

Criminal neglect

Average annual pay of Britain's top 100 bosses, 2002: £1.5 million.

Average fine for workplace safety offences, 2002: £12,194.

With no safety bill or corporate killing law in sight, *Hazards* says it is no wonder some companies think it pays to be unsafe.



While Prime Minister Tony Blair and the Home Office have in recent months talked tough on crime, the workplace safety criminals have had little reason to worry.

Speaking on the publication of the latest safety penalties figures (right), Health and Safety Commission (HSC) chair Bill Callaghan commented: "Health and safety offences are serious crimes. They can cause extreme pain and grief to the victims and their families and it is vital that the level of fines reflects this.

"While I would prefer not to see incidents and injuries happen in the first place, I am very encouraged to see that the average level of fines in 2001/02 rose by nearly 40 per cent. This sends out a strong message to the small

minority of employers who do not take their health and safety responsibilities seriously."

But Callaghan's claim that whopping fines send out a strong message to employers is questionable.

Britain's safety fines total for 2001/02 totted up to £10,901,263, at an average of £12,194 per case. The average fine for work-related deaths is £20,000 to £30,000, says HSE.

Researchers at Income Data Services found that chief executive officers at the UK's top 100 companies saw their average earnings pass the £1.5 million mark in 2002.

Companies and their top bosses know poor safety isn't necessarily poor company or personal finance.

Responding to the absence of corporate killing legislation in the government's legislative plan for

2003, TUC general secretary John Monks said: "The TUC believes that corporate killing legislation is as important now as it was a year ago when it was included in Labour's manifesto."

The government says the promised laws will come "when parliamentary time allows."

But while it hasn't yet found time to legislate to protect workers, it has found time to introduce The Country and Rights of Way Act 2000, which allows for jail sentences of up to two years for harming wildlife (*Hazards* 77).

And members of the public now get jail time for relatively trivial – certainly not life-threatening – offences.

The same day HSE released its fines report, Birmingham City supporter Michael Harper, who invaded the pitch to taunt opposition players during a match, was jailed for four months and banned by Birmingham Magistrates from attending any designated football matches for the next six years.

Deborah Broad, a mother of three, was jailed for three months in July 2002 for hitting a pregnant teacher during an argument over the price of a school trip.

Simon Vallor, 22, was jailed for two years in January 2003 for unleashing a computer virus. In the same month, Graham Ellison, 44, was sentenced to four months for having an untidy garden.

The criminals are not pursued so vigorously at work, where small fines are the norm and official HSE workplace safety inspections have dropped by 41 per cent in the last five years, with no inspections in 2000/01 after 3 per cent of deaths at work and 80 per cent of major injuries (*Hazards* 80).

Make the fines 100 times bigger and the message might start getting through. Stripping criminally unsafe directors of their directorships – and their overstuffed wage packets – might give them reason to think twice.

Slamming a prison door behind them would definitely get the message across.

Not on board: UK companies think they know about health and safety, but don't deal with it as a boardroom issue. London School of Economics research published in 2002 found that among the top 250 FTSE companies, more said a specialist manager below board level had responsibility for health and safety than for any other regulatory risk.

Union action: Safety is a top issue for all workplace union reps. A November 2002 TUC survey of 877 reps found about half had some safety function, with safety ranking as the third top job for all reps, trailing only "resolving difficulties" and "union organisation." And safety train-

ing was the most common form of training undertaken – 48 per cent had had some, well over half of those who'd had training at all. However, in almost half of workplaces with a solitary union rep, no one is performing the life-saving union safety rep role.

Inquests inquest: Legal action by victims' rights advocates has forced a coroner to hold an inquest into the death of 24-year-old Paul Stewart, who fell to his death with three other workers in a gantry collapse on the Avonmouth bridge. Avon coroner Paul Forrester had previously ruled that a hearing was unnecessary because the companies involved had

been prosecuted by the HSE. The legal action by the Public Law Project was supported by the Centre for Corporate Accountability and unions GMB and TGWU.

