
coporate manslaughter vs contract

Posted by Lawless - 2008/09/15 20:03

Hi,the company which I am party to has decided of late to make use of the coporate manslaughter bill.

It went live in April and they've decided to wheel it out now.

A few people are reluctant to hand over their licences to a third party due to privacy issues.

The company has stated that they either hand over their licences or they sign a disclaimer stating that they will not drive on company business.

This would amount to 3 or 4 off site general meetings per year.

After signing the dsclaimer if they do drive then they have been advised that they are breaking the terms of their contract and can be disciplined.

Sounds a bit dubious,can they enforce this?

Thanks.:unsure:

=====

Re:coporate manslaughter vs contract

Posted by kps75 - 2008/09/17 12:23

i don't understand your question entirely. who is the third party? what exactly have they asked for?

=====

Re:coporate manslaughter vs contract

Posted by Lawless - 2008/09/17 12:35

The third party being the company employed to manage this on behalf of the employers.

The main issue is that their website says that if they change name or ownership then the 3rd party information they hold is theirs to do what they want with,thanks.

=====

Re:coporate manslaughter vs contract

Posted by Jeromeluc - 2010/02/22 08:21

The Corporate Manslaughter and Corporate Homicide Act was given Royal Assent on 26 July 2007 and came into force on 6th April 2008. It is a new landmark in law and the culmination of ten years of campaigning by unions and other groups. The Act applies to the organisation itself and not to individual directors, managers or employees.

=====

Re:coporate manslaughter vs contract

Posted by Elgan - 2010/03/03 18:58

I take it from your original posting, that this concerns 'Driving at Work' and your company requiring you to supply a copy oif your driving licence to them (or their appointed representative) to validate a) your licence to drive the type of vehicle supplied or used, and b) your driving record in respect of driving convictions that will be show on your licence counterpart.

Driving at work, being a work function, is subject to the requirements of Statutory Legislation and regulations regarding health and safety. This includes the health and safety at work etc act 1974, the management of health and safety at work regulations 1999, and obviously, so far as the employer is concerned, the potential ramifications of the Corporate Manslaughter and Corporate Homicide Act.

In relation to the above the employer has a legal duty to ensure that if you are driving at work you are qualified to do so. This is proven in effect by your licence much in same way as a certificate would prove evidence of training/qualification etc, and your employer has a right to ask to see it in this respect, and you will be expected to supply them with to verify your ability. In addition, if you have points on your licence this may be cause for concern if the employers insurance for such limits the number of points that drivers under the company policy may have, and may prevent drivers with a certain number of points driving company owned vehicles.

There are of course a number of other factors here; under the Statutory law and regulations mentioned above, there are

issues of risk assessments for drivers, information, instruction and training in respect of driving of work, and compliance with other regulations (such as the Provision and use of work equipment regulations for company owned vehicles etc), requirements and best practice as defined in Approved Codes of Practice etc (ACoPs).

In respect of corporate manslaughter in England and Wales (corporate homicide in Scotland), if you were to have an accident whilst driving a company vehicle on company business, and kill someone, there could in effect, depending of course on the circumstances, be a case under the Act against the company, which may result from a number of areas of non-compliance... and may also include, for example, excessive speed by the driver. In such circumstances the law I think allows for not only the body corporate to be prosecuted, but also individuals.

If of course the vehicle you are using is your own, very little changes, except that the insurance obligations defined by the employer are required to be met by you, i.e. insured for driving to/from work and use at work etc...

Any information you supply that contains details of your name and address and postcode (i.e. a copy of your driving licence and counterpart) will be subject to the requirements of the Data Protection Act, and must be held and controlled by any body (or employer) in strict accordance with these requirements. If the body your employer has nominated/appointed to carry out these functions has neglected to inform you of this or says the data held may be turned over to other parties in an uncontrolled manner, they may be acting contrary to the requirements of the Data Protection Act, and this should be clarified before any information of a personal nature is handed over.

I would suggest you ask your company for details of their policies on driving at work and see what you get. It should include most or all of what is mentioned above. If it does not, or there is none or it is not suitable and sufficient, they may be non compliant with the legal duties imposed on them as an employer under the above Statutory Law and Regulations mentioned.

It is worth consulting a health and safety professional (CMIOSH Registered) to ascertain the facts on compliance here, but generally the above represents a reasonable guide to point you in the right direction.

=====

Re: corporate manslaughter vs contract

Posted by jstnmarsh - 2010/03/24 04:03

There are plenty of things that need to be taken care of while we go against the company for the injustice done to us. Now, paying the employee for traveling for the company's work should be the company's policy, but the person should have to present all the necessary documents to get paid for such travels. Such cases of travels resulting into unpaid bills are a common site these days.

=====