

## REVIEW OF THE PARTY POLITICAL MANIFESTOS, MAY 2001

The Centre for Corporate Accountability has reviewed the manifestos of the Conservative, Liberal Democrat and Labour parties to compare their policies on corporate accountability. And worker and public safety and

### The Context

Since the last election:

- over 1000 workers have suffered fatal injuries;
- 100,000 workers have suffered “major” injuries;
- there have been two major train crashes involving dozens of deaths;

The Centre has been lobbying for the following changes in law, policy and procedure:

- *Enactment of a new offence of corporate killing.*  
The current law makes it very difficult to successfully prosecute companies – particularly when they are large - for manslaughter even when the deaths(s) are the result of highly negligent reckless management practices. This reform, promised by the Labour Government in October 1997 - will make it easier to prosecute companies for causing death through gross negligence.
- *A change in the law to impose safety duties upon company directors.*  
At the moment company directors have no obligation to ensure that their company is safe. The law currently allows directors to remain totally insulated from hearing about or acting upon any safety failures within the company that they manage. Imposing duties upon directors will ensure both ensure that directors have a clear interest in the safety of their company and ensuring that they can be held criminally accountable (where appropriate) for their own personal safety failures.
- *Resourcing the Health and Safety Executive*  
It is necessary to significantly increase the resources to the Health and Safety Executive. At present the HSE only has enough money to investigate 10% of major injuries reported to it. It has one third of the resources given to the Environment Agency which is itself considered to be under-resourced.
- *Establishing a more rigorous safety enforcement policy*  
There is a need for the HSE enforce safety law adequately. Whilst it need not prosecute for every breach of safety law, it must ensure that repeated breaches, breaches that result in serious injury or death, and other serious breaches of the law result in either a written warning, a formal caution or prosecution.

### General Comments on the Manifestos

- Although all the manifestos have sections on reform of the Criminal Justice System, none of these sections consider the crimes that are committed by companies and what reforms are required to ensure that companies do not escape investigation and prosecution.

- None of the parties make any commitments relating to:
  - reform to the law of corporate manslaughter;
  - imposing safety duties upon directors
  - increasing resources to the Health and Safety Executive
- the Liberal party is the only party which says something about the Health and Safety Executive

### **The Conservative Party**

The manifesto states in its section on “Town and country” that:

“We will revive the railway industry so it achieves airline standards of service and safety. We will stop Labour’s policy of blame and shame. We will implement the Cullen inquiry recommendations.”

There is no other comment on safety or corporate accountability.

Our comments:

- It is not clear what the Conservative party means by Labour’s policy of “blame and shame”. It is the Centre’s view that when companies and those that run them commit serious crimes they should be subject to proper investigation and prosecution were necessary

### **The liberal party**

In its section on Employees' Rights, the Liberal Party states that

“Most employers have no objection to good health, safety and anti-discrimination rules. But the law needs to be tightened to clamp down on the small minority of companies who exploit their workforce. We will promote a business culture which embraces equal opportunity as essential to a committed and motivated workforce. We will:

- Give the Health and Safety Executive new powers to investigate breaches of its rules. We will make businesses which flagrantly flout the rules criminally liable for the consequences. However, we will train inspectors to carry out a range of inspections on one visit where possible, rather than having several separate inspections from different bodies.”

### **Comment**

- It is not clear what new powers the Liberal Party would provide to the Health and Safety Executive. It is the Centre’s view that safety and enforcement is less about “new powers” and more about the HSE having the resources and the will to enforce the law as it is now.

- The Liberal party states that they will *make “Businesses which flagrantly flout the rules criminally liable for the consequences.”* It is not clear what the Liberal Party means. The law currently allows those who “flagrantly flout the rules” to be made criminally liable. The question is whether the law is properly enforced and whether companies are subject to proper investigation and prosecution scrutiny. Also, it is the Centre’s view that in certain cases, companies should be prosecuted even when they don’t “flagrantly” flout the rules but when they negligently flout them (as the law allows at present).
- It is not clear what is meant by training inspectors to carry out a range of inspections. HSE inspectors are occupational health and safety experts. It is the Centre’s view that it would not be advisable that they take on further inspection responsibilities outside health and safety.

The Liberal Party also states in relation to “railway safety” that:

“ We will implement the recommendations made by Lord Cullen's inquiry into Railway Safety. We will create a new Railway Safety body within the STA to take regulation of railway safety. We will also create an accident investigation body modeled on the Air Accident Investigation Branch.”