

Contribute to health and safety legal actions

---

**Overview**

This standard covers the skills and knowledge required to contribute to health and safety legal actions.

It covers

1. reviewing health and safety loss event investigation reports from a legal point of view
2. identifying possible breaches of statutory and common law requirements;
3. suggesting probable legal defences; and
4. briefing relevant people on health and safety legal matters

## Contribute to health and safety legal actions

---

### Performance criteria

*You must be able to:*

1. provide organisational support or response to any criminal action undertaken against the organisation following industry best practice
2. advise relevant stakeholders on actions required if an enforcement/prohibition notice is received following industry best practice
3. advise on extent of criminal liability in health and safety following industry best practice
4. prepare briefings on cases for relevant people following industry best practice
5. provide suitable organisational support to legal agents following industry best practice
6. provide organisational support or response to any civil action undertaken against the organisation following industry best practice
7. review health and safety loss event investigation reports from the point of view of civil liability following industry best practice
8. advise claimants or defendants, as the case may be, of the extent of their civil liability and possible defences following industry best practice
9. check civil claims procedures are carried out within specified procedures

Contribute to health and safety legal actions

---

## Knowledge and understanding

*You need to know and understand:*

1. health and safety criminal legislation
2. mitigating circumstances and/or defences in a health and safety criminal or civil case
3. being a witness in court
4. using expert witnesses
5. criminal court procedures
6. sorts of negligence and breach of statutory duty as they apply to health and safety civil liability
7. defences in a health and safety civil claim
8. civil claims procedure

Contribute to health and safety legal actions

---

**Developed by** NSAFD

---

**Version Number** 2

---

**Date Approved** January 2019

---

**Indicative Review Date** January 2023

---

**Validity** Current

---

**Status** Original

---

**Originating Organisation** Proskills

---

**Original URN** PROHSP12

---

**Relevant Occupations** Occupational Health Workers; Occupational hygienists and safety officers (health and safety); Health and Safety Managers; Health and Safety officers

---

**Suite** Health and Safety

---

**Keywords** Occupational health and safety; health and safety; legal actions

---