

## ASSAULTS ON DUTY AND INDUSTRIAL INJURIES

TBF is not a trade union and is not normally able to help you pursue a claim against your employer or the Criminal Injuries Compensation Agency (CICA). In certain circumstances we may be able to offer initial advice as to your rights, but it is much more appropriate for you to talk to your trade union about what has happened. In many cases your union will help you pursue a claim and will help substantially towards the costs. Please keep the following in mind:

- ✚ Trades unions only help their members. Ensure your contributions are kept up-to-date throughout any claim - however long it goes on - unless you are told in writing by the union that you do not need to pay any more.
- ✚ Record your assault or accident in the Accident Book. Every place of work has one of these into which details of all such incidents must be entered. Someone else (your supervisor perhaps) may make the entry, but you must ensure it is there and that the details are correct. Indeed you will want your employer to use the information you provide in this book and/or on his own form to help him avoid a repeat of what has happened to you. If in doubt, talk to your union.
- ✚ Tell the Benefits Agency on Form BI 95 (available from local offices). This may not seem important, but you may want to claim benefits later and your chances of an accident being declared an industrial one will be improved if you told the Agency promptly.
- ✚ Make sure you comply with your employer's sick pay regulations, however bad you feel or however much you hold him responsible for what has happened. If you do not comply, it may affect your SSP or even your State benefits later.
- ✚ Claim industrial injuries disablement benefit if you are still suffering after 90 days - even if you have returned to work. Get a Form BI 100A from the Benefits Agency and keep a copy. The BA will probably arrange for you to be examined by a doctor to decide whether or not you are due for any benefit over and above normal incapacity entitlements. Keep a copy of the assessment and send it to your union. Tell them if your condition changes after the assessment has been made.
- ✚ Make sure you have seen your GP so he has a record of the assault or accident. He may have to make a report on your behalf later.
- ✚ Follow your union's advice about making statements to anyone other than the Health & Safety Executive, your GP or the Benefits Agency, but co-operate with your employer's efforts to investigate the incident and to prevent a recurrence. If you have any doubts about what you should say to your employer or his representative, suggest politely but firmly that they speak to your union or to your safety representative.
- ✚ Keep copies of everything and make sure your union or safety representative sees the site of the incident and is aware of the conditions in which it

occurred. If you can get photographs taken of the scene or of your injury, so much the better.

- ✚ If you were assaulted, discuss with your union as soon as possible the possibility of making a claim against the CICA. Remember, though, that any award may be reduced to take account of other payments you have received from the State. Your employer may also require you to repay sick pay if your successful CICA claim includes an element of loss of earnings and insurance companies may also claim back payments they have made. TBF grants do NOT have to be repaid.
- ✚ Remember - it is your union you need to talk to, not TBF. This advice has been prepared in the light of our knowledge of best practice, but there is no substitute for talking to your union. They are best placed to take on cases of this sort.