

# PCS Personal Injury Legal Services

EASTERN REGION

Spring 2014



Public and  
Commercial  
Services Union

Legal Helpline 0800 328 3255

## Compensation for serious injuries after slip at work

**A PCS MEMBER working for the Metropolitan Police, who slipped on vomit on stairs at work, has received £35,000 for injuries to her back and shoulder.**

The member had to take time off work and required physiotherapy treatment. When she finally returned to work, she did so on restricted duties, but still had to take time off when the pain became unbearable.

The member's employers could not establish that an effective cleaning system was in place at the time of her accident and liability was admitted.

### Court proceedings

However, it became necessary to issue court proceedings due to the

protracted nature of the member's recovery from her injuries. Her treatment included steroid injections and eventually surgery on her shoulder.

As a result of her injuries, the member was left with permanent restriction in her shoulder.

Ranjit Sond from Thompsons Solicitors said: "This case highlights the serious consequences that can occur from a simple omission on the part of the employer. It is also a timely reminder that staff should report all spillages and near misses to the relevant person as soon as possible.

"Although we were able to reach a good settlement for the member, her shoulder will never be the same again."

## Changes to health & safety legislation: the end of civil liability

**THE GOVERNMENT'S** last minute amendment of the Enterprise and Regulatory Reform Act 2013 has, from its implementation on 1 October 2013, removed a basic right of injured workers and driven a coach and horses through over a hundred years of UK health and safety law.

Previously, a civil claim for personal injury could be brought for negligence and/or breach of statutory duty. A breach of statutory duty would occur, for instance, if an employer failed to comply with regulations under the Health and Safety at Work Act (HSWA), such as failing to guard a machine or keep a gangway clear of obstructions.

However, now employers are no longer liable in the civil courts for a breach of the regulations. Under new legislation, the employee must prove their employer was negligent in order to establish an entitlement to compensation. Putting the onus on the employee makes it a more difficult task.

For that reason, it is more important than ever that members and union representatives work together with lawyers to gather the evidence necessary for claims to succeed.

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## Did you know?

**Your PCS membership entitles you to free legal assistance for:**

- Accidents at work and outside of work including road traffic accidents
- Disease or illness contracted at or away from work
- Clinical Negligence

**Your family can receive free legal assistance for:**

- Accidents outside of work including road traffic accidents
- Disease or illness contracted away from work
- Clinical Negligence

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**STANDING UP FOR YOU**

# Training failure leads to shoulder and neck injuries

**A member working for HMRC was successful in her claim against her employers when she suffered injuries while moving office furniture.**

There was no help available from the on-site maintenance team as, due to budget constraints, her department had not signed up to their scheme. Staff were therefore encouraged to move the furniture themselves even though they had not been trained to carry out manual handling tasks.

The PCS member suffered shoulder and neck injuries from moving a set of

heavy drawers. There was nobody in her team that could assist and she was under a deadline to get the move completed.

The defendants resisted the claim, but eventually agreed to settle with the member who received compensation without the need to issue court proceedings.

Following her accident, the member has been keen to remind other PCS members that they should not undertake any manual handling tasks unless they have received the correct and proper training.

## Hand crushed between van and a fork lift truck

**A PRISON WORKER, whose left wrist was fractured at work, has received compensation after help from PCS.**

The 28-year-old, an operational support worker, was off work for more than four months. He was trying to connect a towrope to a van when the vehicle suddenly moved forward, crushing his hand against a forklift truck. The van driver had failed to put the hand brake on after it broke down.

He suffered a fractured left wrist and ligament damage. His wrist needed seven different plaster casts to help it heal and he eventually had surgery to pin the bone. He still suffers aches and pains in cold weather.

PCS instructed Thompsons Solicitors to investigate a claim for compensation. Thompsons argued that the prison service should have trained its drivers to make sure their vehicles were secured safely in the event of a breakdown.

The prison service admitted liability and agreed to pay compensation without going to court.

## PCS member secures compensation after slip

**A PCS member working for HMRC was seriously injured when she slipped on ice at work premises.**

Although there was salt available on site, there were no clear instructions or guidance as to who was

responsible for ensuring that it was spread along walkways during cold weather.

Liability was eventually admitted and the member received compensation without the need for court proceedings.

## Health & safety legislation

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**What should members and union reps do in the event of an accident?**

- **All accidents and near misses must be reported. It is important that the circumstances of any incident are correctly and accurately recorded.**
- **Members and representatives should ensure that key witness details are noted and, where possible and authorised, relevant documents such as risk assessments should be located and retained.**
- **Where possible, health and safety representatives should carry out a full investigation into the cause of an accident.**
- **The member should seek legal advice immediately and should retain all relevant information regarding the incident, injuries and losses.**

## About Thompsons

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

We secure over £150m compensation each year for people who have been injured 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](mailto:newsletters@thompsons.law.co.uk)**

**to let us know if this newsletter was helpful and what topics you would like covered in future.**

# DON'T FORGET

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

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SOLICITORS

**STANDING UP FOR YOU**