

# Unite Personal Injury Legal Services

NORTH WEST REGION

Autumn 2014

Legal Helpline 0800 709 007



## Engineer severely brain damaged after workplace accident

**A MAINTENANCE engineer from the Wirral, who suffered a traumatic brain injury at work, has received significant compensation with the help of Unite Legal Services and Thompsons Solicitors.**

Tom Williams, 65, was tasked with removing a pillar from the ceiling of the engineering stores at Manor Bakeries Ltd, on the Wirral, to create a new walkway in the building. His employers failed to carry out a risk assessment to highlight the potential dangers of removing the pillar, or to give Tom, and the team supporting him, training on how best to complete the job.

Tom, who is a member of Unite the Union, used an angle grinder in an attempt to remove the bottom section of the pillar, and in doing so the top section fell from the ceiling, striking him on the head.

His injuries included fractures to his neck and swelling to his brain and caused Tom to fall into a coma. Part of his skull had to be removed and after spending seven months in hospital, Tom now requires 24-hour care and supervision, which he will need for the rest of his life.

Following the incident, Tom has been left with aphasia and dysphasia, which limit his ability to understand and process words. He also suffers from fatigue, unsteadiness, right-sided hearing

loss, tinnitus, neck pain and is prone to depression.

The accident has not only had a devastating effect on Tom's life, but his family's too. His wife, Barbara, suffers with depression and has had treatment from a psychologist to help her come to terms with her husband's injuries.

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Barbara, with the help of her brother Andrew Porter and other members of the family, decided to pursue a claim for compensation for Tom in order to fund his long-term care needs. Unite Legal Services instructed Thompsons Solicitors to investigate a claim for their member.

Thompsons Solicitors successfully secured a package of compensation, which included a funded care plan with guaranteed, index-linked annual payments to cover the cost of 24-hour professional care, alongside further recurring payments and a capital sum to ensure Tom's care needs

will be met for the rest of his life.

Barbara said: "Our family have been left to pick up the pieces after a devastating accident. Tom has suffered so much, but so too has the whole family. He is a husband, father and grandfather and we've had to witness how his life has been destroyed because of what has happened to him.

"Tom is a changed man; he will have to live with his conditions for the rest of his life supported by his family and carers. That's why securing compensation was so important for us, so we now know that his long-term care needs will always be looked after."

Mick Whitley, northwest regional secretary from Unite, said: "Tom was a hardworking employee whose life has been turned upside down by this tragic accident. Manor Bakeries failed to follow routine health and safety, and the result is a catastrophic injury that has changed a longstanding employee's life and that of his family forever.

"Unite Legal Services, with the help of Thompsons Solicitors, are proud to have been able to deliver a compensation package, which will safeguard Tom's long-term care needs. No one can change what has happened, but it is a relief for Barbara, and her family, who have fought so hard to ensure that Tom is fairly compensated."

# 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.**

The employer 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.

The employer 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, 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 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.

## Six month recovery

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 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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