

Changes to Penalties for Health and Safety Offences

From 16th January 2009, the **Health and Safety (Offences) Act 2008**, increased penalties and provided courts with greater sentencing powers for those who fail to comply with Health and Safety legislation.

There are **no new Health & Safety requirements** on employers as a result of the new Act. This should mean no increased costs of compliance, **just greater penalties**. This will, I am sure, lead to increased insurance premiums. These changes are meant to reflect society's disapproval of poor health and safety standards and reinforce the **business** case for managing health and safety.

The Act raises the maximum penalties that can be imposed for breaching health and safety regulations in the lower court from £5,000 to £20,000 and the range of offences for which an individual can be imprisoned has also been significantly broadened.

By extending the £20,000 maximum fine to the lower courts and making imprisonment an option, more cases will be resolved in the lower courts, making justice faster, more efficient and less costly. Other reasons the penalties have been introduced are: tougher more commensurate punishment and more effective deterrence.

It should be noted that the fines have not changed for some time and in real terms, have they really kept pace with inflation and societies view of a safe workplace?

Summary of previous and new penalties under the Act:

Prior to 16 th January 2009	New Maxima
<ul style="list-style-type: none"> • £5K or £20K fines in Magistrate's Courts, depending on offence. • Unlimited fines in Crown Courts. • Imprisonment not available for most offences, really only failing to comply with a prohibition notice or breaching a licensing requirement. • Up to 6 months in Magistrates Courts and 2 years in Crown Court. 	<ul style="list-style-type: none"> • £20K fines in Magistrate's Courts. • Unlimited fines in higher courts. • Imprisonment for nearly ALL offences • Up to 12 months in Magistrates Courts and 2 years in Crown Court.

Cost cutting on health and safety has never been a sensible **business** option. It has now just become even less sensible personal or business option.

Maintaining employee's safety skills, their well-being and productivity, in addition to avoidance of fines / imprisonment, are now more important than ever in this challenging economic climate.

