



Health & Safety

Carson McDowell is a leading provider of legal advice in the specialist area of health and safety in Northern Ireland.

**We do more.
Better.**



What we do

Organisations of all sizes are increasingly aware of the advantages of promoting a positive health and safety culture. When done right, employers and employees may benefit from fewer accidents, less sick leave, increased productivity and improved reputation.

Of course, the consequences of 'getting it wrong' are well-documented including: increasingly heavy financial penalties; possible imprisonment for errant individuals; and damaging publicity. Most businesses, across a diverse range of sectors, aim to protect their workforce and third parties through striving to put in place robust health and safety systems which are implemented effectively.

The Health and Safety Team at Carson McDowell LLP has first-hand experience of advising in this specialist area in Northern Ireland. A number of our solicitors have practised in England and Wales, in addition to Northern Ireland, and are able to advise businesses seamlessly across these legal jurisdictions.

Our services

'Reactive' Services

Our team is skilled in providing a 24/7 crisis response service in relation to investigations by the Health and Safety Executive Northern Ireland, local authorities and the Police Service of Northern Ireland. We understand the pressures that this can place on organisations and employees, and can provide advice and assistance during these early stages, through to any criminal or civil court process or coroner's inquest.

We have advised businesses and individuals across a broad range of sectors in relation to document and interview requests, service of improvement and prohibition notices, as well as assisting in the management of communications at a time of media interest.

Examples include:

- Acting for companies in relation to investigations and prosecutions for health and safety offences in the Magistrates' and Crown Courts;
- Acting for companies that have been charged with corporate manslaughter;
- Acting for companies in relation to appeals of prohibition and improvement notices;
- Acting for an individual who was interviewed as part of a health and safety investigation;
- Acting for companies (as 'Properly Interested Persons') in relation to inquests in the Coroner's Court.

'Proactive' Services

With the benefit of experience from advising 'at the coal-face' when it has gone wrong, our team is well-placed to provide health and safety compliance advice to your business or organisation. We understand the move to simpler application of health and safety law; therefore, our aim is to offer sound, commercial legal advice that is sensible and pragmatic.

We can provide advice on compliance with the regulatory framework for health and safety, including advising on technical queries and policy reviews. We also regularly conduct health and safety due diligence in the context of corporate or property transactions.

Examples include:

- Advice in relation to a variety of health and safety policies and compliance queries including the overlapping duties of landlords and tenants, managing asbestos, drugs and alcohol, and display screen equipment.

Training

We are experienced in providing health and safety legal training and have provided such training to clients in high risk industries locally. This could range from a short reminder session for your workforce on basic health and safety legal duties, through to half or full day courses on specific areas such as: director's duties in health and safety, effective crisis management and accident investigations, mock interviews under caution, corporate manslaughter and driving for work. We would be delighted to work with you to create a bespoke training session that is tailored to your business needs.

Client Seminars and Events

In order to help our clients to keep up-to-date with changes in the law, we have hosted a number of breakfast seminars and drafted updates on important issues, which are published on our website.

Examples include:

- Asbestos risk in the 21st century;
- Corporate manslaughter: Steering clear of the pitfalls;
- Drugs and alcohol in the workplace; and
- Managing mental health in the workplace.



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Key contacts



Declan Magee
Partner and Head of Litigation

Declan is the head of the Commercial Litigation department in which the Health and Safety Team sits. He has been involved in many of the high profile prosecutions in Northern Ireland, defending clients in sectors such as construction, infrastructure, engineering and retail.



Claire Harmer
Partner

Claire joined Carson McDowell LLP in 2009 and was made a Partner in 2014. Claire is head of the Defence Insurance Litigation Team. She is regularly instructed by insurers to represent their insured clients in fatal accidents and catastrophic injury claims. Claire provides a 360 degree service defending health and safety prosecutions (including corporate manslaughter), representing clients at inquests and subsequently defending the civil claim.



Ashleigh Birkett
Senior Associate

Ashleigh joined Carson McDowell LLP in April 2013. She had qualified into the Health and Safety Team in a leading international law firm in England in 2005 before returning to Northern Ireland. Ashleigh's experience relates to health and safety compliance advice and training, as well as handling investigations and prosecutions for companies across a wide range of sectors.

Ashleigh was ranked as an 'Associate to Watch' for health and safety in the Chambers and Partners UK legal directory in 2019 and 2020.

Ashleigh serves as an executive committee member and Vice Chair of the Northern Ireland Safety Group.



Ben Johnston
Solicitor

Having trained with the firm, Ben joined the Health and Safety Team at Carson McDowell LLP in 2016. Ben assists in providing corporate support on due diligence projects, acting for companies facing investigations and prosecutions, and providing compliance advice and training to clients on a range of health and safety issues.



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