

Alternative Penalties

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Alternative penalties (1)

Administrative fines:

- Various options – fixed, variable, on-the-spot
- Used in other health and safety systems

Restorative Justice:

- Victims (and witnesses) get a voice in outcomes
- Can aid rehabilitation
- Both parties have to agree to participate
- Used in criminal justice but not yet in health and safety

Alternative penalties (2)

Conditional cautioning:

- Intended to facilitate rehabilitation of offender and reparation for the offence
- Being trialled in Criminal Justice system

Enforceable undertakings:

- Used in some Australian health and safety systems
- Generates local/community benefits, unlike a fine

Alternative penalties (3)

Adverse Publicity Orders:

- Offenders required to publicise their failings – could be used with Restorative Justice and Conditional Cautioning

Probation for companies and Directors:

- Same amount of investigative effort/proof required for what might be perceived as a warning

Conclusions

Evidence-based Enforcement Policy

Alternative penalties must:

- Be effective in changing duty-holder behaviour and improving health and safety outcomes
- Satisfy principles of enforcement
- Practical – not cost more to run than the value added

Must not undermine effectiveness of existing enforcement tools