

# RMT Personal Injury Legal Services

NORTH WEST REGION Autumn/Winter 2013



Legal Helpline 08475 125 495

## Hit by loose train part

**COLIN BROMLEY, an RMT member, required two knee operations and lost his job after he was struck by part of a train while carrying out his duties.**

He was working as a site supervisor for Carillion Rail on part of the line between Watford and Luton on the Thameslink route when a train approached.

He instructed his team to stand back from the track for their safety.

As the train approached, one member of Mr Bromley's team saw smoke and ballast being thrown out from underneath the train.

As the train passed, a contact shoe

– the part of the train that conducts electricity from the rail – came off the train and flew towards Mr Bromley, striking him on his left leg.

Mr Bromley subsequently needed two knee operations and his employment was terminated on grounds of capability.

Claims were made against both Carillion Rail and the train operating company. Both denied any fault so Thompsons issued court proceedings and the employer eventually admitted liability.

The matter was listed for trial but a settlement of £135,000 was accepted by Mr Bromley.

## Back injury sustained lifting sections of rail

**SENIOR INFRASTRUCTURE technician, Simon Pointon, suffered severe back pain after lifting a heavy weight he had already told his supervisor was too much to handle.**

He was attending a site to reclaim old signalling equipment when he and his colleagues were told to remove a 15-foot section of rail.

Despite pointing out to his supervisor that they shouldn't be manually lifting such large and heavy

sections, the team were instructed to continue the work.

While lifting the rail, Simon suffered an injury to his back resulting in three weeks off work and then he had to spend six months on light duties because of the pain.

Although the employer admitted fault they claimed that it was a minor injury and offered to pay him only £1,000 in compensation. Court proceedings were issued and the claim eventually settled for £18,500.

## Frozen shoulder from points lever injury

**RAIL SHUNTER June Kilgour injured her shoulder when she was asked to set the points for a Pendolino train that was leaving for Piccadilly Station.**

As the RMT member pulled the lever, the points locked half way causing a jarring to her shoulder.

She and others had reported a fault with the lever a month earlier, however, it was only repaired after her accident.

She developed a frozen shoulder as a result of the accident and this caused a prolonged absence from work.

With Thompsons' expertise, a claim for compensation was brought and eventually settled for £24,000.

Had the employer sought to rectify the fault when it was first reported the accident would not have happened.

If you need advice about an accident that has happened at or away from work or an illness or disease which you believe is related to your work, or caused by another person's negligence contact your Branch

Secretary or telephone the RMT helpline on

**0800 587 7516**

**T** THOMPSONS  
SOLICITORS

**STANDING UP FOR YOU**

# Trackman develops hand arm vibration syndrome

In the early years of his employment, trackman Barry Young would regularly use vibrating work equipment for long periods of time and as a result developed mild symptoms of hand arm vibration syndrome.

The RMT referred the case to Thompsons Solicitors who brought a claim against Network Rail and

negligence was eventually admitted for exposure to vibration between 1988 and 2005.

However, Network Rail denied that this had caused him any injury and maintained that his claim was being brought out of the three-year time limit.

Court proceedings were issued and the defendant's initial settlement offer of £3,000 was rejected. Thompsons settled in the sum of £10,000.

## RMT family scheme secures damages for road accident victim

**MRS SMITH, the wife of an RMT member, suffered injuries in a road traffic accident.**

A claim was brought on her behalf by Thompsons via the RMT family scheme. This scheme enables family members to get

legal assistance for non-work-related accidents.

The other driver did not accept fault for the accident, court proceedings were issued and Mrs Smith received damages of nearly £8,500.

## Hearing loss caused by noise exposure

**RETIRED RMT member Des McCrudden sought union assistance for his hearing loss that he believed had been caused by working with noisy equipment during his time as a trackman between 1976 and 2010.**

**A supportive medical report was secured but Network Rail denied that he had been exposed to a volume of noise sufficient to cause hearing damage.**

**The services of Thompsons Solicitors were secured and the defendant eventually agreed to pay Mr McCrudden £9,750 in compensation before the case went to trial.**

### As an RMT member you receive:

Free legal advice and representation on:

- Personal injury at work (including assaults)
- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips
- Industrial disease or illness
- Employment law accessed through your RMT branch

Free legal advice for:

- Any non-work issues such as landlord disputes, neighbourhood disputes, matrimonial and consumer issues
- Free wills
- Criminal law representation (for work-related matters)

### For RMT members and their families we offer:

Free legal advice and representation on:

- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips away from work
- Industrial disease or illness incurred away from work

Special terms for clinical negligence cases

Reduced rates for conveyancing and wills

**CONTACT RMT LEGAL HELPLINE ON 0800 587 7516 FOR ADVICE**

## About Thompsons

**Thompsons Solicitors is the largest national specialist personal injury practice in the country with over 800 staff in a network of offices nationwide.**

**We secure over £150m compensation each year for people who have been injured and suffered loss as a result of accidents caused by the carelessness of others.**

**Thompsons only works for injured people, never for insurance companies or employers.**

Please email

[newsletters@thompsons.law.co.uk](mailto:newsletters@thompsons.law.co.uk)

to let us know if this newsletter was helpful and what topics you would like covered in future.

**T** THOMPSONS  
SOLICITORS

**STANDING UP FOR YOU**