

SitexOrbis lone worker protection helps employers fulfil their duty of care under the Corporate Manslaughter Act.

Employers will soon face bigger penalties if their failure to take care of their lone workers leads to a tragedy.

In April 2008 the offence of corporate manslaughter is at last to become legally enforceable. Whereas now it is quite possible for companies to slip through a legal loop hole, from that date the escape route will be blocked.

The tricky requirement the new [Corporate Manslaughter and Corporate Homicide Act 2007](#) does away with is the need for the prosecutor to identify an individual who is a 'controlling mind' in the company who was responsible for the failure to provide a duty of care towards the deceased.

In case after case in courts, no controlling mind has been found to exist who was personally guilty of manslaughter. Consequently, out of all the corporate horrors from the capsizing of the Zeebrugge in 1987 in which 193 people died to the more recent disasters, there have only been about three successful prosecutions.

When the new Act comes in to force the prosecution will have to show that there have been senior management failings.

The Home Office believes this easier course of action will increase the number of prosecutions to just over one a month. This time around being found guilty will not lead to imprisonment for those responsible, but to payment of a fine, which could turn out to be quite hefty as the Act has left it to the courts to decide on the amount.

Although the new Act overlaps with the Health and Safety and Work Act 1974, it does not replace it. Under the HSWA, organisations that breach their health and safety duties can also be asked to pay an unlimited fine if found guilty, whether or not a death has occurred.