 500* guides to the legal profession, and is a frequent speaker at commercial and professional conferences.

## Programme – PART ONE (1-3 February 2010)

### MONDAY 1 FEBRUARY 2010

#### 9.45 Registration

#### 10.00 Module 1: The legal system

*Diana Kloss, barrister*

- Sources of law: precedent and legislation
- EU law and the European Convention on Human Rights
- Criminal and civil law • Burden of proof
- Courts and tribunals • Judicial review
- How to find legal materials

#### 12.30 Lunch

#### 13.15 Module 2: Criminal law of Health & Safety at Work

*Mike Appleby, Housemans*

- The *Health and Safety at Work etc Act* and its Regulations
- Approved Codes of Practice and HSE guidance
- Rights of trade unions and safety reps
- Competent advice • Enforcement of H&S law
- Manslaughter and corporate killing • Sentencing

#### 16.15 Course welcome reception

#### 17.00 Close of day

### TUESDAY 2 FEBRUARY 2010

#### 8.45 Registration

#### 9.00 Module 3: Employment law

*Anne Pritam, Stephenson Harwood*

- The law of unfair dismissal
- Rights of workers
  - ↳ disciplinary and grievance procedures ↳ whistle blowing
  - ↳ Working Time Regulations ↳ pay ↳ family friendly issues

#### 12.30 Group work: employment law cases

Practical group work on the legal and management implications of cases

#### 13.30 Lunch

#### 14.15 Module 4: Introduction to discrimination law

*Diana Kloss, barrister*

- Concepts of discrimination: sex, race, religion, age & disability
- Direct and indirect discrimination • Choice of comparator
- Justification for indirect discrimination • Victimisation
- Drawing inferences and burden of proof

#### 16.15 Discussion of coursework and assignment

#### 16.30 Close of day

### WEDNESDAY 3 FEBRUARY 2010

#### 8.45 Registration

#### 9.00 Module 5: Disability and ill health at work

*Chris Benson, Leigh Day & Co.*

- Disability Discrimination Act
  - ↳ Definition of disability and *Coleman v Attridge*
  - ↳ *London Borough of Lewisham v Malcolm*
  - ↳ Reasonable adjustments ↳ Public sector duty
- Statutory sick pay
- Contractual sick pay
- Capability and ill-health dismissals

#### 11.45 Cases on disability discrimination law

Practical group work on the legal and management implications of cases

#### 12.45 Lunch

#### 13.30 Module 6: Fitness for work

*Diana Kloss, barrister*

- Fitness for work • Pre-employment screening
- Health surveillance • Drug and alcohol screening
- Pregnancy at work

#### 16.00 Optional legal Q&A session

Your chance to get pre-submitted & live legal queries answered

#### 16.20 Close of day

## Programme – PART TWO (25-26 February 2010)

### THURSDAY 25 FEBRUARY 2010

#### 9.15 Registration

#### 9.30 Module 7: Liability of the OH professional

*Diana Kloss, barrister*

- Legal and ethical duties
- Negligence
- Confidentiality and data protection
- Consent
- Access to medical reports

#### 12.45 Lunch

#### 13.30 Cases on the liability of the OH professional

Practical group work on the legal and management implications of cases

#### 14.30 Module 8: Contract law and the relevance to OH

*Chris Cox, Royal College of Nursing*

- Law of contract and the OH profession
- Formation and terms of contract
- Contracts for OH service provision
- Restrictive covenants
- Employees, independent contractors and agency workers
- Conflicts between contractual terms and ethical duties
- Transferring contracts and TUPE
- Negotiating the contract

#### 17.15 Close of day

### FRIDAY 26 FEBRUARY 2010

#### 8.45 Registration

#### 9.00 Module 9: Liability of employer for personal injury

*Nick Hanning, RWPS LLP*

- Negligence • Breach of statutory duty
- Vicarious liability
- Stress-related illness • Harassment at work
- Compensation and insurance

#### 11.45 Cases on the liability of employer for personal injury

Practical group work on the legal and management implications of cases

#### 12.45 Lunch

#### 13.30 Module 10: Tribunal legal procedure

*Diana Kloss, barrister*

- The route to the tribunal – claims, responses, limitation and case management
- Mediation and out-of-court settlements
- The judge, lay members and legal team
- Tribunal procedure
- Expert witnesses and witnesses of fact
- Sanctions available to the tribunal
- Appeals
- Differences between civil courts and employment tribunals

#### 16.00 End of course

# Booking Form



## Certificate in Occupational Health Law 1–3 February 2010 and 25–26 February 2010

A B C D E F

Please book places for \_\_\_\_\_ delegate(s), at the rate of:

