

# Unite Personal Injury Legal Services

LONDON & EASTERN REGION

Winter 2014

Legal Helpline 0800 709 007



## Warehouseman secures £86,000 compensation

**UNITE LEGAL Services and Thompsons Solicitors have secured more than £86,000 in compensation for a warehouse man who was seriously injured in an accident involving a forklift truck at a Tesco distribution centre.**

The member, an employee at the Purfleet distribution centre, was standing on a pallet truck in an empty loading bay in the Essex warehouse when a colleague suddenly drove a forklift truck into it.

The force of the impact threw the man off the pallet truck to the floor and, as he landed, he struck his left hip hard against another nearby truck.

### Lost his job

As a result of the accident, the member suffered significant orthopaedic injuries to his back, left hip and left wrist, which doctors have said are likely to affect him for the rest of his life. His injuries were so serious that he was unable to carry out his usual work duties and he ended up losing his job.

The Unite the Union member now works part-time in a less physically demanding role at a Post Office.

After the accident, the member contacted Unite Legal Services who instructed personal injury

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specialists, Thompsons Solicitors, to pursue a claim on their member's behalf.

Tesco admitted liability and, following negotiations, Thompsons secured £86,070 for the Unite the Union member.

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

## Cyclist endures three operations after being hit by a car

A CYCLIST FROM Essex, who needed three operations after a car knocked him off his bike, has been compensated with the support of Unite Legal Services.

John Agius was cycling down High Road in Benfleet, Essex, when he was hit by a car pulling out of a junction, knocking him onto the car and then the road.

The 62-year-old Unite the Union member fractured his wrist and needed surgery. However, a few months after the operation, the fractured bones were still not fusing, as would normally be expected.

Consequently, John needed a second operation, in which a bone graft was taken from his hip and inserted into his wrist to encourage the fracture to heal. But, three months later, doctors had to again operate to control numbness in his hand.

On account of the accident, he needed six months off work as a rescue and recovery driver. Now he is unable to lift heavy items and requires help at work.

Following his accident, John contacted Unite Legal Services who instructed personal injury specialists, Thompsons Solicitors, to pursue a claim on his behalf. Despite the defendant initially claiming John was partly to blame, Thompsons Solicitors was able to settle the claim in full and secure John compensation.

# Unite member, hospitalised with food poisoning, receives compensation

**A UNITE OFFICER, who was hospitalised with serious food poisoning following a visit to a food-processing factory, has secured compensation with the backing of the union's Legal Services.**

While on a tour of Vion Food's facility at Stanton in Suffolk on behalf of Unite, the member was taken by site management around the hatchery, where he came into direct contact with poultry and was given chicks and eggs to handle.

However, while he was provided with disposable overalls, boots and masks, he was never instructed or warned about the risk of infection or cross contamination, or advised on hygiene measures during the course of the visit.

After being shown all of the poultry areas, the member was allowed to go straight to the lunch area without removing the protective clothing.

He subsequently developed a common but very dangerous campylobacter infection, linked to handling poultry. His condition was so serious that he was admitted to hospital where he was severely ill for several days. He continued to suffer symptoms for a number of months after.

The member contacted Unite Legal Services who referred his case to their personal injury specialists to investigate a claim for compensation. A claim was made against Vion Foods for failing to adequately safeguard the health and safety of visitors in accordance with guidance from the Food Standards Agency and Health Protection Agency.

When Vion Foods denied liability, Unite commissioned a report from an independent medical expert who confirmed that the infection was from Vion Foods' factory and a sum of compensation was agreed.

## Airport worker struck by plane door

**A UNITE MEMBER, who was injured at an airport when a plane door struck him on the head, has received compensation with the help of Unite Legal Services.**

Andy Smurthwaite was employed as a ramp agent and was marshalling in a small passenger plane.

Andy and his colleague were placing blocks on the wheels when the hydraulic door of the plane, with steps embedded in it, was lowered without warning, striking him on the head.

Andy, experiencing neck pain and dizziness, was taken to hospital.

He contacted Unite Legal Services who instructed Thompsons Solicitors to investigate a claim for compensation. Initially, liability was denied by the employer, who said that Andy and his colleagues should have known that the doors could be lowered at any point.

However, Thompsons' investigations found there was no safe system of work in place to ensure the cabin crew would not lower the door until told to do so by ground staff.

Moreover, a Unite representative obtained a supportive witness statement confirming the employers were aware of other ramp agents who had been injured in the same way.

Following this, the Unite member was secured £1,000 in compensation.

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### Did you know?

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

- Personal injury: at or away from work, on holiday or on the roads
- Industrial disease or illness
- Employment law (accessed via your Unite branch or regional office)
- Free basic will
- Reduced price complex wills, probate and lasting powers of attorney
- Financial misselling advice at reduced rates.

**Unite members' families are also covered for:**

- Personal injury away from work, on holiday or on the roads
- Special terms for clinical negligence
- Reduced rates for conveyancing

## Warehouse worker compensated for accident

**A WAREHOUSE worker, injured in an accident at work, has secured £11,500 compensation with the support of Unite Legal Services.**

The Unite the Union member, employed by Servisair at Stansted Airport, was pushing a mail cart when, suddenly and without approval from the banksman, a delivery driver reversed his vehicle into the warehouse at high speed.

It hit the cart, throwing him to the floor. He sustained a ligament strain and a minor head injury. Afterwards, he also experienced nightmares and flashbacks. He contacted Unite Legal Services who referred his case to their personal injury specialists.

Unite was able to show that Servisair had failed to provide adequate training and guidance to the delivery driver, who should have waited for the instructions before entering the warehouse. Compensation was secured after the driver admitted liability for the error.