

## **May 2014 RIDDOR – a few months on**



Following the issue of the 2011 Löfstedt regulatory review 'Reclaiming Health and Safety for All', there have been two revisions to Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). The second set of revisions issued in October 2013 build on the first revision to RIDDOR in April 2012 which raised the time off work that triggers the duty to report an accident causing incapacity for work from three days to seven.

The thrust of the amendments will see the introduction of further measures which seek to simplify the reporting of workplace injuries and reduce the number of incidents which will be required to be reported in the future.

### **Changes**

The previous classification of "major injuries" to workers which fall to be reported under RIDDOR is being replaced with a shorter list of "specified injuries", namely:

- a fracture, other than to fingers, thumbs and toes;
- amputation of an arm, hand, finger, thumb, leg, foot or toe;
- permanent loss of sight or reduction of sight;
- crush injuries leading to internal organ damage;
- serious burns (covering more than 10 per cent of the body, or damaging the eyes, respiratory system or other vital organs);
- scalpings (separation of skin from the head) which require hospital treatment;
- unconsciousness caused by head injury or asphyxia; and
- any other injury arising from working in an enclosed space, which leads to hypothermia, heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

### **Occupational disease**

In addition, the existing schedule detailing 47 types of occupational disease is being replaced with eight categories of reportable work-related illnesses, namely:

- 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; and
- any disease attributed to an occupational exposure to a biological agent.

### **"Dangerous occurrence"**

There are to be fewer types of "dangerous occurrence", 27 in total, which will require reporting. The guidance gives examples of:

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

For a full detailed list, please see the HSE's online guidance at [www.hse.gov.uk/RIDDOR](http://www.hse.gov.uk/RIDDOR).

### **Scope of change**

The HSE believe that the changes will facilitate improved reporting of such information, while not requiring businesses to provide information that is either not used or could be better obtained from other sources. But not everyone is confident the impact of the changes will be as envisaged.

### **Less work?**

The first concern expressed by safety bodies is that the overhaul will actually increase employers' work in the short term, as managers and supervisors have to be briefed and reporting systems adjusted to accommodate the changes.

### **More reporting?**

It is unclear whether the new rules will help reduce the problem of under reporting of incidents — the HSE estimates news of as many as 40 per cent of reportable incidents never reaches it or local authorities, and the shortfall is believed to be most serious in the lost time, accident and ill health categories.

Employers and managers may fear that reporting will set off a costly chain of events, where reporting leads to investigation, investigation to evidence of non-compliance, ending with an unwelcome invoice for inspectors' time at £124 per hour, even where enforcement action such as notices and prosecution is not warranted.

### **Conclusion**

There are a lot of questions as to whether the changes will either save a lot of time for employers or make real a difference to under-reporting, and whether this was the "fundamental" review of RIDDOR that Löfstedt called for. Only time will tell.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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