

# Simon Jones Memorial Campaign

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Rt Hon Peter Mandelson MP  
Secretary of State for Trade and Industry  
Department of Trade and Industry  
1 Victoria Street  
London SW1H 0ET

13th November 1998

Dear Mr Mandelson,

I am writing to you concerning the death of Simon Jones. Simon was killed on 24th April this year, his first day working inside a ship moored at a Shoreham dock. He was sent to work there by an employment agency, Personnel Selection, who were his employers at the time of his death. Simon had never worked inside a ship before and had no training in the skilled job of stevedoring.

On 8th September 1998 I wrote to the Employment Agency Standards Inspectorate, part of the Department of Trade and Industry, pointing out that Personnel Selection were in breach of their legal duties under the Employment Agencies Act 1973. Specifically, Personnel Selection did not ensure that Simon was suitable for the post he was sent to do. There is also no evidence that Personnel Selection gave Simon written terms and conditions of employment stating the kind of work he would be expected to do, another legal obligation on employment agencies.

On 27th October 1998 I received a reply to my letter stating that after 'the most careful consideration' the inspectorate had decided not to take any action at all against Personnel Selection. In a subsequent phone call to the Legal Services Directorate, I was told by Mr Richard Dingwall that the obligation to provide written terms and conditions is only a 'technical' one.

I am outraged that your department has decided to act in this way. Personnel Selection clearly broke the law and, by doing so, may have contributed to Simon's death. It may be a technicality to your lawyers that Simon was not given written terms and conditions but if he had been, and these had been different from the very dangerous job he was asked to do, Simon may be alive today. Your technicality, Simon's life.

Your cabinet colleague Michael Meacher, discussing Simon's death on the BBC on 20th September 1998, said, "I am absolutely outraged that penalties that perhaps are as little as £2,500 to £3,000, which I certainly believe are derisory and insulting, are sometimes awarded in the case of death or serious injury. That is absolutely inappropriate. It does not send out the message that deaths at work are something that employers need to have on their agenda as something to be avoided at all costs."

The most Personnel Selection could be fined for breaching the Employment Agencies Act 1973 is £5,000. The fact that your department does not even intend to prosecute them certainly does not 'send out the message that deaths at work are something that employers need to have on their agenda as something to be avoided at all costs.' I would therefore ask you to reconsider your decision not to prosecute Personnel Selection over this matter,

yours,

for the Simon Jones Memorial Campaign  
cc Rt Hon Michael Meacher MP