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For immediate release

STUC WELCOME REPORT FROM EXPERT GROUP ON CORPORATE HOMICIDE

The STUC has welcomed the report of the Expert Group, set up by the Scottish Executive to review the law on corporate homicide in Scotland, which today recommends creating a new offence of corporate killing through recklessness.

Under this new offence, organisations whose actions or failure to put policies, practices and systems in place to ensure the health and safety of its employees and the public, could face prosecution if these actions result in death.

STUC Deputy General Secretary, Grahame Smith, said:

“The STUC has been happy to participate in the work of the Expert Group. Only last week HSE statistics sadly revealed an unacceptable tragic rise in workplace fatalities. The report of the Expert Group begins to address many of the issues surrounding these fatalities, in particular ensuring that employers can be held to account for negligence in appropriate cases.”

He added “We welcome the commitment shown by the Minister and the Executive on this sensitive issue and look forward to legislation that will result in safer workplaces throughout Scotland. The Scottish Executive and Parliament now have an opportunity to take significant steps to make that a reality by adopting the recommendations of the Expert Group.”

Patrick McGuire of Thomsons Solicitors, a member of the Expert Group as the STUC’s legal adviser said:

“The Scottish Executives’ comments are very encouraging. The Expert Group were acutely aware of Scotland’s truly horrific and unacceptable record in relation to workplace deaths which was further underscored with HSE statistics published last week. We set out to offer recommendations towards a workable piece of legislation that would act as real deterrence. The move away from the need to artificially identify which senior managers were at fault, as required in the equivalent English Bill; the proposed individual directors offence; and the proposal in relation to deaths which occur outside Scotland all go a long way to achieving that goal.

“I personally believe that it is only when errant directors face the prospect of imprisonment that they will take sufficiently serious their Health and Safety duties. It is a very sad but unfortunately true fact when dealing with certain managers. Good and safety conscious directors have nothing to fear and I am quite sure will welcome these proposals as it will prevent competitors achieving an edge by ignoring safety considerations.

It is now down to political will and we all, in the trade union movement, look to the Executive to act in the in best interest of our workers as soon as possible.”

Ends

Notes for Editors

The Expert Group on Corporate Homicide was set up on 15 April this year to review the law in Scotland on corporate liability for culpable homicide, taking into account the proposals for England and Wales published by the Home Secretary earlier this year. The STUC are represented on the group by Ian Tasker and Patrick McGuire of Thomsons.

From 2001 to 2005 the number of fatal injuries to workers in Scotland increased by 29% compared to a decrease of 12% in Great Britain for the same period.

For further information contact:

Kevin Buchanan 0141 337 8110
John Park 07974793187
Patrick McGuire 07763098209