



Corporate Manslaughter

The Main Points

The Corporate Manslaughter and Corporate Homicide Act 2007 came into force on the 6th April 2008.

The new Act will compliment existing health and safety law – the Health and Safety at Work etc. Act 1974 will remain the main overarching legislation in the workplace.

It will apply to all companies, partnerships, trade unions and trade associations as well as government departments.

Guilt under this legislation will be based on the way the company activities are managed or organised. The breach of a duty of care or gross breach will be owed by the company of the deceased.

Courts will be looking at management systems and practices throughout the organisation. The jury will look at culture, consider attitudes and accepted practice, risk assessment, policy, minutes of meetings and other examples of health and safety bad practice.

Penalties will be unlimited fines, publicity order and remedial order to improve the failures that caused death at the workplace.

Sub-contractors – the new offence will depend on whether they owed a duty of care to the victim and will apply in respect of existing obligations on the main contractor and sub-contractors for the safety of the working sites and their workers.

Directors will not be prosecuted as an individual under this Act, but individuals can already be prosecuted for gross negligence manslaughter.

See also the main questions asked by a jury.



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The Main Questions

HSE will scrutinise your company leadership, performance and involvement of the employees.

- Is your Health and Safety Policy adequate in terms of risks faced by employees, customers and others who could be affected?
- Are employees involved in decisions affecting health and safety?
- Is health and safety regularly discussed at board meetings?
- In larger companies, is there a health and safety director?
- Are arrangements adequately resourced?
- Is competent advice taken and followed?
- Is compliance monitored and are breaches properly addressed?
- Are preventative and protective measures effective?
- Does the board receive regular reports on workplace safety?
- Is performance reviewed and weaknesses addressed?