

# safety2business+

## FEBRUARY 2009 NEWSLETTER

### DIRECTOR AND SENIOR MANAGERS BEWARE (Health & Safety Offences Act 2008)

As always our aim is to provide you with the latest information which may affect you or your business to ensure that you stay one step ahead of new legislation, industry good practice and Health & Safety Executive initiatives.

Our focus this month is on the new **Health and Safety Offences Act 2008** which came into force on the 16<sup>th</sup> January 2009 and has the potential to have profound and far reaching affects on companies and individual within those businesses who have a health and safety responsibility.

If you are a **Director** or **Senior Manager** and have Health & Safety responsibilities you need to be fully aware of the potential implications of the new Act.

The new Act will **increase penalties** and provide courts with greater sentencing powers for those who break health and safety law and is being welcomed by the Health & Safety Executive.

Coming in the wake of the **Corporate Manslaughter Act** and a clampdown by the Health & Safety Executive, this new Act will increase the heat on **Directors and Senior Managers**. Breaches of regulations could in future become criminal matters. We are likely to see tougher punishments, including **increased jail sentences**, imposed on **people of authority**.

Judith Hackitt (The Chair of HSE) welcomes the introduction of the new Act and has said "This Act gives lower courts the power to impose **higher fines** for health and safety offences. It is right that there should be a real **deterrent** to those **businesses** and **individuals** that do not take their health and safety responsibilities seriously. Everyone has the right to work in an environment where risks to their health and safety are properly managed and employers have a duty in law to deliver this".

**Directors and Senior Managers** can no longer afford to be lax about health and safety. They need to take a systematic approach, ensure risk assessments are carried out and proper procedures are in place to minimise risks and help protect their staff and the public at large.

If you are not an existing **Safety2Business** client and may be affected by the new Act you need to speak to us about the above changes as your business and your personally could be at risk. We can be contacted on 0161 320 2024 or email [hello@safety2business.com](mailto:hello@safety2business.com)

### Roofing boss jailed for Manslaughter!

**A roofing company director found guilty of manslaughter after one of his employees was killed in a 6m fall has been jailed for 12 months.**

Colin Cooper, the owner of South-east firm IC Roofing, was sentenced to the jail term as well as being handed down a £10,000 fine over the 2005 fatality.

His company was also fined £20,000 and Mr Cooper was disqualified from holding a director's position for three years.

A jury at the Lewes Crown Court found Mr Cooper guilty of manslaughter due to gross negligence over the death of 20-year-old Darren Hoofe.

Mr Hoofe died while carrying out roofing repairs at a unit at the Bellbrook Industrial Estate in Uckfield.

The court heard he had not been wearing a harness and there was no safety net in place to catch him when he plunged through a skylight on to the concrete floor. He died in hospital the day after the fall.

The court was told Mr Cooper had failed to carry out the necessary risk assessment procedures for the work.

During the 13-day trial, jurors also heard that Mr Hoofe, a trained electrical engineer, was "inexperienced" and had only received limited training during the six months he had been employed by the company.

Mr Cooper had already pleaded guilty to failing to ensure the safety of an employee under the Health and Safety at Work Act following an investigation by the Sussex Police and the Health and Safety Executive.