

UNISON Personal Injury Legal Services

EASTERN REGION

Autumn/Winter 2013



Legal Helpline 0845 355 0845

Compensation after fall on ice at work

A UNISON member has received £20,000 in compensation after she slipped on snow and ice in the staff car park where she worked.

The accident happened during a particularly cold and snowy December and, despite the long period of cold weather, the icy ground had not been treated with salt or grit. The member fell as she walked towards her car at the end of her shift.

She sustained a serious fracture to her right ankle, which ultimately required surgery after a period of rehabilitation had failed.

Following surgery, she continued to suffer from swelling in the ankle and discomfort from the plates and screws that had been implanted

into her leg. Her lengthy treatment led to her having to take long periods off work.

Her company had employed contractors who had failed to grit or treat the car park. The contractors eventually admitted liability and the matter was settled without court proceedings.

Rachel Bayliss from Thompsons Solicitors said: "This is a prime example of contractors failing to carry out a simple inspection during severe weather conditions.

"Gritting the car park would have provided a safe means of entering and exiting the building for all staff and members of the public. If this had been done properly, my client would have been spared a lot of pain and inconvenience."

Injury caused by poor inspection and maintenance procedures

A UNISON member received over £10,000 in compensation after suffering an injury at work when the heel of her shoe became caught in the raised corner of a carpet tile in the back office of the Basildon Centre.

The member suffered soft tissue injuries to her right wrist and knee, which resulted in a five-year acceleration of a pre-existing degenerative condition, and permanent discomfort.

The defendant, Basildon Borough Council, initially disputed liability but it was established that the council had failed to properly inspect and maintain their premises. Acting on the member's behalf, Thompsons Solicitors settled the claim without the need for court proceedings.

HGV driver suffers injury lifting manhole cover

A driver-loader, working for Norse Commercial Services Limited in Norwich, successfully pursued a claim for personal injury against his employers after he was injured on duty.

The UNISON member had driven a large HGV tanker to Felixstowe Docks to take away oily waste. Part of his task involved lifting a manhole cover. As he did so, he felt a sharp pain in his groin and he was diagnosed as having suffered a right-sided hernia that

required surgical treatment.

Although there was a lifting device available, he had never been trained by his employer in how to use it. It later transpired that there was also a key missing for the device and it had become rusty from lack of use.

Working with UNISON, Thompsons argued that it was the employer's duty to ensure that suitable work equipment was provided and maintained in efficient working order and negotiated a settlement of £7,200.

DON'T FORGET

Whether it's you or a member of your family who has suffered, UNISON is here to help.

Member's son mauled by dog

A MEMBER'S teenage son has received £16,000 for his injuries after his best friend's dog mauled him.

It was the school holidays and the member's son had arranged to visit his friend's house. After his friend opened the door, his pet Japanese Akita dog ran from within the house, around the friend's legs, and jumped on the member's son, biting and scratching him. It was a frenzied attack and the boys eventually managed to get the dog off, whereupon they both ran into the house and locked themselves in a cupboard for protection.

Running out

They then threw some food to the dog to distract him before running out of the house and to safety.

The injured boy was taken to hospital where he was treated for extensive dog bites and scratches. He also required counselling for his mental upset and nightmares.

UNISON referred the member to Thompsons Solicitors who made a claim against the dog's owners on the member's behalf. Although liability was initially denied – the owners argued that the dog had never behaved in this way before – it was eventually admitted.

Medical evidence from an A&E consultant and a child psychiatrist was secured to support the claim, which was settled for £16,000.

Ranjit Sond from Thompsons said: "Although the Japanese Akita is not a banned breed in the UK, this case is an example of what can happen when a large dog attacks.

"It was an unprovoked attack and one that our client didn't see coming.

"However, there had been some history before and as such the dog should have been muzzled or locked away before the door was opened. The dog was destroyed by the owners after the attack."

Healthcare assistant assaulted at work

A HEALTHCARE assistant, who was assaulted by a service user with mental health problems, has received £4,250 from her employers in compensation.

This particular service user had a history of violence but the UNISON member's employers had failed to divulge to the member the contents of a risk assessment. This meant that the member continued to look after the service user, despite having not being trained to deal with people exhibiting this level of violence.

The member suffered whiplash type injuries where her neck had been jerked back and forth, together with head injuries where her head had been hit against a wall.

Thompsons Solicitors argued that the employers should never have asked the member to care for this person and that the service user should have been placed in a residential home more suited to those requiring a different level of care.

The employer admitted responsibility and agreed to settle the claim without the need for court proceedings.

Did you know?

As a UNISON 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 UNISON branch

For UNISON 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 family member wills

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Textphone: 0800 0967 968 Mon-Fri 6am-midnight

Sat 9am-4pm or the hard of hearing:

Mon-Fri 6am-midnight/Sat 9am-4pm

About Thompsons

Thompsons Solicitors is the largest national specialist personal injury practice in the country with over 1000 staff in a network of offices nationwide.

We secure over £150 million 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 to let us know if this newsletter was helpful and what topics you would like covered in future.



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S O L I C I T O R S

STANDING UP FOR YOU