Cyanide fine: Chemical company BASF has been fined £20,000 following the death in December 1999 of a worker who was overcome by cyanide fumes at its Hartlepool plant. Teesside Magistrates Court was told the breach did not cause 41-year-old Derek Tuck's death. However, a subsequent investigation found more could have been done by the company to safeguard its workforce.



THE WRITING'S ON THE WALL

Australian unions are making a big claim for a corporate killing law. Massive billboards calling for the introduction of industrial manslaughter legislation can now be found at key locations around Sydney.

The billboards feature the body of "A Worker," with a toe tag stating the cause of death as poor workplace health and safety practices. The billboards are backed by construction union CFMEU and manufacturing union AMWU in New South Wales (NSW).

Peter McClelland of CFMEU said safety crimes must be taken seriously, with "a range of options including prison and disqualification from being a company director."

Wayne Phillips of AMWU, said company directors should be charged with industrial manslaughter if they were aware of a safety problem, did not act and a worker died as a result. NSW has a specialist unit within WorkCover, its safety enforcement agency, to investigate every workplace fatality with a view to criminal prosecutions.

PENALTIES BILL GOES INTO EXTRA TIME

The Health and Safety (Offences) Bill, scheduled for its second reading in the House of Commons on 31 January and then on 7 February, has been put back until 7 March.

Commenting on Scarborough and Whitby MP Lawrie Quinn's ten minute bill, TUC health and safety officer Owen Tudor said: "We need to make progress. Small fines are not an adequate deterrent for the corporate cowboys. The courts need access to higher fines and jail sentences."

The TUC backed Bill would raise the maximum level of fines for most health and safety offences to £20,000, and could still become law by the autumn. The Bill would also make it possible to imprison employers for the most serious offences, and raise the fine for employers who are not properly insured.

More on the Health and Safety at Work (Offences) Bill: www.hazards.org/deadlybusiness

Fine times for the guilty

Safety penalties for health and safety offences in Britain last year totalled less than £11 million, official figures show.

The Health and Safety Executive's *Offences and penalties report for 2001/02* identifies almost 900 companies, organisations and individuals convicted of health and safety offences during the year.

The average fine for health and safety cases was £12,194 in the year to the end of March 2002, up 39 per cent from the previous year's figure of £8,790. HSE brought 1,064 prosecutions with an 84 per cent conviction rate. The fines total was £10,901,263, a rise of more than £2 million.

Average fines in the two most deadly sectors, construction (£7,594) and agriculture (£2,072) remained the lowest for any sector.

Enforcement in the local authority-enforced sectors was even more lamentable, with inspections, enforcement action and fines all falling.

The 2002 report from HSE's local authorities group (HELA) shows that in 2000/01, the average fine per conviction plummeted to just £3,903, 15 per cent lower than the previous year (£4,595).

The report covers the work of the 410 local authorities responsible for 1.2 million work premises, such as offices, retail and wholesale distribution outlets, hotel and catering establishments, residential care homes, consumer services and the leisure industry.

The number of full-time equivalent local authority safety enforcement officers fell by 4 per cent in 2000/01 to 1,070, continuing the recent downward trend.

The number of visits to premises dropped from 313,000 to 300,000 and 5 per cent fewer formal enforcement notices were issued. Overall, the rate of visits has fallen by almost a quarter in the last five years.

HSE enforcement action webpage
www.hse.gov.uk/enforce

Offences and Penalties Report for 2001/02, November 2003 and *Health and safety in local authority enforced sectors: HELA National Picture 2002*. Both free online or in print format from HSE Books (details, page 34).

There should be a law against it

Sick of the government's stalling on safety crimes? Think the wait is killing us? Want to do something about it? See the *Hazards Workers' Memorial Day*, 28 April 2003 resource guide (page 9). Send the government a message with *Hazards* special edition postcards (pages 35-36).

Who are the workplace villains in your backyard? See HSE's "naming and shaming" prosecutions database: www.hse-databases.co.uk/prosecutions For the Centre for Corporate Accountability webpage on UK work-related manslaughter cases, see www.corporateaccountability.org/manslaughter.htm