



- *Don't become a victim of the UK's growing 'compensation' culture*
- *You are directly responsible for your employees' actions*
- *You have a Duty of Care to your employees, customers and the public*
- *Proven records management will help any defence*
- *Comply and improve your business at the same time*

What is it?

The Corporate Manslaughter and Corporate Homicide Act is a new law that comes into effect on 6th April 2008.

Why is it being introduced?

The new law is being introduced for two main reasons:

- To rectify a defect in the old law
- To increase the pressure on companies to make Health and Safety a higher priority.

What was the defect in the old law?

Under the previous law, it was necessary to identify and prosecute an individual (usually within senior management) who was ultimately responsible for someone's death. Unfortunately, it was not always possible to pinpoint a single guilty person - especially in large organisations. As a result, only a very few, large companies were ever convicted of Corporate Manslaughter.

Under the new law, it is the company (as a business entity) that is convicted rather than an individual. However, if individuals are still found to be liable, then they can also be prosecuted under other Health and Safety laws.

How are convictions made?

A company can be convicted if a person to whom a duty of care is owed is killed due to management failures or negligence. The law will seek whether the organisation complied with Health and Safety laws and guidelines.

What are the penalties?

- Unlimited Fines
- Remedial Action Orders
- Orders to publicly announce the offence

Should you be concerned?

Your company is still as liable now as it always has been - the law just makes it easier for you to be prosecuted!



If you take your company's Health and Safety obligations seriously, then you are unlikely to be in breach of the new provisions.

What should you do now?

Companies should familiarise themselves with the new law, review their systems and processes for managing Health and Safety policies and ensure that they are adequate. Particular attention should be paid to the way in which business activities are organised and managed by senior management.

Companies need to identify, and document, each potential hazard that could cause a fatality. For each hazard identified, companies have a duty of care obligation to ensure that reasonable steps have been taken to protect a person's safety.

The Facts

- *The new law affects ALL companies*
- *The number of prosecutions is expected to escalate*
- *Companies have a Duty of Care towards employees, customers and the general public*
- *Employers are directly responsible for their employees' actions while on company business.*
- *The law applies whether on or off business premises, and even if it's in the employee's own vehicle*
- *Employers will be found guilty if employees were working for long hours either at the employer's request, or where the employer has failed to monitor their working hours*
- *More than 50% of companies fail to check that employees, using their own vehicles for work, have insured them for business use*

Companies must demonstrate that they are doing everything practicably possible to protect the Health and Safety of those at risk—whether they be employees, customers or third parties. Failure to demonstrate an effective Health and Safety policy will be a key factor in any decision to prosecute. Likewise, a strong Health and Safety culture could be instrumental in a successful defence of any prosecution.

High Risk Areas

There are two areas which account for a large proportion of corporate manslaughter claims. These are:

- Lone Workers
- Vehicle Drivers

Both of these areas will be heavily scrutinised under the new Act.

Lone Workers

Lone workers are particularly vulnerable to hazardous situations. They will have varying levels of exposure to risk depending on their job role, industry sector and the nature of the environment in which they work.

Company Vehicles and Drivers

According to the Royal Society for the Prevention of Accidents (RoSPA), driving is the most dangerous work activity and road accidents are the UK's biggest occupational safety issue. The statistics speak for themselves:

- 26% of deaths on Britain's roads involve at-work drivers
- 33% of company cars are involved in a collision each year
- 30 per cent of employees who drive as part of their work have been involved in one or more accidents in the previous three years. Half of these crashes occurred while they were driving as part of their work
- Approximately 40 per cent of fatigue related crashes involve an individual driving as part of their work.

How can SimplyTrak help?

1) Records Management

Employers must be seen to be actively assessing, managing, documenting and acting upon potential risks and hazards faced by their workers. For example, they must provide training for problem drivers, issue warnings for speeding and ensure that vehicle checks are complete.



The SimplyTrak system manages and documents all the activities of your 'at risk' assets. It stores vehicle information as well as all driver/user activity. Alerts can automatically be sent when a high risk situation is encountered (e.g. speeding, entry into a banned area or if a vehicle has begun a journey without completing proper checks). It can also notify the appropriate personnel when a vehicle is due for a service, the MoT or insurance is due to expire or when the driver's licence details are due for inspection.

Historical data can be used for trend analysis to help identify changes in risk exposure over time.

2) Lone Worker Protection Devices

Contact with lone workers and knowledge of their whereabouts is a key Health and Safety requirement.

Tracking devices provide valuable protection for staff, giving them access to a lifeline and means of communication when most needed. They can also protect companies against potential court proceedings in the event of an accident or attack.

SimplyTrak supplies a wide range of personal tracking and lone worker protection devices. As well as providing location based information these solutions can:

- Trigger automatic alerts for 'man-down', situations
- Open a voice call to third parties when in high risk situations
- Automatically, or manually, send 'SOS', 'panic' and 'help' requests to email users, other mobile phones and Contact Centres
- Automate alerts for e.g. speeding
- Automate notification of entry to and exit from high-risk areas
- Provide listen-in monitoring for dangerous situations

3) Vehicle and Driver Monitoring

Regular monitoring and assessment of your drivers and vehicles helps eliminate potential liabilities. The SimplyTrak system will collect, store, analyse and help you act upon key data to optimise your business and help you comply with the new Act.

How Much Will This Cost My Business?

GPS tracking solutions save money and deliver proven Return on Investment. They can also increase revenues through asset optimization and help you comply with key policies and legislation.

Can you afford not to consider them as part of your business strategy?

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