

## **fack** families against corporate killers

c/o Hazards Campaign, Windrush Millennium Centre,  
70 Alexandra Road, Manchester M16 7WD Tel 0161 636 7557  
[mail@gmhazards.org.uk](mailto:mail@gmhazards.org.uk) [www.fack.org.uk](http://www.fack.org.uk)

### **Statement to the ICL Plastics Public Enquiry from FACK**

**FACK - Families Against Corporate Killers** – formed in July 2006, is a group of families of people killed by work-related incidents, across the UK with many a significant number in Scotland. We do not call them accidents as the vast majority of deaths are entirely foreseeable and therefore preventable, as the HSE agrees (70% fatal and serious injuries due to failures of H&S management). We empathise with and support the families of those killed in the Stockline/ICL Plastics explosions in the quest for a full enquiry into how their loved ones came to be killed, and believe our own experience and hard won personal knowledge allows us to make some points regarding the Public Enquiry.

The deaths of members of our families involved a range of actions or inactions by managers, directors and owners, including ignorance of health and safety law, complete indifference to it, lack of compliance with even the most basic standards and legal requirements, up to gross negligence, deliberately putting profits before lives, managers contravening their own risk assessments and safe systems of work, and flagrantly sending workers to their deaths with a criminal disregard for human life. After the event which killed someone we love - who was just going to work to earn a living for their family as those at Stockline/ICI were also doing- we have all been shocked and horrified to discover how law breaking on a massive scale is regarded so lightly that workplace deaths are not generally regarded as crimes. We have learned a great deal about the way in which health and safety is handled in workplaces, how it is policed and how breaches are punished. FACK feels that the level of lawlessness in workplaces and the lack of effective enforcement or punishment, has led to a situation where there is little credible threat of deterrence to employers to keep them in legal compliance and prevent deaths, and we feel the Stockline/ ICL plastics case is one of the worst examples of this.

After every death at work, time and again, the phrase 'lessons have been learned' is used. FACK feels that this is surely why there are laws and a system of enforcement: to ensure that every employer does not have to cause someone's death before they learn a lesson. FACK members feel this Public Enquiry must move beyond mere platitudes such as '*lessons have been learned*' as they clearly, repeatedly, and fatally, have not been. The Enquiry must, of necessity, examine not just the handling of health and safety within the workplace, but also the system of law and its enforcement, and the criminal justice system, in its punishment of health and safety offenders, which sets the context for employers behaviour and societal attitudes, in order to establish the root causes of health and safety failures and then to make clear, useful and effective recommendations for prevention of health and safety failures which put lives and health at risk, in the future in Scotland. FACK wants lesson to be learned BEFORE anyone else is killed, injured or made ill by an employer's negligence. The current toll of workplace death, injury and illness is not acceptable in any civilised country.

n order that the correct lessons are learned from the appalling crime which occurred at ICL taking the lives of 9 workers and injuring 30 more, FACK feels it is absolutely essential that the Public Enquiry is as open, wide, and as detailed as necessary, to establish clearly the full chain of events leading up to, or influencing in any way, the explosion. It must also investigate responsibility for these events and influences within the workplace and outside. It must be a brave, honest and open Enquiry, not flinching from critical examination of the role of the owners and managers of the companies, the role of the HSE as the enforcement agency, the role of workers, the role of the law at that time, and whether the investigation was effectively carried out, whether the criteria for prosecution were correctly applied and the right charges laid. The companies involved in the explosion have been sentenced for those crimes but the Public Enquiry should examine whether the companies benefited in any financial way from their crimes, and give some consideration to whether the Corporate Manslaughter and Homicide Act now in force would have made any difference to the way in which the company were prosecuted for their crimes. This last point is essential as the law has changed and the Public Enquiry, conducted at cost to the public purse, needs to be relevant to the future legal context for corporate killing.

FACK asks that the Public Enquiry examines and tries to establish the full reasons and causes contributing to the explosion, including but not exclusively:

- The management hierarchy and systems, policies, processes, and procedures, relating to, and individuals, committees and groups involved in health and safety; how risk assessments were carried out; how workers were consulted, trained and informed of risks; how the company can show it complied with health and safety law – this will require examining both the managers and workers views. especially if documentary evidence cannot be produce by the companies
- Relationships between the management and staff in the handling of complaints and concerns on health and safety and other issues – could workers raise issues safely without threats of victimisation or retribution?
- The budget spent on health and safety – was money saved by not spending on health and safety measures?
- The history of health and safety in the factory, in the months and years leading up to the explosion, the level of compliance achieved and for which there is evidence – claims of a good record and the lack of involvement of the HSE is inadequate as we know that spot inspections by the HSE are extremely rare;
- The views of workers from the period before, and at the time of the explosion, as to how health and safety was managed and also how their concerns about H&S (and other issues) were handled by management
- The role of the whistle blower Laurence Connolly, his actions, and how he was treated by the management and, and also by the HSE
- The role of the HSE in regulating and enforcing health and safety legislation in this factory and more widely in Scotland generally – is it sufficiently rigorous to be effective? Is it constrained by lack of funding and other resources of expertise and staff levels? Is it compromised by a desire not to hinder business over the need to ensure workers lives and health are protected? Were the rights tests applied and the correct charges laid? Why were charges of culpable homicide rejected? Why were S37 prosecutions not taken?
- Did the companies benefit financially in any way? - money accrued from the clean up of the site after the explosion; any monies from insurance claims; to establish whether the company has in any way profited from the explosion.

Yours sincerely

Hilda Palmer on behalf of FACK Families Against Corporate Killers