RIDDOR reporting and COVID-19 (Novel Coronavirus)

9 April 2020

General ORR information on reporting RIDDOR incidents and occupational diseases is available on ORR’s website [here](#). The following note provides supplementary details specifically for COVID-19.

Is COVID-19 (Novel Coronavirus) reportable under RIDDOR?

Cases of COVID-19 related to the operational railway may be reportable to the ORR under RIDDOR in some very limited circumstances as set out below.

Employers have clear health and safety responsibilities under the Control of Substances Hazardous to Health Regulations 2002 (COSHH). These regulations protect workers who come into contact with infectious micro-organisms as a direct consequence of their work.

However, COSHH does not apply where employees are exposed to a disease which is in general circulation and which may happen to be present in the workplace as well. As such, while a case of COVID-19 is RIDDOR-reportable if occupational cause is confirmed by a suitably qualified medical practitioner, ORR does not expect the industry to go to any separate lengths to seek that diagnosis. ORR is working on the assumption that, with widespread societal spread, very few cases will need to be reported under RIDDOR.

The Health and Safety Executive (HSE) has also produced general information on RIDDOR reporting in relation to COVID-19 on its [website](#). However, HSE’s remit covers a wide range of industries, including those in healthcare settings where workers may be much more likely to come into contact with COVID-19 as a direct consequence of their work.

Non-RIDDOR reportable instances of COVID-19

Instances of COVID-19 that are not reportable through RIDDOR include:

- when COVID-19 is suspected but not confirmed
- when COVID-19 has been verified by a registered medical practitioner, **but** it was not contracted via work-related exposure
- the lost time incurred due to self-isolation for suspected COVID-19 (but not a confirmed) instance.

RIDDOR reportable instances of COVID-19

A RIDDOR report should be made only where there is reasonable evidence confirming that a work-related exposure was the likely cause of the disease.
Instances of COVID-19 are reportable under RIDDOR if a work-related link is established (ie an individual contracted it as a result of their work). Such cases may not be easy to identify, and are anticipated to be rare, now that COVID-19 is prevalent in the general population.

There are two clauses in RIDDOR 2013 that may apply to the operational railway:

- Regulation 9 (b): Any disease attributed to an occupational exposure of a biological agent
- Dangerous Occurrence 10: Any accident or incident which results or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.

Only one report is required if both clauses apply and the circumstances are the same. Further details of these two clauses and how they might apply to COVID-19 follow below.

**Regulation 9 (b)**

If an employee contracted COVID-19 and it was reliably attributed to the work as verified by a registered medical practitioner’s statement, it would be reportable under RIDDOR 2013 Regulation 9 (b).

These instances are anticipated to be rare, especially as the prevalence of COVID-19 increases in the general population.

Nevertheless, there may be some instances where an individual has either been exposed to or contracted COVID-19 as a result of their work duties and such instances do require reporting under RIDDOR.

**Dangerous Occurrence 10**

You must report any accident or incident which results or could have resulted in the release or escape of a biological agent likely to cause severe human infection or illness.

COVID-19 is categorised as Pathogen Hazard Group 3 by HSE. Therefore, any release or escape of this virus (in the highly unlikely event this arises specifically as a result of railway activities) is reportable as a dangerous occurrence under Dangerous Occurrence 10.
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How do I report an instance of COVID-19?

- For **mainline railway duty holder** who report RIDDOR incidents using the Rail Safety and Standards Board’s (RSSB) Safety Management Information System (‘SMIS’), you should firstly refer to the RSSB guidance note [here](#). (Elements of RSSB’s guidance have also informed this note)

- If you are a **non-mainline railway duty holder** (or mainline duty holder who does not use SMIS), you should firstly consider this information in this note and then, if required, report an incident via the ORR’s [online reporting form](#).

- For **London Underground**, firstly consider the information in this note then use the Information Exchange (IE2).