Britain: Dock company Euromin cleared of corporate manslaughter

Keith Lee
10 December 2001

At the end of November, dock company Euromin and its general manger were cleared of corporate manslaughter for the death of casual worker Simon Jones. Simon was killed on April 24, 1998, his first day at Euromin's Shoreham docks, when a crane decapitated him. The Old Bailey jury found the company guilty of two breaches of health and safety regulations, and it was ordered to pay a fine of just £50,000, with £20,000 costs. Under the current law, a business can only be found guilty of corporate manslaughter if a "controlling mind" of the company is found guilty as an individual.

On December 3, 30 supporters of the Simon Jones Memorial campaign blockaded the Euromin facility at Shoreham docks, successfully preventing a number of lorries from entering and leaving. The company's offices were occupied and the protesters unfurled a giant banner reading "Simon Jones - killed by casualisation" from a dockside lighting rig

Originally, the Criminal Prosecution Service had decided not to pursue Euromin; the case only then going ahead because the divisional court overturned this decision, after a campaign by Simon's family.

Following the acquittal of Euromin, Simon's mother, Anne Jones, issued a strongly-worded press release, saying, "We are very disappointed and deeply disturbed by this result as we feel this gives companies the green light to cynically disregard safety issues in the sure knowledge that they will not be held to account. We have to accept the verdict but feel it sends a clear message to workers that nobody will protect them.

"A case like this illustrates with remarkable clarity the total lack of protection offered to workers by present legislation and its interpretation. It also highlights the attitude of the judiciary to middle class white defendants in suits. Just as the stench of suppurating flesh is a symptom of gangrene, so the judge's behaviour in his summing up is a symptom of much that is wrong in the attitude of the upper class judiciary to deaths at work.

"They fail to regard senior management and directors, who are responsible for maiming and killing workers, as the criminals they are.

"Even when guilty verdicts have been returned, sentences have invariably been very light. To fine this company £50,000 is the equivalent of fining me £5. The Health and Safety Executive would like to protect workers, but the government starves it of money and appeases big business interests."

Simon's brother Tim added, "The judge has decided that Simon's life is worth only fifty thousand pounds. I'd just like to say, having heard the judges summing up, it was severely unbalanced. He paid far more attention to the prosecution side, he made several inaccurate remarks, trying to direct the jury to reach a not guilty verdict."

Simon Jones, only 24 years old when he was killed in 1998, was a student who was taking a year out from his studies at Sussex University. Facing harassment from the employment 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.

According to press reports, the Polish crewman acting as the "banksman" responsible for guiding the crane operator, spoke very little English. The grab and chains

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were brought too low over the hold and the grab was accidentally closed on Simon's head.

Simon's death has brought into focus the shocking extent of work-related deaths and injuries, and how little is being done to stop them. At the time of his death, there was only one safety inspector to cover all the docks in the south of England, the same inspector was also responsible for visiting hospitals and local authority establishments. Euromin had only had one visit from an inspector, in December 1994, because a complaint had been made of unsafe working practices. Four years later, Simon became one of 374 work-related deaths in 1998. So far in 2001 work-related deaths have increased to 442 per year.

The police did not begin to investigate Simon's case for over six weeks, although under the law dealing with deaths in the workplace they are required to start immediately. Only after three years did they do a full search of Euromin's office.

Police indifference is mirrored in political circles. After a number of high-profile cases, including the Herald of Free Enterprise ferry disaster in the English Channel in March 1987, when at least 150 passengers and 38 crew members lost their lives, the Labour Party promised to bring in a law covering corporate manslaughter under a future Labour Government. Four years after entering office in 1997, Labour is stalling on introducing any new law that would see company executives facing prosecution for deaths arising from corporate negligence. The Department of Transport has still not published its bill or even committed the government to impose legal duties regarding safety on company directors.

Simon Jones Memorial Campaign website:
http://www.simonjones.org.uk/

To contact the WSWS and the Socialist Equality Party visit:

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