

ACCIDENTS AND INCIDENTS CRIB SHEET

What should stewards do in the event of an accident or incident.

- Carry out an investigation into the cause of the accident/incident to discover what has happened and why. This should be a step by step account of what happened and should contain as much detail as possible. Safety Reps have a right to investigate **accidents/incidents and we can insist the employer provides a private interview room to talk to the member – management cannot refuse.**
- Help the member complete the accident/incident form if they have not already done so. Record these fully with information on what happened ie; – main points/if equipment was faulty/if they slipped what was in on/over, you can also give an opinion for who/what was to blame. **This is extremely important.**
- Keep a copy of the accident form.
- Take a photo of the accident scene/what you believe caused the accident eg; broken chair/loose wires etc. **It's important to do this/investigate quickly before evidence is contaminated/altered etc.**
- Record witness names/address/tel no's (**we do not have to interview witnesses – this is the solicitors role**)
- Ask for a copy of the risk assessment (you are entitled to this by law). **We also have a right to see member's accident reports (data protection does not apply to us in these cases, so management cannot use it to prevent us having the information.– SRSC regs give us that right).**
- If appropriate, ask if the member has been trained eg; manual handling etc.
- Check the member's case has been reported to RIDDOR if they have been off work sick for over 7 days (as a result of an accident). **If unsure check with your section H&S Rep/Branch H&S Rep.**
- Refer the member immediately through the Union for free legal help so they can enquire about making a claim for compensation ,either using a PI form from the Branch or by contacting Unison Direct 0845 355 0845 (**tell Unison Direct you want to make a claim**).
- Safety Rep's must keep a copy of all the documentation regarding the accident/incident as it can be crucial to any legal case.
- Ask for an occupational health referral – (this is of particular reference to cases of occupational disease but may be appropriate in accident/incident cases too). NB/ members can ask for complete copies of their own occupational health records.
- Treat all **NON-WORK** accidents in exactly the same way as workplace accidents.

- Remember that member's families are also entitled to free representation under Unisons legal assistance scheme (for non-work accidents).
- Note that individuals must have been members for 4 weeks to be entitled to legal representation.
- **Contact your section H&S Rep or the Branch H&S Rep if unsure of anything/further advice.**

Members will be contacted quickly by Thompsons to acknowledge receipt of the claim.

The vast majority of claims will never go to court and are settled outside.

Why members should make a claim

Members should be encouraged to make a claim for compensation not only for the money, but to force the employer to make health and safety improvements (the insurance companies will force them to do so).

TIME LIMITS – for claiming

- **3 years from the date of an accident**
 - **3 years from the date of diagnosis of illness or date the member ought to have realised they had a disease resulting from their workplace.**
 - **2 years for criminal injuries claims (if the member is assaulted).**
- Keep in mind that it is always better to claim early, while everything is fresh in the members mind and records are easier to obtain.**

Remember

All Unison Reps are Safety Reps and must encourage members to complain in writing about any problems in the workplace, because this puts the employer "On Notice" to improve matters. It will also be supporting evidence if they do not improve matters because it will show that the employer should have had foreseeability. Note that we can also complain on the members behalf.

Please be careful not to raise member's expectations that any/every claim will be successful. Thompson's will advise member's on their thoughts of any possible success.

It is important that stewards do NOT judge the merit of a claim as that is the job of a solicitor. All Unison members are entitled to legal advice so we must refer them regardless of our personal thoughts of success.