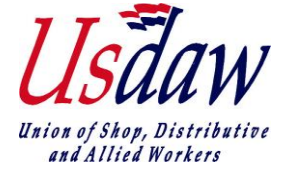




# Reps Guide to RIDDOR & Accident Reporting



Recording accidents in the workplace is a legal requirement under health and safety and social security legislation. Some accidents are required to be reported under RIDDOR but *all* accidents including ‘minor’ ones should be recorded and entered into the employer’s accident book.

This guide advises reps on how to help member’s who may suffer injury, work related disease or be subject to a dangerous occurrence.

## RIDDOR vs. Accident Book:

### Accident Book:

Under Social Security law anyone making a claim for Industrial Injury Benefit must have proof that the injury is work related. Employers are required to keep a record of accidents for this purpose. As a result an Accident Book or some equivalent means of recording accidents is needed.

It is the injured person’s responsibility to ensure the details are entered into the Accident Book, either by themselves or by somebody acting on their behalf. Members should be encouraged to report injuries, no matter how trivial they seem at the time. Don’t forget that it is the employer’s duty to record accidents.



Accidents can be recorded in a book or by some other means

If the manager refuses to allow access to the accident book or doesn’t allow the member to record their own version of events, then the member or the Union rep acting on the member’s behalf must make sure there is a written record of the problem. The member or the Union rep should;

- Write to the employer asking for the record to be made or changed.
- In the letter give the members name, address, occupation and the date, time, place and description of the accident/incident.
- Make sure the letter is signed and dated.
- Keep a copy in a safe place.

Safety reps are **entitled to information from accident reports** and to investigate accidents. Monitoring of workplace accidents/incidents is essential for reps. It helps spot trends and pinpoints areas of concern to our members.

So all accidents in the workplace should be recorded but certain accidents, injuries and occurrences must also be reported to the enforcing authorities under **RIDDOR**.

### RIDDOR:



RIDDOR Guidance is available to download free from HSE

**RIDDOR** - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

RIDDOR puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

Unfortunately there is massive under reporting of incidents with only around 50% of injuries that should be reported actually being reported.

Enforcing authorities only have sufficient resources to investigate a small proportion of RIDDOR events.

Nevertheless the duties under RIDDOR still stand and it is a criminal offence for an employer not to report.

## RIDDOR requirements:

Employers must report and record some work-related accidents/incidents without delay.

## Who Should Report?

- An employer or person in control of premises
- Self-employed
- A member of the public, employee, injured person or their representative
- A gas supplier
- A gas engineer
- Working offshore

## What to Report?

- The death of any person
- Specified injuries to workers
- Over-seven-day incapacitation of a worker (*over-three-day incapacitation must be recorded but not reported*)
- Occupational diseases
- Dangerous occurrences
- Gas incidents

## When to Report?

For most types of incident, including accidents resulting in the death of any person, accidents resulting in specified injuries to workers, non-fatal accidents requiring hospital treatment to non-workers and dangerous occurrences, the responsible person must notify the enforcing authority without delay, in accordance with the reporting procedure (Schedule 1) of the regulations. This can only be done by reporting online.

For fatal and specified injuries only, a telephone service is provided at the HSE Incident Contact Centre 0845 300 9923 (Monday to Friday 8.30 am to 5 pm).

**NB: A report must be received within 10 days of the incident.**

For accidents resulting in the over-seven-day incapacitation of a worker, the responsible person must notify the enforcing authority within **15 days** of the incident, using the appropriate online form.

Cases of occupational disease, including those associated with exposure to carcinogens, mutagens or biological agents, should be reported as soon as the responsible person receives a diagnosis, using the appropriate online form.

## Specified Injuries

- Fractures, other than to fingers, thumbs and toes
- Amputations
- Any injury likely to lead to permanent loss of sight or reduction in sight
- Any crush injury to the head or torso causing damage to the brain or integral organs
- Serious burns (including scalding) which;
  - Covers more than 10% of the body
  - Causes significant damage to the eyes, respiratory system or other vital organs
- Any scalping requiring hospital treatment
- Any loss of consciousness caused by head injury or asphyxia
- Any other injury arising from working in an enclosed space which
  - Leads to hypothermia or heat induced illness
  - Requires resuscitation or admittance to hospital for more than 24 hours

## **Occupational Diseases**

Employers and self-employed people must report diagnoses of certain occupational diseases, where these are likely to have been caused or made worse by their work: These diseases include (regulations 8 and 9):

- carpal tunnel syndrome;
- severe cramp of the hand or forearm;
- occupational dermatitis;
- hand-arm vibration syndrome;
- occupational asthma;
- tendonitis or tenosynovitis of the hand or forearm;
- any occupational cancer;
- any disease attributed to an occupational exposure to a biological agent.

## **Dangerous occurrences**

Are specified near-miss events, not all such events require reporting. There are 27 categories of dangerous occurrences that are relevant to most workplaces including;

- the collapse, overturning or failure of load-bearing parts of lifts and lifting equipment;
- plant or equipment coming into contact with overhead power lines;
- the accidental release of any substance which could cause injury to any person.
- collapse or partial collapse of scaffolding

Full details of what is reportable can be found at;

<http://www.hse.gov.uk/riddor/reportable-incidents.htm>

## Usdaw Safety Representatives and Accident Investigation

Trade Union appointed health and safety reps rights are outlined in the Safety Representatives and Safety Committee Regulations 1977 (SRSC) which legally entitles safety reps the right to investigate accidents in the workplace.

Following an accident, Usdaw reps should check to see if the accident or incident is reportable under **RIDDOR**, all accident reports have been completed and an investigation into the root cause of the accident has been carried out.

### **Safety Representatives and Safety Committee (SRSC) Regulations 1977**

#### **Regulation 4 (1) (a): Functions of safety representatives**

To investigate potential hazards and dangerous occurrences at the workplace (whether or not they are drawn to his attention by the employees he represents) and to examine the causes of accidents at the workplace;

#### **Regulation 6: Inspections following notifiable accidents, occurrences and diseases**

*(1) Where there has been a notifiable accident or dangerous occurrence in a workplace or a notifiable disease has been contracted there and –*

*(a) it is safe for an inspection to be carried out; and*

*(b) the interests of employees in the group or groups which safety representatives are appointed to represent might be involved,*

*those safety representatives may carry out an inspection of the part of the workplace concerned and so far as is necessary for the purpose of determining the cause they may inspect any other part of the workplace; where it is **reasonably practicable to do so** they shall notify the employer or his representative of their intention to carry out the inspection.*

*(2) The employer shall provide such facilities and assistance as the safety representatives may reasonably require (including facilities for independent investigation by them and private discussion with the employees) for the purpose of carrying out an inspection under this Regulation.*

If there are good reasons why you cannot notify the employer before you carry out an inspection following a RIDDOR incident and it is safe to do so the rep can investigate immediately.

Usdaw reps should speak with any injured member to assist them with any claim they may wish to pursue under Usdaw's free accident claim line '**First Call Usdaw**' on **0800 055 6333**.

#### **Usdaw Safety Reps checklist following suspected RIDDOR incident**

*If Usdaw reps think that a RIDDOR reportable incident has occurred in their workplace they should:*

- 1. Conduct an investigation**
- 2. Check with employer if it has been reported**
- 3. Advise any injured member to ring First Call Usdaw**
- 4. Contact local enforcement office if it has not been reported**