**Early bird rate:** for bookings received and paid **before** 15/12/09

£1699 + VAT (£1996.33) per delegate or

£1499 + VAT (£1761.33) per delegate, reduced rate  
for NHS delegates

**Main rate:** for bookings received and paid **after** 15/12/09

£1799 + VAT (£2113.83) per delegate or

£1599 + VAT (£1878.83) per delegate, reduced rate  
for NHS delegates

### Delegate details

Title \_\_\_\_\_ First name \_\_\_\_\_ Surname \_\_\_\_\_

Main e-mail address \_\_\_\_\_

Preferred e-mail address for information about course work \_\_\_\_\_

Date of birth \_\_\_\_\_ Gender  M  F

Position \_\_\_\_\_ Organisation \_\_\_\_\_

Address \_\_\_\_\_

Postcode \_\_\_\_\_

Tel \_\_\_\_\_ Fax \_\_\_\_\_

### Registration with Glasgow Caledonian University (GCU)

Your contact details, as set out on this booking form will be automatically forwarded to GCU, in order that they can begin the process of setting you up on their system. Registration with GCU is essential in order to gain the academic credits associated with this course, if you are undertaking the assignment to gain the Certificate in OH Law. If you do NOT want your contact details sent to GCU, please tick here

### Cancellation and transfer policy

For cancellations received in writing 28 days or more before the course commences, we will provide a refund, less a 10% cancellation fee. If the cancellation is received less than 28 days before the course start date, no refund will be made. At any time before the course commences, we will accept an alternative delegate from your organisation. Refunds are not available to delegates who fail to attend after confirming a booking. Transfers to future Certificate in Occupational Health Law courses can be arranged up to 28 days prior to the start date of the course booked, subject to a £75 administration fee. It will not be possible to accommodate transfer requests received less than 28 days before the start date of the course.

**I have read and agree to the cancellation terms:** Authorised signature \_\_\_\_\_

*(This booking is not valid unless signed)*

### Administration

#### Venue

Lion Court Conference Centre, 25 Procter Street, Holborn, London, WC1V 6NY

#### Attendance requirements

Delegates must attend a minimum of 80% of the course. If you anticipate that any one of the course dates may present a problem, please contact us – as missing more than one day (or the equivalent in hours through very late arrivals etc) will disqualify students from gaining the Certificate.

#### Booking procedure

Due to high levels of interest in this course, we recommend the following procedure for bookings:

1. Please call us on 0845 017 6986 to reserve a no-obligation provisional place.
2. If places are available, we will hold a provisional place for you for a maximum of 30 days. In order to guarantee your place, please send us your booking form with payment within these 30 days.
3. If an invoice is required, in order to guarantee your place, payment must be received by the invoiced due date (within 30 days).

**Your place on this course cannot be guaranteed until payment has been received.**

#### Course administration details

Please contact us if you do not receive written confirmation of your booking within two weeks of making the reservation. Details of the venue, a map and any final information will be sent to paid delegates approximately four weeks before the course. If you have not received these two weeks before the event, please telephone 0845 017 6986, or e-mail: [conferences@atworkpartnership.co.uk](mailto:conferences@atworkpartnership.co.uk)

#### Payment information

Course price: £1799 + VAT per delegate (or £1599 + VAT for delegates from the NHS). Bookings made and paid by 15/12/09 will be charged at the Early Bird Rate of £1699 + VAT per delegate (or £1499 + VAT for delegates from the NHS). Bookings made before 15/12/09, but not paid by this date, will be charged at the higher main rate.

#### Payment can be made:

- By cheque – payable to The At Work Partnership Ltd
- By BACS – please contact us for our bank details
- By credit card – Expiry date \_\_\_\_\_ / \_\_\_\_\_ 3 digit security no. \_\_\_\_\_  
Card No. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Please note:** We are sorry but we do not accept AMEX

#### Special requirements

If you have any special needs, please let us know in advance and we will be delighted to try and help.

#### Hotel accommodation

Hotel accommodation at preferential rates can be arranged through Venuehunt. Tel: 01722 500675. Online: [www.venuehunt.co.uk](http://www.venuehunt.co.uk)

In order to process this booking, your details will be held on our system. We would like to keep you informed of future relevant events and information from **The At Work Partnership** by post, 'phone, fax or e-mail. Please contact us if you do not want to be kept up to date with this information.

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**This programme was correct at time of going to press. In unavoidable circumstances, we reserve the right to change or cancel this event.**

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## BOOK NOW and return your completed form to:

**Post:** The Registration Secretary, The At Work Partnership Ltd, 3 Woodfield Way, Bounds Green, London N11 2NP

**Telephone:** 0845 017 6986 **e-mail:** [conferences@atworkpartnership.co.uk](mailto:conferences@atworkpartnership.co.uk) **Fax:** 020 8275 8469

Visit our website at [www.atworkpartnership.co.uk](http://www.atworkpartnership.co.uk)