

Corporate Manslaughter and Homicide

In summary

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

The CIOB welcomes and supports the Act.

Under the new legislation companies and organisations can be found guilty of corporate manslaughter as a result of serious management failures.

Effective laws are needed to prosecute organisations that pay scant regard to the proper management of health and safety – with fatal results.

The issues

Current law on corporate manslaughter links a company's guilt to the gross negligence of a person senior enough to be said to 'embody' the organisation. In other words, the conviction of corporate manslaughter is only made if there is enough evidence to find a single senior person guilty. This fails to reflect the complexity of modern corporate life and there is strong support for reform.

The Corporate Manslaughter and Corporate Homicide Act 2007 came into force on 6 April 2008. For the first time, companies and organisations can be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of a duty of care.

The new legislation considers the overall picture of how an organisation's activities are managed by its senior personnel, rather than focusing on the actions of one individual. However, where one individual is shown to be culpable, they can still be charged with the common law offence of manslaughter which carries a sentence of imprisonment, and it is still possible to prosecute individual directors and managers under the Health and Safety at Work Act 1974.

The penalty for being found guilty of corporate manslaughter is an unlimited fine. The Act also gives the courts power to impose a remedial order to require the company to address the cause(s) of the fatality, and a publicity order to publicise the company's conviction.

The CIOB recommends and supports:

- The highest standards of safety in the workplace.
- Corporate manslaughter law that enables prosecution of organisations which fail to properly manage health and safety – with fatal results.
- Accountability for health and safety at the highest level within organisations, including Board level.
- A positive and effective 'Corporate Safety' culture which exists from top to bottom in firms.

