

## Slide 1

- I want to take you for a short walk in our shoes, to try to give you some insight into the journey of burdens travelled by those who lose loved ones in work-related deaths, starkly illustrating why we need to continue countering the “burdens on business” bleatings we’re subjected to all too often, consigning them to an early grave, just as our loved ones were sent to their graves long before their time.
- No matter how the journey started – **{click}** turning her husband’s life support machine off the day of her son’s 8<sup>th</sup> birthday, **{click}** watching her husband suffer immeasurably for 6 weeks before succumbing to multiple injuries, **{click}** or having her 6 year old son lie dying in her arms - the death of our loved ones signalled the start of the horrendous burdens FACK families have faced and continue to face daily.
- **{click}** Lorna French says she aged 10 years in the 18 months after her husband Brian was killed along with his colleague **{click}** Colin Ferguson at Pennyvenie opencast mine, their landrover run over by a 100-tonne truck. 15 months after their deaths, their families had only received the sparsest information from the Procurator Fiscal and that only after they wrote to the Lord Advocate tell her they had been very patient, and they thought some might say too patient, because in the months they waited for news, **{click}** Jim Griffin (a father of three) was crushed to death between 2 dumper trucks at Pennyvenie.
- While we wait, we’re left wondering where to turn for help. The reality for too many is summed up by this quote: “there’s nobody there to help you, you’re on your own and you think “what the hell am I going to do now?””
- Meanwhile, we are not treated as the victims of crime, so, for example, there is no support from Victim Support and those who are meant to keep us informed don’t. “I called my Police Liaison Officer today and find out that the CPS couldn't find enough evidence to prosecute an individual, in regard to...my son`s death. They didn't have the guts to call me and let me know... I am in total shock. I don't know what to do.” The desperate words of a mother whose son was killed in the Battersea Crane Disaster.
- And so, without support, we go to battle with the justice system which is meant to work for us. **{click}** Judith Allen’s son Steven was killed by a block grab being used for a purpose expressly forbidden by the manufacturer’s manual. HSE initially decided not to prosecute. They only did so because of the family’s persistence, assisted by FACK. On the morning she was set to go to Court to hear the verdict, Judith’s Facebook status said: “In my bag I’ve got Steven’s name tags from when he was born and when he died and I’ve got his first and last locks of hair, a photo of him that I love and lots of tissues...this is it, this is the last time I can fight for you my beautiful son , you deserved so much better in life.” Bentley’s were found guilty and fined £200,000. Yet, without the family and FACK’s persistence, there would have been no prosecution at all!
- It was more than 3 years after my brother was killed before the case against his employer company Mitie, plus its Managing Director, Operations Director and Technical Services Manager got to court. Due to prosecution failures all 3 individuals were released from the

dock before the case got to the jury. The advocate for Mitie was then able to refer to his client, the company, as an “invisible man” sitting in the dock. The invisible man did not take the decisions which led to my brother’s death. Real-life individuals did. So, conviction of the invisible man and the £300,000 fine that he had to pay did not provide my family with justice.

- In the case of **{click}** Chris Knoop, the company’s three directors didn’t attend court, the firm wasn’t represented and had been put into liquidation. The company was found guilty, but the judge was only able to impose the “absurd and unreasonable” fine of £1 for each of two safety offences, and £1 towards costs, prompting Chris’ 7 year old nephew to ask: *“Does that mean they killed Uncle Chris for £3?”*
- So, after many years of seeking justice for our loved ones we are left burdened by the fact we feel we have failed them, because the authorities have failed us.
- And the feeling that we have failed is compounded by the fact that we are then told, in Michael’s case that his death “could have been prevented had his employer ensured that safe working practices were being carried out in accordance with the company’s own written procedures.”
- My brother was an experienced spark. He was electrocuted when he cut through a wire marked “not in use”, which in fact was live and had not been isolated or locked off. During the trial, we heard that 7 sparks lost their lives between 2004 and 2006 as a result of failure to ensure power switches were properly isolated and locked off to prevent their inadvertent reconnection. The HSE inspector had been unable to obtain examples of the padlocks which should be used despite asking in major industry wholesalers. He was told there was “no demand” for them from the industry. A fundamental safety procedure each spark is taught during his or her apprenticeship not being implemented by employers.
- **{click}** Craig Whelan’s mum lives with the knowledge that his death was one of those “accidents waiting to happen” that are not accidents. He’d told his mum of his safety worries. **{click}** So had Mark Wright. **{click}** So had Steven Burke. **{click}** David Layland told his dad. He was certain someone would be involved in a serious incident at the Biffa waste site where he was a health and safety rep and was pushing for changes to prevent that happening. David was found hours after last seen, under tonnes of rubble, dismembered and badly crushed. While David’s dad’s thoughts were consumed with the fact that “No-one deserves to die like that. We couldn’t even identify his body. It was in bits. I didn’t get to kiss him or hold him to say goodbye.” Biffa were getting their excuses ready to claim in court that as no-one had actually seen David being killed, he could have been killed off-site, brought back and buried!
- After David’s death, Biffa went on to tell his Dad how proud David would be of them as they had now done all the things he had been asking them to do at the site...While David’s dad is haunted by what happened to his son, Biffa was patting itself on the back.
- And then there’s a family’s version of PHI. It tends not to be about permanent health insurance but rather poverty, hardship and illness.

