

HSE Issues new guidance on reporting of Coronavirus (Covid-19) under RIDDOR 2013  
Justin Tyas, Health Safety and Wellbeing Manager (16.04.2020)

## Background

Under the Health and Safety at Work etc. Act 1974, employers have a general duty to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees at work. The Health and Safety Executive (HSE) considers that if an employer is following the relevant Public Health England (PHE) guidance for their sector in terms of controlling the public health risks, they will be [taking reasonably practicable precautions to control workplace risks](#).

[Coronavirus has been listed as a notifiable disease](#) under the Health Protection (Notification) Regulations 2010. This change in law requires GPs to report all cases of COVID-19 to PHE.

The [HSE released a statement](#) in April 2020 relating to reporting cases of Covid-19 under RIDDOR 2013.

## HSE statement:

“You must only make a report under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) when:

- an unintended incident at work has led to someone’s possible or actual exposure to coronavirus. This must be reported as a dangerous occurrence.
- a worker has been diagnosed as having COVID 19 and there is reasonable evidence that it was caused by exposure at work. This must be reported as a case of disease\*.
- a worker dies as a result of occupational exposure to coronavirus”

\*Further clarification by HSE noted:

*‘As prevalence of coronavirus increases in the general population, it will be very difficult for employers to establish whether or not any infection in an individual was contracted as a result of their work,’ the HSE said in a statement. ‘Therefore, diagnosed cases of COVID-19 are not reportable under RIDDOR unless there is reasonable evidence suggesting that a work-related exposure was the likely cause of the disease **and this is supported by a registered medical practitioner’s diagnosis.**’*

Hence, a doctor may indicate the significance of any work-related factors when communicating the cause of death.

## Examples given by the HSE

### Dangerous Occurrence

“If something happens at work which results in (or could result in) the release or escape of coronavirus you must report this as a dangerous occurrence. An example of a dangerous occurrence would be a lab worker accidentally smashing a glass vial containing coronavirus, leading to people being exposed.”

**Comment:** *Unless you are involved in work directly with the pathogen or biological samples that may contain the pathogen then you are unlikely to experience a dangerous occurrence as detailed in [RIDDOR Regulation 7, schedule 2 – section 10](#).*

### **Cases of Disease: exposure to biological agents – [RIDDOR Regulation 9\(b\)](#)**

“If there is reasonable evidence that someone diagnosed with COVID-19 was likely exposed because of their work, you must report this as an exposure to a biological agent using the case of disease report. An example of a work-related exposure to coronavirus would be a health care professional who is diagnosed with COVID-19 after treating patients with COVID-19.”

**Comment:** *In the example given by the HSE there is a high likelihood of being exposed to the disease due to the nature of work undertaken and therefore should be reported. HSE guidance given on infections states that “infections that could have been acquired as easily in the community as in work are not reportable, unless the infection was definitely acquired at work”.*

*Given the current situation with community infections of COVID-19 it is unlikely that an infection would be more readily acquired in a workplace unless you are working in health/social care or a laboratory directly working with patients suffering from COVID-19 or biological samples containing the pathogen. An employee working at say a market could just as likely have acquired the infection in the community so this would not be reportable.*

### **Work related fatalities – [RIDDOR Regulation 6\(2\)](#)**

“If someone dies as a result of a work-related exposure to coronavirus and this is confirmed as the likely cause of death by a registered medical practitioner then you must report this as soon as is practical and within 10 days of the death.”

**Comment:** *It is unlikely that you would need to report a death from coronavirus unless the circumstances meet the criteria as outlined in previous comments.*

### **Conclusion**

The HSE has repeated its focus on healthcare settings in its illustrative example, suggesting those workplaces are the target of this new guidance but in the absence of any specific confirmation of this all employers with open workplaces need to remain updated and alert to the potential need to report diagnosed cases. Therefore, a careful and balanced consideration on potential reporting should be undertaken on a case-by-case basis. Its unlikely that no more than a limited number of confirmed cases would be potentially reportable. Failure to report where necessary, would be an offence.

### **Update June 2020**

The Local Government Association (LGA) has raised councils concerns about RIDDOR reporting and COVID-19 to the HSE. As a result, the HSE this week [updated the RIDDOR guidance](#). This offers additional links to assist in clarification and decision making as to whether or not a confirmed diagnosis of COVID-19 is likely to have been caused by an occupational exposure, and whether or not there is reasonable evidence that a work-related exposure is the likely cause of the disease.

*‘Work with the general public, as opposed to work with persons known to be infected, is not considered sufficient evidence to indicate that a COVID-19 diagnosis is likely to be attributable to occupational exposure. Such cases do not require a report.’ [extract]*