

# Unite Personal Injury Legal Services

Autumn 2014

Legal Helpline 0800 709 007



## Luxury yacht company breaches workplace regulations

**A UNITE MEMBER, who developed carpal tunnel syndrome (CTS) after spending hours every day carrying out repetitive tasks and using vibrating work equipment, has secured compensation with the help of Unite Legal Services.**

Peter Austin, an employee at luxury yacht maker Princess Yachts, was involved in the production of various parts of the yachts between 1998 and 2013.

He had to use a sander, which vibrated, for five hours a day and also an electric powered flatbed sander for two hours a day.

### Plastic block

Mr Austin spent the rest of his shift working on the furniture components with a plastic block wrapped in sandpaper. He would have to hold the block very tightly, which caused his wrists and fingers to ache.

As a consequence of this work the member developed CTS, a painful condition affecting the wrist that causes numbness and pins and needles. Following his diagnosis, the member contacted Unite Legal Services, who referred his case to their personal injury specialists, Thompsons Solicitors.

Unite Legal Services were able to obtain medical evidence to show

that the employer's failure to provide proper job rotation or reduce the member's time spent using vibrating equipment led to his CTS.

*Following negotiations a settlement of £20,800 was reached in favour of the member*

A claim was made against Princess Yachts and their insurers eventually admitted that they were in breach of health and safety regulations. Following negotiations a settlement of £20,800 was reached in favour of the member.

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

## Airport worker struck by plane door secures compensation

**A UNITE MEMBER, who was injured at Bristol International 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 suddenly 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 on a spinal board as a precaution.

### Liability denied

Following the accident, he contacted Unite Legal Services who instructed Thompsons Solicitors who investigated 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, investigations found that there was no safe system of work in place to ensure that 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 that 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.

# Compensation after employer failed to follow safety rules

**A MAN who suffered a painful wrist injury after his employer failed to follow workplace safety standards has received £12,000 in compensation with the support of Unite Legal Services.**

Oil Tank Supplies Limited, asked Terry Behan, 53, and a colleague to replace pipework on an oil tank. But, after removing the old pipework, they realised they had been given the wrong metal rings to connect the new pipe.

This meant they could not complete the job and had to reconnect the old pipework.

As Terry picked up the end of the pipe, one of the metal rings twisted and fell, causing him to drop the pipe, which was too heavy for even two people to handle.

## Traumatic

The Unite the Union member suffered a traumatic twisting injury to his left wrist, which exacerbated pre-existing problems with the ligaments and tendons in his joint.

The accident was so serious that Terry required surgery and was obliged to take six weeks leave from work.

He contacted Unite Legal Services who instructed Thompsons Solicitors to investigate a claim on his behalf.

Thompsons found that his employers breached workplace safety standards by sending him and his colleague out to work on pipework that was too heavy for just two people.

Oil Tank Supplies Limited failed to carry out a risk assessment of the site, and also did not take into account that the two factory operatives had to carry out the work in the rain, which meant that there was a greater risk of injury.

## Cyclist endures three operations after he was hit by a car

**A CYCLIST from Essex, who needed three operations after he was knocked off his bike by a car, has been compensated with the support of Unite Legal Services.**

John Agius was cycling down High Road in Benfleet, Essex, in November 2010, when he was hit by a driver pulling out of a junction.

The 62-year-old Unite the Union member sustained a badly fractured wrist that required surgery. However, a few months

later, doctors identified that the fractured bones were failing to properly fuse together.

John required a second operation to take a bone graft from his hip to insert into his wrist to encourage the fracture to heal. Six months after his accident, John had yet another operation, this time to control numbness.

He needed six months off from his job as a rescue and recovery driver but the long-term damage to his wrist means he is still unable to

lift heavy items and requires occasional help to carry out his job.

Following his accident, John contacted Unite Legal Services who instructed Thompsons Solicitors. Thompsons settled the claim in full despite the defendant initially alleging contributory negligence.

## Compensation secured for cleaner made ill by cleaning chemical

**UNITE LEGAL Services has secured compensation for a hospital cleaner who was made ill following excessive exposure to a cleaning product.**

The member, employed by Initial Hospital Services Limited at Gloucester Royal Hospital, had to use the cleaning product Actichlor for most of the working week, following an outbreak of the norovirus in May 2010. This excessive exposure caused headaches, loss of appetite, sickness and fatigue.

The member contacted Unite Legal Services, and Thompsons Solicitors investigated a claim for compensation.

The employers initially denied liability but it was found that the excessive use of the chemical appeared to breach the employer's own occupational health guidance.

Thompsons also found that staff training in how to use the chemical was inadequate.

## 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

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