

Responsibilities of Doctors and Employers regarding deaths due to disease attributable to any employment held by the person during the person's lifetime

Every doctor responsible for issuing a Medical Certificate of Cause of Death has a legal obligation to notify a coroner (or the Procurator Fiscal in Scotland) of cases in which 'the registered medical practitioner suspects that the person's death was due to ... disease attributable to any employment held by the person'. Unfortunately at the onset of the pandemic NHS guidance on excess Covid deaths and a BMJ editorial on Covid-19 death certification failed to mention this. Consequently doctors may have been unaware of the obligation to report these deaths, and might therefore need to notify the coroner later than usual. The Chief Coroner subsequently issued new guidance on "COVID-19 Deaths and Possible Exposure in the Workplace". This emphasised that the suspicion that a death from Covid-19 was attributable to employment required "only grounds for surmise".

All employers, have a legal duty to report Covid-19 cases of disease or death, which may have arisen from employment, to the HSE under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR). Failure to report a dangerous occurrence, or disease (especially death), in accordance with the requirements of RIDDOR, is a criminal offence, and may result in prosecution. Crucially, employers can be reassured that such statutory reporting is not an admission of liability. Moreover, as there is a need to act quickly to deal with the pandemic, if employers are uncertain, they should report following relevant HSE guidance. Although the obligation to report to HSE lies with the employer, the doctor (with the workers' consent) should advise the employer in writing to report "cases where a registered medical practitioner has highlighted the significance of work-related factors when communicating a diagnosis of COVID-19" (<https://www.hse.gov.uk/coronavirus/riddor/riddor-reporting-further-guidance.htm>).