

Controlling Corporate Manslaughter Risk Through Effective Lone Worker Solutions



UK Leaders in Lone Worker Care & Protection

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With the recent drastic increase in the consequences for firms contravening health and safety legislation, Tom Morton, CEO of Argyll, the UK's largest [lone worker solutions provider](#), advises why organisations should mitigate their risks associated with lone working.

The release of new sentencing guidelines for courts (issued by the Sentencing Guidelines Council in February 2010) have raised the stakes for companies convicted of corporate manslaughter offences. The new law applies to every organisation within the UK and provides an effective route to securing a conviction in the event of a fatality, if it can be proved that a company was in breach of the 'Duty of Care' owed by the organisation to its workers by virtue of the way in which its activities are managed or organised. In addition to the existing threat of civil actions being taken by staff, unions or family members, and the costs of defending any action taken, the fine recommended for a public corporate manslaughter prosecution to be imposed on any business is now £500,000 or greater. Not only will the organisation face this unprecedented fine, but it may also be burdened with the additional costs of a remedial order and a publicity order.

Fines of this scale can have a devastating impact on small and medium-sized businesses with modest turnover and profit figures. In the case of very large businesses, the fines issued could be much higher than this minimum and the guideline suggests these will reach into millions of pounds.

However, these financial penalties are only part of the story. Courts are also empowered to issue remedial orders, requiring businesses to address any specific health and safety failures that it hasn't already dealt with, but the final coup de grace is potentially the most damaging element of any corporate manslaughter sentence: the publicity order.

A business served with such an order is required to make a public announcement giving details of the offence committed and the financial penalty imposed. The court will dictate how this announcement must be made but it is expected that national and local press announcements and a message on the business's own website will be usual practice. The reputational damage caused by a publicity order could end up costing businesses (especially large household names) far more, and take much longer to recover from, than any financial penalty the court can issue. The potential costs of complying with a remedial order and publicity order will not be taken into account by the court in setting the fine and will be a further drain on businesses that may already be facing unprecedented financial pressure.

In the 2008 TUC safety representatives survey, working alone was the sixth main hazard of concern for safety representatives. Recent research shows that 1.3 million people are attacked in the UK every year at work and assaults are increasing by 5% every two years. The rise in workplace violence now costs UK industry hundreds of millions of pounds in compensation and the loss of more than 3 million working days each year.

Health & Safety has been pushed to the top of the corporate agenda by the newly introduced legislation that threaten grave legal and financial consequences for those not exercising an adequate 'Duty of Care' for staff exposed to risk whilst operating as Lone Workers. In a nutshell, Trustees and Directors must consider every possibility when assessing the risk faced by Lone Workers and including the impact risk to the organisation.

In light of these radical changes to the way in which corporate killing offences will be dealt with by the courts, and because of the increasing focus on health & safety, many organizations are investigating technical means of controlling risks and considering the use of a dedicated lone worker device or service to respond easily and quickly to emergencies. It is clear that solutions need to be found however, whoever is charged with overseeing health and safety issues must therefore seek appropriate professional advice and irrespective of the organisations commercial status or the probability of the risks encountered by lone workers, employers must ensure compliance with the tightening legislation.

The Internet is awash with companies offering lone worker devices or software or response services that appear to offer mobile phone capability; sophisticated man-down detection and/or dedicated SOS buttons; some are connected to call centres, some rely on the purchaser providing monitoring services and some utilize satellite technology to obtain precise location data that can be used for resource management or during incident response handling. However the sheer volume of these vendors, all offering apparently 'similar' devices and services will of course only add to the confusion. This is why BSI (the British Standards Institute) has published BS8484, a new lone worker devices and services standard developed in conjunction with customers such as NHS; stakeholders within the security industry and key suppliers within the lone worker industry. BS8484 provides a definitive benchmark that enables an employer to assess devices, services and response providers using an acknowledged industry standard that contains minimum features, fail-safes and service provider propriety checks that will reduce an employers exposure to risk. Significantly, this new lone worker standard has already been adopted by ACPO (Association of Chief police Officers) meaning that only solutions complying with BS8484 and the associated Alarm Receiving Centre standard, BS5979 CATII, will be permitted to receive a Police response for lone worker alarms.

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With the rising number of attacks against [lone workers](#) resulting in higher and more frequent compensation demands, Insurance companies are very aware that employers operating robust health and

safety policies present lower risk business for them. Many insurers are actively engaging in risk management services and requesting companies to tighten up on their health and safety policy, particularly if they employ lone workers. This, together with growing legislation and punitive consequences means that companies and organisations need to review their health and safety procedures and in particular reassess their lone worker protection strategy.

For more information please contact Argyll on 0870 750 1475 or visit www.argyll-loneworker.co.uk

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