

Meeting on Corporate Killing at the Hazards 2009 Conference.

Here is some follow up.

The points we presented to the final plenary under the heading **Confront Corporate Crime**

First of all we noted with sadness reports that a fire fighter has been killed in the Lothian area of Scotland in the early hours of the morning and other colleagues injured.

1. On the anniversary of the Bhopal disaster 3rd December we propose that we stage public and well publicised memorial events across the UK using the memorial areas and activities we use on International Workers Memorial Day and we will call the day 'Bhopal Day against Corporate Crime'.

Consider organising a fund raising event for the research and medical work for survivors by Sambhavna Trust clinic see www.bhopal.org, and www.bhopal.net

2. Demand the establishment of an International Court for transnational Corporate Criminals who kill workers, members of the community and poison the environment .

3. Develop a list of Dow chemicals that are sold for use in making any other products so that trade unions in companies using these Dow chemicals can organise boycotts to support the Bhopal International Campaign for Justice demand that Union Carbide/Dow drop the lie that worker sabotage caused the disaster.

4. The 'One death is too many' Report by Rita Donaghy into the underlying causes of construction deaths, commissioned by the DWP, published on 8th July, recommends many of the demands including statutory H&S duties for directors, construction to come under the Gangmaster Licensing Authority, the positive role of trade union safety reps to be more appreciated by employers in construction and so on. BUT the job now is to put pressure on the government to implement the recommendations:

a) circulate links to the report and urge safety reps to contact their MPs to support the recommendations

b) construction unions will be demanding a parliamentary debate on the report, we can all encourage our MPs to sign up to any Early Day Motion laid to ensure this;

c) we all need to put pressure on the government to act on the now established moral and practical case that directors must be legally responsible and accountable for their H&S decisions, and if their negligence leads to death or serious injury they should face prison sentences.

5. Local action around workplace deaths.

Use information about workplace deaths in your area - from the press, from contacting the local coroner's court, or from Mike Holder's information on the Centre for Corporate Accountability website, or circulated via Hazards Campaign- to make the H&S case: the need for directors duties, for stricter enforcement before someone is killed, and for H&S being a human right, and for the live saving activities of TU organisation and safety reps.

See FACK website www.fack.org.uk

Bhopal websites:

www.bhopal.org

www.bhopal.net

'One death is too many' Construction Deaths inquiry report: Rita Doanghy's Recommendations

Below are the recommendations as published in the final report into the construction deaths inquiry, *One Death Too Many*

1. I recommend extending the building regulations so that health and safety processes should be included when considering building control applications or building warrants.
2. I recommend that the remit of the Gangmasters Licensing Regulations should be extended to include construction. Alternatively, a regulation should be made which has the same effect.
3. I recommend that there should be positive duties on directors to ensure good health and safety management through a framework of planning, delivering, monitoring and reviewing.
4. I recommend that the courts should be assisted on the issue of specific responsibilities of directors to carry out corporate health and safety governance so that they can make appropriate judgements about the verdict or level of fine or whether disqualification is merited and, if so, for how long.
5. I recommend there should be an investigation into the built-in delays in the system leading to prosecution and conviction or other outcomes on construction fatal accidents.
6. I recommend that there should be a full-time minister for construction with a co-ordinating brief to lead on construction.
7. I recommend that Office of Government Commerce guidance and the mandatory common minimum standards should be applied throughout publicly funded construction projects, including local authorities, and systems for accountability should be more effectively monitored and enforced with appropriate sanctions.
8. I recommend that there should be standard agreed bench-marks to test against the myriad of pre-qualification schemes so that subcontractors do not have to acquire a host of pre-qualifications before participating in tenders for public and private work including local schools, hospitals or housing associations. The Government should take the lead on this as a major client in public procurement.
9. The work of ConstructionSkills is also very important to the industry. I recommend that there should be a review of the allocation of grants as evidence suggests that it is the larger companies which make most use of the available funding. Some more redistributive allocation would be welcome.
10. I recommend that some research is carried out to identify why there is such a high drop-out rate from apprenticeships despite high volumes of applications.
11. The Construction Skills Certification Scheme card system is an important development in the industry. I recommend that the system should be further consolidated and renewed with a more strategic approach as to its future development.
12. I recommend there should be a review by the Higher Education Funding Council

for England (and the equivalent bodies in Scotland and Wales), the industry and professional bodies on the adequacy and relevance of university or college curricula in covering design, health and safety awareness and risk management issues.

13. I recommend that the industry should renew its efforts to establish genuine consultative frameworks to encourage greater worker participation.

14. I recommend that support should be given to those organisations working on developing the worker safety advisor scheme. Dame Carol Black's recent report (Working for a Healthier Tomorrow) included a possible expanded role for trade union safety representatives to promote the benefits of employer investment in health and well-being. I further recommend that any initiative arising from Dame Carol's report should include some funding for a project in the construction industry.

15. The positive role that trade unions can play in health and safety is not fully appreciated by the construction industry and I recommend that more should be done, particularly by the larger companies, to encourage joint working with the unions.

16. Where there is no trade union presence, I recommend that renewed efforts should be made to encourage genuine worker involvement so that workers are alert to risk and can speak out, without unfair consequences, about unsafe practices. This would involve the Strategic Forum for Construction, the Health and Safety Executive and any other organisation currently involved in worker engagement.

17. I recommend that construction workers, as individuals, should consider the impact on their families of unsafe working practices and should accept responsibility for their own safety so far as they are able. I recommend that employees should join a trade union as their families are more likely to receive support and advice in the event of a fatal accident; similarly a self-employed worker should have sufficient insurance to enable their families to obtain legal advice should it prove necessary.

18. I recommend construction companies should hold the names and contact numbers and addresses of close family members in the event of accidents.

19. I recommend that the industry should continue to support partnership working through the supply chain.

20. While this was outside the scope of this inquiry, Occupational Health remains a serious problem in the construction industry with thousands of workers dying every year. I recommend that renewed efforts should be made to tackle this issue.

21. I recommend that more work needs to be done by the HSE, the Strategic Forum for Construction and other appropriate organisations to tackle the 'legacy' challenge of second hand equipment or machinery still in circulation. Individuals or companies hiring this equipment should also ensure that they are fully aware of the capabilities of such machinery and its possible dangers and that they are sufficiently trained to identify any faults in the equipment.

22. I recommend an awareness raising campaign so that individual workers and companies take the issue of reporting accidents more seriously.

23. I recommend that there should be targeted safety campaigns for specific groups of workers who are regarded as vulnerable e.g. migrants, young people, the 55-60 plus age group.

24. There are insufficient HSE resources in London to carry out even the existing workload; this has been a problem for some years. I recommend that HSE should take steps to improve this situation.

25. I recommend that there should be a pilot study by the HSE to determine the impact of more non-accident prosecutions.

26. I recommend that there should be a review in the HSE of the communications strategy about fatal accidents to ensure a more co-ordinated and easily absorbable presentation.

27. I recommend that HSE should encourage its inspectors to promote the principles

of the joint Institute of Directors / Health and Safety Commission guidance for directors and leaders of companies by the use of more easily absorbable presentation material.

28. The review of recent construction fatal accidents represents an important contribution to this Inquiry. I recommend that work should continue in this area on a regular basis as it will further illuminate the underlying causes of fatalities.

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