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News release

15 February 2010 - NR 05/10

Stiffer sentencing still not enough, says health and safety body

While stiffer fines and punishments start today for organisations found guilty of corporate manslaughter, the leading body for health and safety professionals believes new sentencing guidelines still don't go far enough.

As from 15 February 2010, those organisations convicted stand to be fined at least £500,000 and could have to pay millions of pounds under new sentencing guidelines. Most will also get potentially far-reaching 'publicity orders', requiring guilty parties to publicise their offence and punishment. For other health and safety offences causing death, fines could run into hundreds of thousands of pounds and will rarely be less than £100,000.

Yet the Institution of Occupational Safety and Health (IOSH), which was consulted on the new guidelines, believes an opportunity has been missed to ensure punishments have equal economic impact across organisations of different size and to emphasise the need for cultural change in many convicted organisations.

"We believe using percentage of annual turnover (or equivalent) in setting fines would have helped ensure convicted organisations of different sizes felt the financial impact more equally," said IOSH policy and technical director Richard Jones.

"Remedial orders should also address the vital need for deep-seated cultural issues to be tackled where these have contributed to the offence," he added.

"Based on regulator guidance, we say this could include measures such as compulsory training or retraining in health and safety management for directors and senior managers, appropriate use of behavioural safety programmes, the introduction of third-party audit and access to competent health and safety advice."

IOSH also called for:

- Absolute minimum fine levels for corporate manslaughter convictions
- Aggravating factors to include failure to heed professional health and safety advice, co-operate with authorities or remedy deficiencies
- Having a good health and safety record should be no mitigation in corporate manslaughter, given the gross breach that has occurred
- Clarity over 'a different approach' to setting fines in the public sector
- Corporate manslaughter convictions to affect Comprehensive Area Assessments.

Following consultation, IOSH successfully called for the phased repayment of fines, where appropriate, to protect public services or employment, for fines to ensure the removal of any financial gain from the offence and for publicity orders to include details of remedial orders.

Effective sentencing, says IOSH, will help:

- raise health and safety standards, remedy defects and deter offending
- reflect culpability and accountability
- show society's disapproval
- ensure confidence in the justice system.

- Ends -

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Notes for editors:

IOSH is the Chartered body for health and safety professionals. With more than 37,000 members in 85 countries, we're the world's biggest professional health and safety organisation.

We set standards, and support, develop and connect our members with resources, guidance, events and training. We're the voice of the profession, and campaign on issues that affect millions of working people.

IOSH was founded in 1945 and is a registered charity with international NGO status.

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