



Harold Downes

Partner | Workplace Relations, Employment & Safety

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Harold has more than 30 years' experience advising in industrial relations, employment and work health and safety (WHS) regulatory law.

Harold was ranked as one of only six Leading Individuals in the *Legal 500 Australia* rankings for WHS in 2019, the only one outside of Sydney. He is also recognised by *Doyle's Guide* 2018 as a Preeminent Workplace Health and Safety Lawyer and is listed in *Best Lawyers Australia* in the Occupational Health and Safety Law and Employment Law categories.

Harold is regularly invited to present at national conferences and has been described as "a very effective and informative speaker – more of him would be good". Clients describe Harold as "calm and level-headed in a crisis" as well as "courageous, intelligent and focused on excellence" and an advisor whom clients "have on [their] speed-dial."

Expertise

Harold's expertise includes:

- WHS: Crisis response and incident management, board governance and compliance, contractor management strategies, legislative compliance advice and responding to regulatory enforcement action. Harold is advising on the first industrial manslaughter prosecution in Australia.
- ER: Workplace investigations, performance management and terminations (award covered and executive), restraints of trade and managing long term absenteeism.
- IR: Responding to industrial action, protests and disputes, Building Code compliance, right of entry and sham contracting.

Harold acts for principals and contractors, private and public companies and GOCs.

Experience

Harold's recent experience includes:

WHS

- Representing the first corporate and director industrial manslaughter prosecutions in Australia.
- In Qld, successfully defending (by securing a withdrawal of the charges prior to the trial) a client charged for breaches of the WHS Act following a fatality at work. The success extended to avoiding the incident being referred to a coronial inquiry by the Coroner.
- In NSW, forming part of a crisis management team responding to a prohibition notice threatening the viability of a major asset within the portfolio of a publically listed entity. The asset was returned to production and the prohibition notice lifted.
- In Qld, NSW, SA, Vic and WA, conducting and advising both publically listed and privately owned companies in relation to their WHS board governance. In relation to two major advices, Harold completed a compliance audit and collaborated with senior executives to develop recommendations aimed at improving compliance and the diligence exercised over WHS matters by the Officers.
- In Qld, representing individual workers in collaboration with the lawyers advising their employers, following significant incidents and prosecutions.

Employment

- Conducted and completed a workplace investigation involving the C-Suite within one week, avoiding long term C-Suite conflict and preserving all the existing roles.
- Successfully enforcing a restraint against a departing senior executive and their new employer.
- Developing a manual including template letters and forms for the management of long term absenteeism in NSW and Qld across mining and non-mining operations.
- Successfully defending a series of unfair dismissal and general protections applications made by mid-level managers following a downsizing program.

Industrial Relations

- Advising a building industry service provider on its need to and extent of compliance with the Building Code in the context of an investigation by the ABCC.
- Responding to disputes under an Enterprise Agreement opposing roster changes.
- Providing strategic advice on the full range of contentious and non-contentious responses to industrial, protest and picket action available to employers on building sites and landlords in retail and commercial buildings.

Recognition

- Ranked Lawyer, (Band 3), Health and Safety, *Chambers Asia-Pacific Lawyers 2020*.
- Leading Individual, Workplace Health & Safety, *Asia-Pacific Legal 500*.
- Leading Lawyer, Workplace Health & Safety (Australia), *Doyle's Guide*.
- Pre-eminent Lawyer, Workplace Health & Safety (QLD), *Doyle's Guide*.
- Recommended Lawyer, Employment Law (QLD), *Doyle's Guide*.

Professional qualifications

- Baccalaureus Procuracionis (University of South Africa) – 1986
- Advanced Diploma in Labour Law (Rand Afrikaans University) – 1992
- Conversion Course (University of Western Australia) – 2000
- Company Directors Course (Australian Institute of Company Directors) – 2018

Other roles and associations

- Harold lectures on WHS at the Queensland University of Technology and the University of Queensland and also serves on the course curriculum advisory groups for the health, safety and environmental science courses at both these universities.
- Harold chaired the judging panel for the QMCA Excellence in Safety Awards for 10 years.
- Harold is an external subject matter expert reviewer for Lexis Nexus WHS publications.