Workers lose billions each year as a result of occupational injuries and diseases. Some will never see work again.

### Compensation options for people injured or made ill by their jobs

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**A little compensation**

Workers lose billions each year as a result of occupational injuries and diseases. Some will never see work again.

Britain has a compensation crisis. But it is not because of a run-away “compensation culture” – the government accepted the findings of a 2004 Better Regulation Taskforce investigation which concluded this was “a damaging myth”[1]. Britain has a disposable worker culture, where tens of thousands suffer serious health damage each year, most getting nowhere near a compensation payout. Instead they face, hardship and uncertainty. This is not a small problem. Millions in the UK say they suffer work-related ill-health. Health and Safety Executive (HSE) figures suggest there could be 700,000 new cases each year[2].

HSE says in 2003/04 an estimated 2.2 million people in Great Britain were suffering from an illness which were suffering from an illness which partly resulted from negligence – you don’t have to show the injury or illness was the result of your employer’s negligence. But there are severe restrictions on who can claim, for what conditions and in what circumstances. The scheme covers injuries and an inclusive list of over 80 diseases in 67 categories known to be caused by work. To qualify there are conditions to satisfy, including disability thresholds. You must be “14 per cent disabled” for most health problems, which is a significant level of incapacity. There are time limits for occupation-deafness and asthma, and rules about what job you have done for other diseases. Many common conditions – notably most RTIs and stress – are not compensated by the scheme. Around £700 million is paid out each year.

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### Who is entitled to claim?

<table>
<thead>
<tr>
<th>Condition</th>
<th>Time limits</th>
<th>Proof of negligence</th>
<th>Coverage</th>
<th>Route to claim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common law (or civil) damages</td>
<td>3 years</td>
<td>Yes</td>
<td>All work-related health problems are covered</td>
<td>Solicitor/union</td>
</tr>
<tr>
<td>DWP Industrial Injuries Scheme</td>
<td>Varies</td>
<td>No</td>
<td>Accidents and inclusive list of occupational diseases, with disability thresholds and some job restrictions</td>
<td>JobCentres, Ask for leaflet DB1</td>
</tr>
<tr>
<td>Industry union no-fault schemes</td>
<td>Varies</td>
<td>No</td>
<td>No schemes are set up for par-ticular health problems</td>
<td>Examples include British Nuclear Fuels, ICI, MoD.</td>
</tr>
<tr>
<td>Discretionary schemes</td>
<td>No</td>
<td>No</td>
<td>Better than the Industrial Injuries Scheme</td>
<td>Employer</td>
</tr>
<tr>
<td>Criminal Injuries Compensation</td>
<td>No</td>
<td>No</td>
<td>Physical or mental injury</td>
<td>Criminal Injuries Compensation Authority</td>
</tr>
<tr>
<td>Pneumoconiosis scheme</td>
<td>No</td>
<td>No</td>
<td>Asbestos diseases and pneumoconiosis (i.e. dust-related lung scarring caused by cotton, silica, clay)</td>
<td>JobCentres.</td>
</tr>
<tr>
<td>Analogous Industrial Injuries Scheme</td>
<td>Non-employees: trainees and others on work-based programmes, eg, New Deal</td>
<td>No</td>
<td>No</td>
<td>As DWP scheme</td>
</tr>
</tbody>
</table>

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### Other schemes

Almost all local authority employees should have access to a largely unpub-licised, union-negotiated no-fault scheme run alongside their pension scheme. The NHS and the civil service run similar schemes. All can provide exceptionally good benefits – it is crucial workers in public service explore these options if they suffer work-related injury or ill health.

Union members assistant members who have been victims of violence at work to claim compensation through the Criminal Injuries Compensation Scheme.

Other government schemes, like the massive miners’ scheme picking up British Coal liabilities for compensation for lung disease, have paid out £2.5 billion since 1998, with half the claims still to settle. There have also been a series of single issue no-fault schemes set up by agree-ment between unions and insurers. You can claim in one way for the same injury or illness, but payments received are likely to be offset against one another.

### SAFETY REP CHECKLIST

- **The better the evidence, the better the chances a compensation claim will be successful.**
- **Ensure all union members know the union should be the first place they go if they have concerns about possible work related ill-health or are considering a claim.**
- **Keep copies of any workers on file, so you know who was exposed to what hazards and where.**
- **Undertake risk and body mapping exercises – these can uncover hidden links between jobs and ill health, which can aid prevention and claims. Keep dated copies, together with a summary of the key findings.**
- **Record in the accident book all symptoms linked to the job. Always report problems, regardless of how trivial they may at first appear.**
- **Inform management formally and at the first opportunity of concerns about accidents or potential work-related health risks.**
- **Make sure workers know to tell their GP about hazardous expos-ures and that the GP records this in their medical notes.**
- **Ensure workplace occupational health records acknowledge workplace risks and suspected work-related ill-health – remember, your records are in most cases entirely confidential (Hazards 89).**
- **Remember, once a worker has been told there is a link between their job and their ill-health, the compensation clock is ticking. Delay too long and a compensation claim could be ruled out of time.**

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**Resources**

- DWP industrial injuries benefit: JobCentrePlus. Telephone 0800 279 2322. www.jobcentreplus.gov.uk
- DWP industrial injuries benefit: JobCentrePlus. Telephone 0808 308 3663. www.dwp.gov.uk
- Criminal Injuries Compensation Authority: Telephone: 0800 308 3663. www.cica.gov.uk
- Civil service injury benefits scheme: www.civilservice.pensions.gov.uk
- Guide to the NHS injury benefits scheme: www.hipta.org

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**References**