

# Family of British casual worker killed on job presses for corporate manslaughter charges

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The family of 24-year-old casual worker Simon Jones has received a favourable ruling from the British High Court in their fight to bring manslaughter charges against the Dutch company Euromin for Jones's death. Simon was killed on April 24, 1998, his first day working for the company at its Shoreham docks.

On March 23, two High Court judges ordered the Crown Prosecution Service (CPS) to reconsider its decision not to prosecute Euromin or its UK business manager James Martell for manslaughter. The judgement was the first successful judicial review of a decision not to prosecute for manslaughter over a workplace death. The judges described the behaviour of the CPS as "irrational", accused them of "failing to address the relevant law" and adopting an approach that was "baffling" and "beggared belief".

Simon's brother Tim brought the case with the support of his family. Simon's father Chris said, "We hope the CPS will look at it again and will go ahead and prosecute". The Simon Jones Memorial Campaign also called for "a high-level enquiry into the CPS's systematic refusal to prosecute company directors and senior managers for workplace deaths."

The judges found the recent explanations by senior CPS official Stephen O'Doherty—that there was not enough evidence to bring charges of manslaughter—"insufficient" and "irrational". They said O'Doherty had left "unanswered questions" and that he relied on an unsubstantiated "general view". At an earlier hearing the CPS told the family their case was "doomed to failure". According to Sean Curry, another casual worker who had worked alongside Simon, when Martell heard he was being prosecuted he "burst out laughing".

Simon was part of a growing army of casualised workers who have been forced into increasingly

dangerous work on Britain's docks. He was a student who was taking a year out from his studies at Sussex University. Facing increasing harassment from the unemployment office, he was forced into taking a series of casual jobs.

The young man was sent to work at Shoreham docks for £5 an hour by an agency called Personnel Selection. Without proper training or supervision, he was put to work in the hold of a ship, hooking bags of cobbles onto chains, which were welded to the inside of the crane's grab. A grab should not have been employed with that kind of cargo, but according to Sean Curry it was used to save money. "It would have only cost a few pounds to take the grab off and put the hook on each time you needed to," he said. According to press reports, the Polish crew member acting as "banksman" to guide the crane driver spoke very little English. The grab and chains were brought too low over the hold, and the grab was accidentally closed on Simon's head.

Sean said, "Suddenly I heard Simon make a grunting noise. When I looked up, his head was trapped in the grab, making his face bulge forward. I knew he was dead when I saw his eyes. He'd obviously died instantly." After the body was taken away Sean was ordered to clean up the blood and was even asked to clean the bags of stones that still had Simon's blood and other remains on them so they could be sold. He refused and was sent home.

Last year 258 workers were killed at work in the UK. The average fine for a workplace death is £17,000 and just 20 percent of all cases are prosecuted. In the last year alone, 3,500 people in Britain have been injured at work. The government's Health and Safety Executive (HSE) investigates only one in twenty serious workplace injuries.

The HSE's own report suggests that 70 percent of

workplace deaths are the result of "management failure". Yet only two workplace deaths have resulted in a manslaughter conviction. Under the present law a company can only be convicted if a director or senior manager can be singled out as directly responsible for the death. If the board of directors shares responsibility then the firm cannot be found guilty of reckless or intentional killing. In the last 30 years only five individual directors have faced manslaughter charges.



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