

Unite Personal Injury Legal Services

SOUTH WEST

Autumn/Winter 2013

Legal Helpline 0800 709 007



Mechanic compensated after life threatening explosion

A HEAVY goods mechanic, who suffered life-threatening injuries after a makeshift heating system exploded at work, received compensation from his employers with the help of Unite Legal Services.

David Loade, 25, who worked at a depot in Gloucestershire, suffered severe burns to his face and hands after he was instructed to help replace a 45-gallon drum. The drum was part of a makeshift heating system that was being used by his employers, Wincanton Group, after they failed to fix a boiler.

Two weeks in intensive care

David spent two weeks in intensive care following the incident in December 2010. His supervisor attempted to use a blowtorch to cut the top off the drum but it exploded. An investigation showed the drum had previously contained antifreeze.

The flames engulfed David, who was standing a foot away. He was rushed to hospital in an air ambulance. He was discharged after five weeks following a series of skin grafts taken from his thigh to repair the skin on both of his hands and was also treated for internal burns caused by inhaling the flammable liquid.

Following the accident, Wincanton management failed to

contact David to check his progress, even when he was unable to return to work for ten months. During this time he could not speak properly because his vocal chords had been damaged.

When David was eventually able to return to work, his role was limited as he had to protect his hands. The scars are still visible and his voice will be permanently affected.

Legal proceedings

Two months after the accident, David contacted Unite Legal Services. Wincanton admitted primary liability. The company tried to allege that David had contributed to the accident but this was not accepted.

David said: "There was nothing on the drum to warn me its previous contents had been flammable. The burns were so severe that while I was in intensive care I was unrecognisable to my family. I feel I am lucky to be alive.

"It was a long road to recovery and not to receive a single phone call from my employers to see how I was doing was a bit hard to take. I was keen to start back working on light duties as soon as possible, but the HR department wasn't very helpful. My bosses didn't seem interested to engage with me properly about when I could return until my solicitor got involved."

Unite the Union said: "Employers have a duty to their employees to provide a safe working environment – this is a fundamental right for every employee. As a result of a faulty heating system and the failed attempts to fix it, the mechanics in the depot had their safety put at risk just to keep warm.

"I'm glad we have been able to bring this case to its rightful conclusion, and thank Thompsons Solicitors for their assistance in securing compensation for our member."

FREE legal help and advice is available to members and their immediate families

Unite backs worker left permanently disabled at factory

A MEMBER who lost part of his finger and suffered nerve damage after his hand was trapped in a faulty machine at work has been awarded more than £25,000 in compensation.

Gordon Cranney, a production operative, was trying to release a jammed brake pad when his hand was trapped.

The power to the machine should have automatically disconnected when it was opened leaving him free to manually release the jam but a safety mechanism failed and a pad he was working with was pulled inside, trapping his hand.

The 55-year-old needed a skin graft after suffering severe burns to three fingers on his left hand and had to have part of the middle finger amputated because of nerve damage. He was unable to work for more than six months and has been left with a lifelong disability.

His employer, a global manufacturer of brake friction material for the automotive industry, tried to deny the

machine's broken safety mechanism could have caused such a serious injury and Mr Cranney, who had worked at the company for 15 years, contacted his trade union, Unite the Union, for support.

Improperly trained

Unite Legal Services secured £25,000 in damages on Mr Cranney's behalf but that was only after rejecting his employer's original settlement offer and facing down an argument by the company that Mr Cranney was partly liable for the accident when, in fact, he had been improperly trained to use the machine and they had been aware of the fault.

Mr Cranney said: "Even now, three years after it happened, I am constantly reminded of my disability. Having half a finger means I struggle to grip things, feel numbness in what is left of my finger and get quite a lot of pain if I accidentally knock it.

"I'm back at work now, but I'm worried about my future job prospects because I often drop bolts

and screws, which people could see as carelessness, when in fact it's down to my disability. I'm glad that I've had Unite behind me throughout this process."

Unite the Union commented: "Mr Cranney will be disadvantaged for life due to an accident that could have been avoided. Maintaining work equipment and ensuring staff are properly trained, especially when operating machinery, should be bread and butter to a big employer like this and their attempt to shift blame onto the injured worker is unacceptable.

Challenging the government

"This government is actively seeking to water down the kind of health and safety regulations needed to prevent these types of accidents. Unite is committed to challenging the government and any employers who seek to evade their responsibilities.

"I'm glad we were able to successfully conclude this case for our member, and I would like to thank Thompsons Solicitors for their involvement."

Railway worker trips on sleeper

A RAIL freight worker who was injured while conducting a night-time safety check on a railway line has received compensation with help from Unite Legal Services.

51-year-old Stephen Adams was walking a rail route in the early hours

when he tripped on a sleeper that had been left on the walkway. The impact resulted in a full thickness tear of the tendon in his shoulder and cracked his collar bone.

Unite Legal Services were able to secure a significant level of compensation on his behalf.

Leg injury for Royal Mail manager after cage pushed into her

A MANAGER for Royal Mail, Mrs Hilary Stokes, suffered an injury to her lower leg while moving large metal cages.

