

Industrial Injuries Disablement Benefit

A TUC guide for trade union activists

If you have an injury or a disease that is caused by work, you may be entitled to make a claim from the government's Industrial Injuries Disablement Benefit Scheme (IIDB). This is separate from claiming compensation through the courts.

To claim compensation through the courts you will normally have to show that your employer was negligent. However, the IIDB is a "no fault" scheme and you do not have to show negligence. You can claim under both systems.

If you want to make a claim you are strongly recommended to speak to your union who may help you and provide legal assistance and support.

Who can claim?

Anyone who has had an "accident" at work or who develops an occupational disease that is on a prescribed list can claim if they are disabled as a result of the injury or disease so long as they are an "employed earner". This usually means that you will have a contract of employment, and includes agency workers who are self-employed under a contract of services if they pay Class 1 national Insurance contributions. People who are on approved employment training schemes can also claim. To claim you must normally have had the accident or got the disease in Great Britain (Scotland, England and Wales)

although there are exceptions, so do check. A similar scheme operates in Northern Ireland.

What is an accident?

This is quite general and covers any unintended happening or incident that causes an injury to you. An injury can also be interpreted widely so it could include a heart attack or even a psychiatric injury from a traumatic event. The injury may also appear after the incident, such as arthritis after a fall.

It must have arisen out of the course of your employment, but not necessarily at your workplace. To receive IIDB, the injury must have led to disablement, although this can be temporary or permanent.

If you have had any kind of injury at work you should always ensure that it is reported to your employer immediately and recorded in the accident book, even if, at the time, you do not think it is serious.

What diseases are covered?

There are around 70 medical conditions that are recognised as being a risk of certain occupations and where IIDB may be payable. These are on a list of prescribed

diseases that have been approved by the government. The diseases include hearing loss, asthma, and other lung diseases, and certain cancers. They may only be prescribed for certain occupations or exposure to specific chemicals. For some diseases the exposure has to be for a certain period of time.

Some of the most common diseases or illnesses however are not covered. Most cases of work-related stress illnesses are not on the prescribed list, although if it is caused by a specific event or events you may be able to claim as an accident. The same is true of back injury, which is not prescribed as an occupational disease but where claims may sometimes be made under the accident provisions of the scheme.

You do not have to prove that the disease was caused by your work. You just have to meet the criteria on the list. Often that means showing that you worked in a specific industry or with a certain chemical for a specified period of time.

How do I claim?

You need to submit a claim form to the DWP. You can download a form from the internet or call 0345 7585 433 for a copy. There are separate forms for accident claims or disease claims. Your union may be able to help you with this. If you have any medical evidence to support your claim you should include it with the form. In some cases you will be asked to go for a medical examination.

The DWP may also contact your employer (or former employer) to confirm some of the facts.

When can I claim?

You cannot claim IIDB for the first 15 weeks after an accident, but you can claim for an occupational disease as soon as you are diagnosed. This means that you should claim as soon as possible as you could lose out by not claiming immediately. This is because, if you are a new claimant, you will not be able to have it backdated for more than three months.

How much will I get?

This will depend on how disabled you are. Your level of disability will be assessed as a percentage. If you have more than one accident or disease then the total are added together. If the total disablement is more than 14 per cent (20 per cent in the case of deafness or 1 per cent for pneumoconiosis and byssinosis) you will be paid a weekly amount depending on how high the percentage of disablement assessment is. It is paid either weekly, every four weeks, or every thirteen weeks. In 2016/17 the weekly payment ranged from £33.60 if you are assessed as 20 per cent disabled, up to £168.00 for a 100 per cent disablement assessment.

This is paid until your circumstances change. If you recover it could be stopped or reduced and if your condition worsens you can be reassessed and may get more. It does not matter whether you are still working, retired or on other benefits. It is tax-free. However, it may effect some income-related benefits such as income support, ESA, JSA, Housing benefit and some tax credits. If you subsequently get compensation through the courts for your

injury or illness, it could be reduced by up to the amount of IIDB you have received. In addition to the weekly benefit, you might be entitled to other payments if you receive IIDB. This includes Constant Attendance Allowance (CAA) if you need constant care and attention because of your injury or disease and Exceptionally Severe Disablement Allowance if you are severely disabled and receive CAA.

Other routes to compensation or benefit

You should always consider making a claim against your employer if you have been injured through work, or develop a disease that may have been caused by work. Please contact your union for support. By claiming compensation you help others by making sure that the employer, and their insurer, are aware of what happened and that may mean that they put measures in place to prevent others from being injured or made ill.

Some employers have their own separate compensation schemes. In addition, there

are special government schemes for people with certain lung diseases including mesothelioma, pneumoconiosis and byssinosis where the employer has gone out of business.

Further information

Trade unions make tens of thousands of claims on behalf of their members every year and most are experienced in supporting members who have a claim for IIDB. You should contact them for advice. Many occupational diseases are not diagnosed until many years after the person has retired. Even if you have left work, most unions will support former members who were in membership when they were injured or exposed.

For more information on the IIDB scheme and a claim form, go to: [gov.uk/industrial-injuries-disablement-benefit](https://www.gov.uk/industrial-injuries-disablement-benefit) There is also a detailed guide to the scheme.

You can contact the DWP Industrial Injuries Disablement Benefit Centre on 0345 758 5433.

Find out more

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