

Corporate Manslaughter and Corporate Homicide Act 2007

HOW CAN COGNITO HELP

With over 150 successful Mobile Workforce Management solutions in place, Cognito is in the right position to provide consultancy, solutions and services to organisations with task-oriented field workers who need to integrate their field activities with their back office systems and processes to maximise competitive advantage.

Contact us today, to find out more about how Cognito can increase the effectiveness and efficiency of your organisation, whilst lowering your costs.

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According to government figures, in 2005 there were 34 prosecutions but only 6 convictions for corporate manslaughter; yet from 1996-2006, 2721 workers and 4312 members of the public were killed in work-related accidents. The Health and Safety Executive believes that the majority of workplace accidents are preventable, and the new act is designed to overcome a defect in the previous law that required prosecutors to show that a “directing mind” at the top of a company was responsible for a death.

The 2007 act allows liability to be assessed on a wider basis to accommodate very serious management failings across an organisation. It is important to note that the act does not necessarily lower the level of negligence necessary for corporate manslaughter, nor does it make it any changes to the existing law with regards to prosecuting individuals (the “directing mind”). It does, however, make it possible to prosecute an organisation by creating the obligation to a “duty of care”. This duty of care relates to duties already in place under the civil law of negligence.

If a death is deemed to fall under the terms of the act, the courts will look at the management systems and practices across the organisation and whether an adequate standard of care was applied across the activity. The threshold for conviction is gross negligence, with a substantial part of the failing occurring at senior management level. This failure to organise activities properly must have caused the victim’s death. A jury is allowed to consider evidence of broader attitudes within the organisation towards safety. Management cannot argue that they delegated the responsibility, they must demonstrate that they had controls in place.

An organisation convicted of an offence under the act can receive an unlimited fine, and a publicity order requiring that it publicise the fact of its conviction and some details of the offence. This publicity is to be made in a way decided by the court.

On its own, therefore, the act does not pose problems for well-run companies. It does, however, show that a commitment to the active management and measurement of the business process is a core ingredient in a well run and safe business. Cognito® contributes to this through its integrated Mobile Workforce Management solutions.

Mobile Workforce Management solutions enable employers to monitor and track employees’ activities and ensure that health and safety checks have been carried out prior to work commencing. They also ensure that there is a communication link between the office and the field worker, which provides the ability to control risk and keep in contact.

Mobile Workforce Management solutions, which consist of integrated real-time data, scheduling and vehicle tracking, enable companies to quickly identify and dispatch task based field workers, and provide them with the information they need to get the job done as efficiently, effectively and safely as possible. It can also provide employers with information on location, tasks, and other key details about their working day, so they can ensure adherence to Health and Safety regulations.

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