

Stay Safe at Work

Charlotte Pegman outlines employees' legal rights in the event of an assault or accident at work.

Health and social care professionals, the police and other engaged in public protection are most at risk from assaults at work, according to the Home Office *British Crime Survey*.

It is vital that nurses and their employees take steps to minimise risk, and are aware of their responsibilities and legal rights with regard to all aspects of workplace safety.

Employers should be striving to make the workplace safe by:

- Actively enforcing a zero-tolerance violence policy.
- Supporting staff in pursuing legal action against patients or members of the public who assault staff.
- Monitoring areas such as A&E that are classed as high risk and where closed circuit television cameras should be installed.
- Communicating health and safety policy to patients clearly.

Employers have a legal duty to protect the welfare of staff. If an assault or accident takes place at work employers must:

- Provide immediate medical attention.
- Complete an accident or incident report.
- Report the incident to the Health and Safety Executive (HSE) if the victim is absent from work for more than 30 days.
- Carry out a full investigation into what went wrong.
- Involve police if an assault occurred.
- Help the staff member return to work.
- Offer compensation or support if appropriate.

No steps that your employer takes will fully eliminate the risks of accident or assault. If you believe your workplace is unsafe, you should discuss it with your supervisor or manager. If you fail to receive a satisfactory solution you can contact the local HSE office.

If your workplace still remains unsafe, consider who else should be involved. If an assault has occurred, it may be appropriate to refer the matter to the police. Employers should have in-house procedures to follow, but assault is a criminal act which should not be tolerated just because it happened at work.

Consider contacting your trade union representative to seek impartial independent legal advice.

Employees often feel awkward about pursuing a legal claim against their employer. You may feel that you will lose your job if you “kick up a fuss”. This is when you need to take legal advice to ensure you are protected.

Legal Action

Your trade union or staff association representative can often offer advice in the first instance. If you are absent from work as a direct result of the incident, you may find yourself in financial difficulties such as:

- Loss of earnings.
- Loss of pension contributions
- Travel costs for medical appointments.
- Therapy costs.

Take legal advice about whether you can mount a legal claim against your employer for compensation of financial losses. Compensation should put you in the financial position in which you would have been had the incident not occurred.

Resource File

- Defining workplace violence:
www.safeworkers.co.uk/violencework.html
- Preventing violence at work:
www.crisisprevention.co.uk/direct/workplaceviolence.html
- Information from the Trades Union Congress:
www.worksmart.org.uk/health/violence_and_bullying
- Health and Safety Executive:
www.hse.gov.uk/healthservices/violence

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