

- New stiffer penalties introduced in February 2016 for Health and Safety non compliance and in November 2018 for corporate manslaughter
- Emphasis changed such that fines apply to putting employees at risk, not just accidents
- Imprisonment more likely for directors, managers, employees
- Higher fines which can exceed £10M for large companies who have a high level of culpability

Sentencing
Council

**Health and Safety
Offences, Corporate
Manslaughter and
Food Safety and
Hygiene Offences**
Definitive Guideline

DEFINITIVE GUIDELINE

From February 2016 new tougher sentencing guidelines were introduced for Health & Safety offences. The objective being to drive compliance and reduce the number of accidents in the work place. The guidelines are directly applicable to electricity related accidents and cases where employees are put at risk due to failure to properly comply with the Electricity at Work Regulations for the implementation of safe working practices as described in HSG85.

The consequence of the new guidelines is that average fines have increased threefold with very substantial increases for larger organisations. For the largest companies, who are judged to have a high level of culpability and the highest harm category, fines could exceed £10M.

A significantly lower threshold for imprisonment may also result in more directors, managers and employees being given custodial sentences. If a director or employee is aware of a breach of the law that has a medium likelihood of causing death or disability, then the guidelines direct the court to impose a custodial sentence of between 6 to 18 months.

The emphasis has changed such that the new fines are structured not just to punish employers whose failure to comply results in serious injury but also those whose lack of compliance put their employees at risk.

Find out more about how to implement safe isolation procedures and ensure compliance in our video:
bit.ly/safe-isolation-video

For more information on selecting the right test tools and equipment to ensure safe isolation see our article:
bit.ly/safe-isolation-getting-started

The cover of the HSE guidance document HSG85 (Third edition) is shown. It features the HSE logo at the top left and the title 'Electricity at work' in a large, bold font. Below the title, it says 'Safe working practices'. A small image of a lightning bolt is visible on the left side of the cover. Text on the cover describes the guidance as covering key elements for safe working practices and providing advice for managers and supervisors.



Company fined after worker suffers electric shock

Date:

27 November 2017

A North East company, Green North East Trading Bidco Limited, was sentenced today after a sub-contractor suffered an electric shock when he cut through a live cable.

South Tyneside Magistrates' Court heard how, on 20 March 2016, the injured person was removing an item of industrial equipment at the site in Davy Bank, Wallsend. Believing the equipment to be electrically isolated, he cut through an electricity supply cable.

The Health and Safety Executive (HSE) investigation found the company, which traded as Impetus Waste Management, had failed to adequately plan and manage the work carried out by its contractors who were removing some equipment. The contractor started work to remove equipment having been told it was safe to do so. During the work the contractor cut through an electric cable to a fan. This cable was live and the contractor suffered an electric shock which resulted in hospital treatment. After the incident, it was found that there were several pieces of equipment that had not been electrically isolated.

Green North East Trading Bidco Limited (in administration) of Cowpen Bewley, Billingham, Cleveland, were found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £900,000 with £5390 costs by South Tyneside Magistrates' Court.

After the hearing, HSE Inspector Shuna Rank said "This incident could so easily have been avoided if the work had been properly planned, the risks identified and steps taken to ensure that all equipment was electrically safe before the contractors started work at the site. Fortunately, in this case, the injured person has made a full recovery, however the outcome could have been fatal."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses.

<http://press.hse.gov.uk/2017/company-fined-after-worker-suffers-electric-shock/>

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