

This Fact Sheet gives you information and requirements for an Accident at Work claim and how it can be dealt.



Accidents at Work

If you are unfortunate enough to suffer an accident at work, you may be able to make a personal injury claim for compensation.

Your employer has a duty to protect you and tell you about health and safety issues that affect you. They also have a legal obligation to report certain accidents and incidents, and to pay you statutory sick pay, or contractual sick pay if you are entitled to it, if you need time off because of an accident at work.

Reporting an accident at work

Any injury at work - including minor injuries - should be recorded in your employer's 'accident book'. All employers (except for very small companies) must keep an accident book. It's mainly for the benefit of employees, as it provides a useful record of what happened in case you need time off work or need to claim compensation later on. But recording accidents also helps your employer to see what's going wrong and take action to stop accidents in future.

Your employer must report serious work-related accidents, diseases and dangerous incidents to the Incident Contact Centre of the Health and Safety Executive (HSE). They must report:

- Death
- Major injuries (eg a broken arm or ribs)
- Dangerous incidents (eg the collapse of scaffolding, people overcome by gas)
- Any other injury that stops an employee from doing their normal work for more than three days
- Disease

The reporting must be done by your employer, but if you're involved it's a good idea to make sure it's been reported.

Who is responsible for health and safety at work?

Your employer has a 'duty of care' to ensure, as far as possible, your health, safety and welfare while you're at work. Your employer has to carry out a risk assessment and do what's needed to take care of the health and safety of employees and visitors. They should start with a risk assessment to spot possible health and safety hazards. They have to appoint a 'competent person' with health and safety responsibilities (usually one of the owners in smaller firms, or a member of staff trained in health and safety).

Businesses employing five or more people

For businesses employing five or more people, there must also be:

- An official record of what the assessment finds (your employer has to put plans in place to deal with the risks)
- A formal health and safety policy, including arrangements to protect your health and safety (you should be told what these are)

All employers, whatever the size of the business, must:

- As far as possible, have any risks to your health and safety properly controlled
- Provide, free of charge, any personal protective and safety equipment
- Make the workplace safe
- Prevent risks to health
- Ensure that plant and machinery is safe to use, and that safe working practices are set up and followed
- Make sure that all materials are handled, stored and used safely
- Provide adequate first aid facilities
- Tell you about any potential hazards from the work you do, chemicals and other substances used by the firm, and give you information, instructions, training and supervision as needed
- Set up emergency plans
- Make sure that ventilation, temperature, lighting, and toilet, washing and rest facilities all meet health, safety and welfare requirements
- Check that the right work equipment is provided and is properly used and regularly maintained
- Prevent or control exposure to substances that may damage your health
- Take precautions against the risks caused by flammable or explosive hazards, electrical equipment, noise and radiation
- Avoid potentially dangerous work involving manual handling (and if it can't be avoided, take precautions to reduce the risk of injury)
- Provide health supervision as needed
- Provide protective clothing or equipment free of charge (if risks can't be removed or adequately controlled by any other means)
- Ensure that the right warning signs are provided and looked after
- Report certain accidents, injuries, diseases and dangerous occurrences to either the Health and Safety Executive (HSE) or the local authority, depending on the type of business

So that the work premises provide a safe and healthy place to work, your employer should:

- Make sure that workplaces are properly ventilated, with clean and fresh air
- Keep temperatures at a comfortable level (a minimum of 13 degrees C where the work involves physical activity; 16 degrees C for 'sedentary' workplaces (eg offices) - there's no maximum limit)
- Light premises so that employees can work and move about safely
- Keep the workplace and equipment clean
- Ensure that workrooms are big enough to allow easy movement (at least 11 cubic metres per person)
- Provide workstations to suit the employees and the work
- Keep the workplace and equipment in good working order
- Make floors, walkways, stairs, roadways etc safe to use
- Protect people from falling from height or into dangerous substances
- Store things so they're unlikely to fall and cause injuries
- Fit openable windows, doors and gates with safety devices if needed
- Provide suitable washing facilities and clean drinking water
- If necessary, provide somewhere for employees to get changed and to store their own clothes

- Set aside areas for rest breaks and to eat meals, including suitable facilities for pregnant women and nursing mothers
- Let employees take appropriate rest breaks and their correct holiday entitlement
- Make sure that employees who work alone, or off-site, can do so safely and healthily

Employees must also take reasonable care over their own health and safety.

Your most important responsibilities as an employee are:

- To take reasonable care of your own health and safety
- If possible avoid wearing jewellery or loose clothing if operating machinery
- If you have long hair or wear a headscarf, make sure it's tucked out of the way (it could get caught in machinery)
- To take reasonable care not to put other people - fellow employees and members of the public - at risk by what you do or don't do in the course of your work
- To co-operate with your employer, making sure you get proper training and you understand and follow the company's health and safety policies
- Not to interfere with or misuse anything that's been provided for your health, safety or welfare
- To report any injuries, strains or illnesses you suffer as a result of doing your job (your employer may need to change the way you work)
- To tell your employer if something happens that might affect your ability to work (eg becoming pregnant or suffering an injury). Because your employer has a legal responsibility for your health and safety, they may need to suspend you while they find a solution to the problem, but you will normally be paid if this happens
- If you drive or operate machinery, to tell your employer if you take medication that makes you drowsy - they should temporarily move you to another job if they have one for you to do.

Personal Protective Equipment

Your employer must provide personal protective equipment (PPE) to you free of charge. You must use this correctly, and follow the training and instruction you've been given.

In some jobs, failure to use PPE properly can be grounds for disciplinary action or even dismissal. However, you can refuse to wear PPE if it puts your safety at risk (eg PPE of the wrong size could put you at risk because of its poor fit). Ask your employer or the firm's safety representative for the right size (which must be provided free of charge).

Sikhs who wear turbans can legally refuse to wear head protection on religious grounds, but Sikhs who don't wear turbans must wear head protection.

Sick pay

In most cases, if you need time off because of an accident at work, you'll only have the right to statutory sick pay. Your employer may have a scheme for paying more for time off caused by accidents, or may decide to pay extra depending on what has happened.

What to do next if you have an accident

- Make sure you record any injury in the 'accident book'
- If need be, make sure your employer has reported it to the HSE
- Check your contract or written statement of employment for information about sick or accident pay
- If there's a dispute, try to sort it out with your employer
- If there are health and safety problems at work, point them out to your employer or the employee safety representative, and ask for them to be dealt with
- If this doesn't happen, call the HSE Infoline on 0845 345 0055 (open 8.00 am to 6.00 pm, Monday to Friday)

What do I need to do?

If you've been injured in an accident at work and you think your employer is at fault, you may want to make a claim for compensation. We can help. Any claim must be made within three years of the date of the accident.

By law, your employer must be insured to cover a successful claim. Your employer should place a certificate with the name of their employer's insurance company where it can be seen at work. If not, they must give you the details if you need them.

We will tell you if we think you have a good claim and whether we are willing to take it on. There is no obligation at that stage. You then tell us if you wish to proceed and at that stage we will formally accept your claim and will write to you confirming and sending full information.