

# HSENI PROPOSALS TO REVISE AND AMEND THE REPORTING OF INJURIES, DISEASES AND DANGEROUS OCCURRENCES REGULATIONS (NORTHERN IRELAND) 1997 (RIDDOR) – SUMMARY OF CONSULTATION RESPONSES

## Introduction

This is a summary report of the outcome of the HSENI's formal, statutory consultation on proposals to revise and amend the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (Northern Ireland) 1997 (RIDDOR).

The RIDDOR consultation document invited responses to the proposal to revise and amend the Regulations put forward in the Government's report, "Common Sense, Common Safety". The proposal recommended extending the period after which "lost time" injury must be reported to the enforcing authority from over-three days (excluding the day on which the accident happened) to over-seven days. The proposals also seek to simplify the RIDDOR reporting requirements for occupational accidents, dangerous occurrences and diseases.

The consultation document (CD) was published on the HSENI website and ran from 28 October 2013 to 20 January 2014. Letters were issued to approximately 600 consultees inviting comments on the proposals, costs relevant to Northern Ireland and the conclusion that the proposals would have no adverse effect on section 75 groups. There were 261 downloads of the CD and thirteen formal responses were received.

## Responses received by organisation type

Type of Organisation	Number	Percentage
Central Government	2	15.4%
Local Government	4	30.8%
Professional Body/Association	2	15.4%
Trade Union	3	23.0%
Businesses	2	15.4%
Charity	0	0%
Voluntary	0	0%
<b>Total</b>	<b>13</b>	<b>100.00%</b>

## Level of support for proposals

Answer	Number	Percentage
Expressed support	8	61.5%
No comment made either way	1	7.7%
Expressed opposition/raised concerns	4	30.8%
<b>Total</b>	<b>13</b>	<b>100.00%</b>

A summary of the consultation responses is set out below.

Because of a clear lack of consensus in relation to the proposed changes and budgetary restraints in relation to their implementation which have arisen since the consultation was carried out, HSENI has decided, with the agreement of the DETI Minister, not to proceed with the proposed changes.

All the provisions of the Reporting of Injuries, Disease and Dangerous Occurrences Regulations (Northern Ireland) 1997 will therefore remain in force.

<b>Organisation responding</b>	<b>Summary of comments</b>
Somerville	<p>The revised reporting time for RIDDOR incidents from 3 days to 7 days should have been brought in line with the rest of the UK at the same time.</p> <p>Extending the reporting time from 10 days to 15 days is uncalled for. It should be reduced not stretched out as it could be put to the back of paperwork.</p>
Tesco	<p>The proposals will be helpful to a business like ours to have an aligned reporting structure across the UK.</p> <p>There is a need for an on-line reporting mechanism to line up between GB and NI. Important to make these things as simple as possible for business and enforcement alike.</p>
DRD Roads Service	<p>Support the proposals, and in particular the extension of the over 3 days to over 7 day reporting requirement.</p>
N.I. Water	<p>Welcomes the revisions, in broad terms. Specific comments follow:</p> <ul style="list-style-type: none"> <li>(a) Incidents to be reported –supports the revisions including the revision which increases the RIDDOR reporting necessity to &gt;7 days, in line with the systems in place to obtain a medical assessment from the GP.</li> <li>(b) Incidents to be reported –supports the simplification of the reporting requirements around Dangerous Occurrences and the alignment of Dangerous Occurrences, where appropriate, to specific Industries.</li> <li>(c) Records to be kept –has systems in place to keep records of all absences including &gt;3 day absences.</li> <li>(d) Reporting requirements removed –supports the simplification of reporting of occupational diseases.</li> </ul> <p>According to discussions involving the Water UK Occupational Health and Safety Working Group, the change in the reporting period from &gt; 3 to &gt;7 days has not impacted on the drive to improve the safety and health of industry employees</p>

<b>Organisation responding</b>	<b>Summary of comments</b>
	<p>The proposed change will not impact on investigations, reporting, recording or proactive management of Health and Safety within the company.</p>
<p>Belfast City Council</p>	<p>Welcomes the proposals to simplify the RIDDOR reporting requirements and is of the view that the proposed changes will reduce the burden on businesses particularly small businesses.</p> <p>The perceived reduction in the number of 'lost-time' reports by the change from reporting 'over 3 day' to 'over 7 day' injuries will increase efficiencies for District Councils.</p> <p>While the proposal to extend the 'lost time' reporting period from over-three days to over-seven days is welcomed, there is some concern that employers may be confused by the fact that they will still be required to record over-three day injuries to comply with EU law.</p> <p>Welcomes the fact that the proposed changes will result in greater uniformity for National companies who operate in both Great Britain (GB) and in Northern Ireland. Belfast City Council also welcomes the fact that the proposals will result in the ability to make direct comparisons between accident statistics in GB and Northern Ireland.</p>
<p>Association of Personal Injury Lawyers (APIL)</p>	<p>Concerned that the proposals are not in line with the purposes of RIDDOR, and as such are a potential threat to safety.</p> <p>Particularly concerned with the removing of accidents and dangerous occurrences that have a low reporting numbers. This is considered illogical as low reporting does not mean low number of accidents. Innocent people will be put at risk of injury as dangerous or hazardous practices go unmonitored and unaddressed.</p> <p>Pleased that there are no changes to the requirement to report work-related deaths.</p> <p>The list of major injuries aligned to HSENI incident selection criteria is unclear and ambiguous.</p> <p>The list of major injuries should be illustrative not exhaustive.</p> <p>All injuries over 3 days should be reported and HSENI can then decide if investigation is necessary.</p>

