

The Government must keep its promise to bereaved families – pass the Corporate Manslaughter Bill now

In a statement on behalf of the Centre for Corporate Accountability, David Bergman, its Executive Director, said today:

“After a 10 year wait since the Labour Government first promised to reform the law of corporate manslaughter, the Government is reported to be considering dropping the Corporate Manslaughter and Corporate Homicide Bill – rather than supporting a Lords amendment that would allow the Bill to apply to police and prison custody deaths.

In the CCA’s view such a threat is entirely unacceptable. This Bill must pass – preferably with the amendment, but without if necessary.

This Bill is far from being perfect in the CCA’s eyes – but the new offence represents some improvement on the current law.

It will make it easier to prosecute organisations for killing people through gross negligence and in this respect it will provide better prospects for justice than the current law. That said the CCA remains highly critical of the Government’s decision not to change the law to impose health and safety responsibilities upon directors, a legal reform which campaigners, and indeed the Labour Party itself, had long espoused as the necessary complement to a new law on *corporate* manslaughter. And which the Labour government had committed itself to in 2000.

At CCA we have campaigned since our inception in 1999 for a change in manslaughter law that would enable truly horrendous cases where gross negligence by an organisation has caused a death to be successfully prosecuted. In this, we have stood shoulder to shoulder with bereaved families, trade unions, and other health and safety organisations

The need for such a law was evident not only from the lack of accountability that followed major disasters, but also from cases involving the deaths of individual workers or members of the public.

As an organisation that has advised and assisted hundreds of bereaved families following work-related deaths, we know acutely the limitations of the existing law and the hurt felt by these families when there is inadequate justice.

Further, we have always believed that deaths in custody – both in prison and police custody – should form part of this law reform. As part of a broad coalition campaigning for increased accountability following deaths, CCA has never acknowledged any separation of these deaths from other occupational fatalities.

We can see no good reason why, if a person dies in prison or in police custody as a result of the gross negligence of senior management at that prison or place of holding, there should not follow a manslaughter prosecution. The life of a person in prison or in police custody is worth no less than a worker on a construction site or a member of the public in a hospital, and the failure of such an organisation is no less than any private construction company that kills.

Moreover the legal advice that we have obtained from senior barristers states clearly that the law must apply to these custody deaths to avoid Government being in breach of the European Convention on Human Rights. The Joint Committee on Human Rights has said the same thing.

The Government may not like the Lords amendment – it will open up some Government bodies to the possibility of prosecution if they have killed through gross negligence - but it is absolutely wrong for the Government to even consider dropping this Bill on that account. Indeed, this creates the suspicion of a Government looking for an excuse to abandon a long-held legislative commitment, while at the same time seeking to drive a wedge into the coalition that has supported that legislative reform.

In short, the Government has a responsibility towards the bereaved and all those to whom it has made promises over the last decade to make sure this Bill becomes law.

We would urge everyone involved in the passage of this Bill to work together to get it made law. It cannot be right to allow this historic opportunity to pass and to do nothing, or to risk what so many have fought for, for so long.

We want this Bill to pass with the Lords amendments – it is the right thing. But, if there is a lack of political will for this to happen – illegitimately so, in our view - then it must become law without them.

It is our strong hope that all those involved will be able to discuss what compromises might be reached to allow the Bill to become law in as effective a form as possible.”

Centre for Corporate Accountability
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