

LEGISLATION

Duty Of Care



Employers have long since had responsibilities for the health and safety of their employees. However, now the law has been tightened and managers of organisations more than ever before owe a relevant duty of care to employees or persons performing services for it. Where a corporate culture exists that allows dangerous practices to go unchallenged and an accident or death result, organisations and the management now find themselves liable.

There are currently two pieces of legislation that companies need to be aware of:

[corporate manslaughter and corporate homicide act 2007](#)

Employers are responsible in law for their employees' welfare when they are on the road for business purposes. Since April 2008, they can now be prosecuted for Corporate Manslaughter if it can be proved that negligence in their duty of care obligations caused a death.

[health and safety \(offences\) act 2008](#)

This Act, which came into force in January 2009, increases the penalties against those who break health and safety law and provide courts with greater sentencing powers. However, unlike the Corporate Manslaughter and Corporate Homicide Act a breach of health and safety rules will not have to result in a death. The Health and Safety (Offences) Act 2008 extends the **£20,000 maximum Magistrates' Court fine** to a wider range of health and safety offences for which fleet managers and fleet decision-makers, including directors, could be prosecuted for, to up to two years in a prison, if convicted in a Crown Court, a fine or both.

'...IT ISN'T JUST AN EFFECTIVE TOOL FOR FLEET MANAGERS... ITS A NECESSARY TOOL MINIMISING RISK FOR EMPLOYERS AND MANAGERS'

Previous to these acts, it was often difficult to identify responsibility within an organisation who directly contributed by way of management failure to accidents or even the death of an employee. Now, without appropriate systems in place, employers and managers risk the threat of prosecution for any offences that occur.

FAILURE TO COMPLY CAN RESULT IN A FINE OF UP TO £20,000 OR A CONVICTION



Crystal Ball live web based tracking gives customers the information at their fingertips to successfully manage road risk, providing tangible proof of ongoing commitment to their duty of care responsibilities. The system provides all the relevant information necessary in ensuring compliance with an employers duty of care responsibilities on vehicle usage, servicing schedules, driver behaviour, journey reporting, incident reporting, and other reporting information.

Crystal Ball isn't just an effective business tool for fleet managers, it's a necessary tool minimising risk for employers and managers.

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