

# UNISON Personal Injury Legal Services

EASTERN REGION

Spring 2014



Legal Helpline 0800 0857 857

## Compensation after fall from ladder

**A UNISON member, who was injured at work when he fell off a ladder, has received £35,000 in compensation.**

The member was using a tallelescope ladder (a ladder mounted on a base frame) to help clear away equipment after a school concert. He climbed the ladder and was being wheeled around by his colleague.

As the ladder was being moved, it toppled over, causing the member to fall off and fracture his arm.

Although he made a good recovery, he was left with a scar and was unable to return to his passion of playing rugby.

The Health and Safety Executive investigated the case and found that the way this work was carried

out was unsafe. The member should never have been on the ladder as he was in excess of the maximum weight limit.

### Dyslexic

Although there was a label on the ladder to warn of this weight capacity, the member was dyslexic and no allowance was made for this. The ladder should not have been moved when somebody was working on top of it and outriggers should have been used to stabilise it.

The member's employers, Suffolk County Council, admitted primary liability but sought to reduce the amount of compensation by alleging the member was partly to blame. A settlement was eventually reached after court proceedings were issued.

## Seven months off after fall through hole in floor

**A UNISON Eastern member has received compensation from her employer after falling through a hole in the floor caused by the employer taking up a board but not replacing it.**

The senior support worker was working normally when her left foot went through a hole in the floor. Her employers had not only failed to fill the hole but had neglected to put up any warning signs.

The member sustained extensive bruising to her left leg, a cracked heel bone, and broke her ankle in

two places. Her leg was put in plaster and she had to have both hydrotherapy and physiotherapy.

She was unable to walk at all for two weeks and ended up off work for seven months.

She contacted UNISON for support who instructed Thompsons Solicitors who secured damages for her injuries and loss of earnings.

She said: "My husband had to wait on me hand and foot, which I couldn't even enjoy because of the pain and frustration of being

## 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 the new legislation the employee must prove their employer was negligent to establish an entitlement to compensation. Putting the onus on the employee makes it a more difficult task.

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## DON'T FORGET

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



**STANDING UP FOR YOU**

# Library assistant suffers back injury

**A library assistant who suffered a manual handling injury has, with the help of UNISON, been compensated for permanent back problems which mean she can no longer work.**

The 54-year-old UNISON Eastern member was instructed to help move 80,000 books from one area of the library to another over four months in 2008 and 2009.

She was told to lift stacks of books and pack them into boxes, weighing up to 22kg (50lbs) each, which were then loaded onto trolleys and moved through the facility.

She had not been trained in manual handling techniques and she developed back pain from the persistent heavy lifting. She told her manager and took three days off to rest but after returning to work was once again told to carry on with moving boxes despite her back problems.

The UNISON member's back pain became so severe that her back seized up altogether. She was not offered alternative light duties and she was subsequently dismissed on grounds of medical incapability.

Despite seeking treatment from a specialist pain clinic to help her to manage the discomfort, she continues to suffer from chronic back pain which prevents her from working.

Having contacted UNISON for support, the member was represented by Thompsons Solicitors who investigated her claim for compensation. Thompsons successfully negotiated over £23,000 in compensation to cover the member for lost earnings.

She said: "I never had any problems with my back before lifting those boxes but now I have to adapt my life around managing the pain."

## Health & safety legislation

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**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.**

**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.**

## Did you know?

**As a UNISON Member you receive:**

**Free legal advice and representation on:**

- Personal injury at work (including assaults)
- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips
- Industrial disease or illness
- Employment law accessed through your UNISON branch

**For UNISON Members and their families we offer:**

**Free legal advice and representation on:**

- Personal injury away from work
- Road traffic accident injury
- Holiday injury
- Slips and trips away from work
- Industrial disease or illness incurred away from work
- Special terms for clinical negligence cases
- Reduced rates for conveyancing and family member wills

## About Thompsons

**Thompsons Solicitors is the largest national specialist personal injury practice in the country with over 1 000 staff in a network of offices nationwide.**

**We secure over £150 million compensation each year for people who have been injured and suffered loss 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.

**Legal Helpline 0800 0857 857**

**Textphone: 0800 0967 968 Mon-Fri 6am-midnight**

**Sat 9am-4pm or the hard of hearing:**

**Mon-Fri 6am-midnight/Sat 9am-4pm**



**STANDING UP FOR YOU**