A colleague pushed another metal cage into the back of Mrs Stokes, causing it to hit her left ankle and resulting in a soft tissue injury, which eventually required an operation.

She still suffers with some symptoms with her ankle, which restricts her mobility.

It was not possible to reach a settlement of Mrs Stokes claim without starting court proceedings against her employers, Royal Mail. Unite Legal Services agreed an out of court settlement for Mrs Stokes of £11,500.

Did you know?

As a Unite member you have the benefit of the union's free legal scheme which includes:

- Personal injury claims at home, work or abroad
- An Extended Personal Injury service for members' immediate families who are not in employment for non-work related accidents or diseases
- Initial advice on any legal subject
- Free wills for you and your partner
- Employment and criminal advice
- Reduced price conveyancing
- Employment and criminal advice
- Fixed fee probate
- Reduced rates for lasting power of attorney
- Reduced rates for financial mis-selling cases

Preventable fork lift truck accident

UNITE MEMBER Angela Chandler, of Gloucester, was trapped between her forklift truck and a load of pallets when working at a branch of ASDA.

Her toe was fractured and required hospital treatment and she had to be absent from work for over three weeks.

Unite Legal Services were successful in securing over £5,000 for Ms Chandler. A failure to maintain the

truck properly meant that it moved erratically and did not respond correctly to her instructions.

Ms Chandler's employers had failed to provide safety footwear that could have avoided the injury. Her employer's training procedures were also scrutinised by Thompsons and, following Ms Chandler's accident, all staff had to undergo a refresher course on how to use to forklift trucks safely.

Compensation secured for fibrosis sufferer

A UNITE member who was diagnosed with fibrosis of the lungs has been awarded £55,000 because his employers failed to protect him from significant levels of exposure to asbestos dust.

Unite Legal Services negotiated a settlement of £13,500 more than the defendant first offered upon admitting liability. Mr Davies also has the right to return for further damages should he develop lung cancer, mesothelioma, or any significant worsening of the symptoms of asbestos poisoning.

In brief

Noise induced hearing loss

A machinist who works in a printing press has secured £8,000 in damages from his employer with the help of Unite Legal Services, although the defendant initially contested liability.

Due to his noisy working environment, Mr Granville, a Unite member from Redruth, had to constantly shout to colleagues to communicate with them.

While ear defenders had been provided by his employers, Mr Granville found them uncomfortable and his employers failed to take any steps to rectify this difficulty. He was eventually provided with earplugs and special ear defenders, but this was too late to prevent a hearing deficiency to develop.

Slip at work

Jerzy Markowski, a machine operator in Wiltshire, slipped on waste cosmetic produce that had been left on the floor by workers on the previous shift and not been cleaned. The Unite member injured his wrist and suffered damage to both knees, which worsened pre-existing knee problems.

Unite Legal Services was able to secure nearly £10,000 in damages for Mr Markowski because his employers had failed to provide a safe working environment.

South West Clinical Negligence Team

The Thompsons Clinical Negligence Unit assists union members and their families who have suffered injury arising from care received from medical or dental professionals.

The NHS is wonderful and allows all of us free access to some of the best medical care in the world. However things do go wrong. We can also help when things go wrong with private treatment.

This team brings together specialist clinical negligence lawyers to fight for compensation for those injured through no fault of their own. We work closely with the South West Serious Injury Unit, another specialist unit dealing with complex and life-changing injuries.

Medical treatment involving injuries such as amputations, birth injuries and surgical errors can change lives forever for members and their families.

Just as with personal injury claims, the link between the union and its members can be vital in ensuring that members are helped after an injury and to ensure that they are aware that they can get access to a specialist clinical negligence lawyer.

Our specialist lawyers will investigate a claim and will advise if a claim has reasonable prospects of success. Should liability be admitted, they can endeavour to obtain interim payments to assist the client with the immediate financial difficulties they may face.

In the South West, the Clinical Negligence Unit advises and supports union members and their

families who have suffered injuries such as:

- Birthing injuries
 - Cerebral Palsy
 - Delayed diagnoses
 - Amputations
 - Undiagnosed fractures
 - Gynaecological/urological injuries
- As with personal injury claims, the union can help their members and/or their family:

- Serious medical injuries are often known about by colleagues/friends at work or publicised in the media
- A proactive approach to contacting the member or their family can ensure that your member gets advice from Thompsons
- Done sensitively this can relieve the worry from a family member. They know where to turn to when they are ready.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into force on 1 April 2013. This Act allows deductions by solicitors from compensation. It is crucial that those affected by clinical negligence use their union membership so they secure beneficial terms through Thompsons.

We are able to offer union members a deduction of up to a cap of 10 per cent of their general and past losses only. Other firms are applying up to 25 per cent of their general and past loss damages. Union membership is therefore very beneficial for your members and offers them access to legal advice at better rates than other solicitors.

If you would like more information about the work of the Clinical Negligence Unit in the South West please contact Madeleine Pinschof at Madeleinepinschof@thompsons.law.co.uk or on 0117 304 2459.