



Directors Duties

- Unite wants to see specific health and safety duties placed upon Directors and senior managers as part of the Health and Safety at Work Act.
- Currently the duties under s.2 of the HSW Act are against employers as corporate entities.
- We expect to see a General Duty on Directors, supported by more specific duties based on the current guidance.
- i.e. a general duty on Directors to take all reasonable steps to ensure health and safety.
- With specific duties, e.g.
 - Directors have a duty to ensure that health and safety risks arising from their organisations activities are properly managed
 - Directors individually and collectively accept their responsibility to provide health and safety leadership
 - Directors individually and collectively ensure that all board decisions reflect its health and safety intentions as articulated in the health and safety policy statement
 - Directors individually and collectively recognise their role in engaging the active participation of workers in improving health and safety
 - Directors individually and collectively ensure they are kept informed of, and alert to, relevant health and safety risk management issues
- Current penalties under the HSW Act do not, in effect, provide for imprisonment. It is only breach of a licensing requirement or breach of a Notice by an Inspector that could lead to imprisonment. Unite wants to see this changed so that the sanction of imprisonment can be applied against Directors for the most serious breaches.
- We need some “joined up Government” for the Home Office and the DWP to work together on corporate manslaughter and directors duties. They also need to ensure that an organisation and directors can be subject to relevant court proceedings on corporate manslaughter and health and safety offences at the same time.