Organisation responding	Summary of comments
	<p>Increasing the reporting threshold from over 3 days to over 7 days is not supported.</p> <p>The lost time reports provide data for statistical purposes, and if the amount of data is reduced or skewed, the HSENI may not be alerted to dangerous workplace practices.</p> <p>The proposal is made with the sole intention of cutting costs.</p> <p>Does not support the recommendation that the time period for submitting the report should be extended to 15 days. The longer it is between accident and reporting the more difficult it is to recall details and it suggests less urgency.</p> <p>Pleased that proposed amendments to the reporting of occupational diseases is broader than that originally proposed in the HSE (England and Wales) consultation of 2012.</p> <p>In relation to Gas Incidents, inhalation injuries and exposure to toxic gases should be mentioned specifically.</p>
NIPSA	<p>Proposals weaken the Regulations and the management and monitoring of health and safety.</p> <p>Removing a number of occupational diseases indicates that HSENI no longer considers these diseases important or worthy of enforcement.</p> <p>Proposals disempower health and safety representatives. CD is seen as a politically driven agenda with only the most serious accidents being reported thereby reducing the level of protection.</p> <p><u>Major Injuries</u> – removal of some injuries could confuse matters for employers. It is concerned that the removal of some major injury categories, such as dislocations or electric shocks, will lead to loss of this data as such incidents may not be caught under the specified injuries headings.</p> <p>Several important injuries have been removed from the list without any rationale but merely to reduce the burden on employers.</p> <p><u>Occupational Diseases</u> - Removing the current 47 reportable diseases to 8 categories is a damaging signal for occupational health. Better guidance should be issued rather than changing the reporting requirements.</p>

Organisation responding	Summary of comments
	<p><u>Dangerous Occurrences</u> - Changes in Dangerous Occurrence reporting are alarming especially the exclusion of the agricultural sector.</p> <p><u>Reporting threshold</u> – remains opposed to change.</p> <p>Concerns on how the proposals will impact on some vulnerable groups (young, old and with a recognised disability) under Section 75.</p>
Forest Service	Agrees with the proposals.
Irish Congress of Trade Unions (ICTU)	<p>The proposals will reduce the level of protection in the workplace.</p> <p>The proposed amendments are in breach of European Law, the 1989 Framework Directive and to be unlawful under UK law.</p> <p>The consultation is biased towards business and fails to ask about workers health and safety. The proposals are against the principles of RIDDOR Regulations (Northern Ireland) 1997 and the Health and Safety at Work (Northern Ireland) Order 1978.</p> <p>CD fails to link recording and reporting to other recording and reporting systems, in particular the accident book.</p> <p>The proposed amendments fail to protect or improve the health, safety and welfare of workers. Nor do the amendments promote business efficiency or reputations.</p> <p>Concerned over the removal of several important categories of injuries which will result in loss of data.</p> <p>Removing the current 47 reportable diseases to 8 categories is a damaging signal for occupational health. Better guidance should be issued rather than changing the reporting requirements.</p> <p>The impact assessment is unsound and the cost analysis is imprecise. Nor does the Impact Assessment in any way begin to address the benefits of the current position to workers, business, society or the economy in general.</p> <p>No health and safety reasons are given for extending the time before an occupational accident needs to be reported.</p>
Royal College of Midwives	Rather than dilute reporting requirements, efforts should be concentrated on improving reporting across all sectors.

<b>Organisation responding</b>	<b>Summary of comments</b>
South Eastern Health & Social Care Trust	No comments.
Antrim Borough Council	Welcomes the proposals keeping NI RIDDOR legislation in line with that of GB
Construction Employers Federation (CEF)	<p>Fully supports the proposals and believes they will provide clarity for businesses.</p> <p>Particularly welcomes the over seven day extension for reporting injuries.</p> <p>Does not believe these changes will have any negative impact on the continued drive to improve health &amp; safety in the construction industry.</p>