

Firms warned on safety as manslaughter law changes

[Apr 8 2008](#) by Vicky Anderson, Liverpool Daily Post

THE Corporate Manslaughter and Corporate Homicide Act 2007, which came into force this week, aims to make it easier to convict companies that have fatally breached their duty of care.

Its introduction marks the culmination of a lengthy campaign for new laws on so called “corporate killings”, following a series of high-profile train crashes and other disasters from the sinking of the Herald of Free Enterprise in 1987 to the outbreak of Legionnaires’ disease in Barrow-in-Furness in 2002.

Under the new legislation, which removes a major obstacle to such convictions, the courts can also make new kinds of orders. They include a publicity order, which will force the guilty organisation to publicise details of the conviction, the offence, the level of fine imposed, and any remedial actions required.

Jim Percival, a partner and head of regulatory at Liverpool based law firm Brabners Chaffe Street, says: “Before the 2007 Act, it was almost impossible for prosecutors to secure manslaughter convictions against companies or other organisations responsible for causing deaths. Now, an organisation will be guilty of corporate manslaughter if the way it manages its activities is shown to have caused a person’s death and amounted to a gross breach of the duty of care it owed to the deceased.

“There will be no need to show that a senior individual within the organisation would himself be guilty of manslaughter, as was the case in the past. From the boardroom and throughout the organisation, the company’s culture should be one of a sustained and genuine commitment to health and safety.”

In addition to the above article, remember these four things for the control of legionella in your premises:

- Risk Assessments
- Logbooks
- Management
- Training

Remember, all training must be accredited, a certificate of attendance does not constitute accredited training.

Simon French