



Electrical Workers Registration Board

SAFETY | COMPETENCY | COMPLIANCE

Board Practice Direction: Guidelines for Interpreters

EWRB Reference Number	Board Practice Direction - Guidelines for Interpreters
Document Category:	Board
Document Type:	Practice Direction
Responsible:	Board
Publication Status:	Public
Board Approval Date:	September 2019
Gazette Notice Date:	N/A
Next Review Date:	

Signed and dated this 21st day of October 2019.

Mel Orange
Presiding Member

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1. Introduction

- 1.1 The Board deals with disciplinary matters under Part 11 of the Electricity Act 1992 (the Act). Under section 147S of the Act an electrical worker has a right to appear and be heard. To enable this it may, at times, be necessary to engage the services of an interpreter to assist the Board.

2. Rules of Professional Conduct for Interpreters

- 2.1 Interpreters appearing before the Board must act strictly in the interests of the Board. This overrides any duty to the parties in a case or to the person for whom the interpretation is being provided.
- 2.2 The interpreter's main task is to help the Board tribunal by interpreting statements, evidence, and legal exchanges for those who can't communicate effectively in English. An interpreter is not an advocate and must not act as one.
- 2.3 An interpreter must:
- (a) be unobtrusive, firm and dignified at all times;
 - (b) work with full awareness of the nature of the proceedings;
 - (c) avoid professional and personal conduct that could discredit the Board;
 - (d) keep details of all cases they work on confidential; and
 - (e) not conduct research into the case or come to any conclusions about the facts of the case or the law.

3. Disclosing a conflict of interest

- 3.1 Interpreters must disclose to the Board and the parties to a hearing, any conflict of interest. A conflict of interest could happen if they've had:
- (a) any prior involvement with the case;
 - (b) involvement with the parties or other person connected to the case such as a lawyer, witness, or Complainant.
- 3.2 It is important to avoid a conflict of interest, and even the appearance or perception of a conflict of interest. Interpreters should speak to the Board Officer if they are unsure if a conflict of interest exists.

4. An interpreter must be impartial

- 4.1 Interpreters have a duty to interpret accurately and to remain impartial. Professional detachment must be maintained at all times. When interpreting, being impartial means setting aside personal, religious, or cultural beliefs or circumstances. It also means avoiding unnecessary contact with witnesses.

- 4.2 Being impartial also means an interpreter must not give advice of any kind to the person they are interpreting for or express a personal opinion on the case before the Board. If the person the interpreter is interpreting for is confused about the proceedings, the interpreter must tell the Presiding Member.
- 4.3 If an interpreter feels their objectivity is threatened they should withdraw advise the Presiding Member.

5. Competency standards expected of an interpreter

- 5.1 Interpreters must take all reasonable care to be accurate, competent and professional. Competency standards expected of an interpreter are to:
- (a) speak clearly, and loud enough to be heard in the hearing room;
 - (b) interpret in the first and second grammatical person - that is, using “I” or “you”, except when summarising legal argument or exchanges between parties;
 - (c) not alter, add, or omit anything when interpreting - the interpretation should be precise including, as far as possible, translating offensive language such as derogatory terms and swear words;
 - (d) ask for a statement to be repeated, rephrased, or explained if it is unclear;
 - (e) immediately acknowledge mistakes by informing the Board and parties. The interpreter can ask for a pause, and inform the Board when they are ready to continue;
 - (f) immediately inform the Board if the interpreter and the person who requires the interpreter need to have a conversation for the sake of clarifying something;
 - (g) immediately inform the Board if a statement or question cannot be accurately interpreted because of cultural or linguistic differences between the two languages. If possible, the interpreter should help the representative, party, or Presiding Member to re-phrase the statement or question so it can be accurately interpreted; and
 - (h) decline to interpret in a case, or ask to be replaced if the case has begun, if they feel their interpreting skills are not adequate for it.

6. Information is to be kept confidential

- 6.1 An interpreter must keep all case details confidential, unless they are ordered to disclose information by a court.
- 6.2 An interpreter may be given documents about the case in advance to help them prepare for the hearing. If this occurs, the interpreter must keep these documents confidential. The documents may include a copy of the charges, summary of facts, witness statements, and expert witness briefs.

7. Information is not to be used for personal gain

- 7.1 An interpreter must not take advantage of knowledge obtained when acting as an interpreter or through access to Board information for their own personal gain or to benefit another person.
- 7.2 If an interpreter feels their role as interpreter is being misused by any party they must inform the Board.

8. Unauthorised payments or gifts must not be accepted

- 8.1 The Ministry of Business Innovation and Employment will authorise payment for an interpreter's services. An interpreter must not accept any other payment (remuneration), gift or gratuity.

9. Board Hearing Protocols

Dress standard

- 9.1 It is expected that interpreters will maintain the appropriate dress standard to reflect the function of the Board. No jeans or casual clothes are to be worn.

Timeliness

- 9.2 An interpreter must arrive on time for the start of the Board hearing, and must return from breaks on time.

Addressing a Board Member

- 9.3 Members are to be referred to by their surname.
- 9.4 Interpreters must not interrupt a Board Member when they are speaking.
- 9.5 Interpreters do not need to stand when speaking to a Board Member.

Taking notes

- 9.6 Interpreters are allowed to take notes in hearings but those notes should be kept secure to ensure information about the hearing remains confidential.