- In my brother's case, no evidence was led in the defence of the invisible man. I want to know if the 3 individuals think about him every day as we do. I'll never know the answer. Chris Knoop's sister Christel keeps asking herself "was he dead before the fireball, or did it kill him?" She finds it difficult to get out of her head. She'll never know the answer.
- So we want the government and the investigation and enforcement authorities to hear us loud and clear when we tell them who really bears the burden!

## Slide 2

- Because the worst of it isn't the wait, the lack of support, the battle with the justice system, the ultimate injustice, the knowing it could so easily have been prevented, the poverty, hardship, illness, or even living with the unanswered questions.

## Slide 3

- The worst of it is... ..the everlasting burden of a life to live without our loved ones. Because nothing is going to bring {click} my wee brother back from his journey to a far too early grave.
- We can't bring back the loved ones we've lost, but we can, and we will, fight on to deliver justice and prevent others losing their lives of their loved ones in incidents which could and should have been prevented.
- And how we have been fighting!

## Slide 4

- While {click} Cameron talks of the "health and safety monster", the message from us FACKers could not be clearer: the sustained attacks on health and safety regulation and enforcement by this ConDem government are monstrous! Life and limb will be lost...life and limb are being lost...as a result of the continued denigration of health and safety by politicians, but also vast swathes of the media and, sadly, the population at large. Health and safety should not be a figure of fun. Health and safety is as serious as it gets.
- Health and Safety Minister Grayling's {click} repeated refusals to meet with FACK families (three times so far), well, these refusals only serve to strengthen our resolve to make the voices of our loved ones heard from their graves {click} .
- And since we were here last year, we've given them a voice at conferences held by, among others, the GMB {click} , Ucatt {click} , Unison {click} , Unite {click} , the Institute of Employment Rights {click} , and I drew the short straw and had to speak to a bunch of

lawyers, sitting on a panel alongside Judith Hackitt. We spoke the length and breadth of the country on International Workers' Memorial Day {click} – from Cornwall to Kilmarnock, and Liverpool, Manchester, Keighley, and others in between!

- We've been to the Durham Miners' Gala {click} , Westminster and Holyrood {click} , at the DWP {click} protesting against the slashing of 14 Regs, including those relating to Construction Head Protection, Tower Crane Notification, and the Dock Regs. We've been in close contact with Unite and Caroline Campbell - wife of Ian Campbell, Tilbury Docker killed in Oct 2011 - providing support as she begins her journey seeking justice for her husband.
- Just a brief snapshot then of the sort of things we've been up to as we continue to make people Face the FACKs!
- And yes, every time we get up to speak, it knocks some lumps out of us. But we are more than willing to take the emotional battering because we know what a difference it makes giving a human face to the so-called "statistics". And rest assured, we have more than enough of the energy which is going to be needed as we step up the fight once more in the year ahead.
- Can I take the chance to say a huge and heartfelt thank you from us FACKers to all of you, for what you do day and daily in the workplace for your colleagues and so for their families. And we value your commitment to taking the fight to the politicians, employers, enforcement authorities and others, now more than ever before! Because, please ultimately remember this {click} : we FACKers are fighting for the right of you and yours not to walk in our shoes! Together, let's continue our life saving. We **will** stop this ConDem Government killing us!!