

Unite Personal Injury Legal Services

LONDON & EASTERN REGION Spring 2014

Legal Helpline 0800 587 7524



Member suffered burns after working with wrong equipment

A JOINTER working for London Power Networks suffered significant burns when he was sent to do a job without the correct work equipment.

He was carrying out maintenance on some cables and had been provided with new ratchet cutters.

The blades were encased in opaque grey plastic, thus obscuring the cables he was working on. Consequently he cut into a secondary core cable, causing a flashover.

Investigation revealed that, instead of using finger wedges to separate the cables, the member should have been provided with gum shield wedges.

However, he was not instructed on this safety advice and gum shield wedges were not supplied.

The member suffered serious

burns to his face and arms, which left some scarring, and he also suffered from post-traumatic stress disorder following the accident.

Improper training

It was established that the employer had failed to properly train the member and provide the correct work equipment.

However, liability was denied and court proceedings were issued. Eventually, a settlement of £20,800 was reached in favour of the member.

The member suffered serious burns to his face and arms

Compensation after member's finger crushed

A UNITE member received £18,000 in compensation for a crush injury to his middle right finger while working at a Morrisons distribution centre.

He was assisting a mechanic to find the cause of an electrical fault on a lorry's refrigeration unit.

Suddenly, and without warning, the engine turned over and trapped the member's finger.

He was left with a disfigured finger that required surgery. Morrisons admitted liability after it was established that they had failed to follow their own "lock off" isolation procedures.

A failure of Morrisons to train their worker properly was highlighted when it became clear that he was not even aware that these safety procedures existed.

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

Guide to the new claims process

IN THE ever-changing landscape of personal injury claims, last summer marked the beginning of a new regime in how claims are made.

The Ministry of Justice enacted changes championed by the government, which was all too ready to listen to the insurance industry and clamp down on what was perceived as a “compensation culture”.

Designed to streamline the process, from 31 July 2013 all employer’s liability and public liability claims with a value between £1,000 and £25,000 became subject to a new protocol for low-value personal injury claims now processed via an online portal.

The change applies to all accidents that occur after this date and to disease claims where the letter of claim had not been sent by 31 July.

A claim is commenced by filing a claim notification form (CNF), which Unite Legal Services will complete and submit. The conversation and

submission of the CNF should take no more than 20-30 minutes.

It is important to submit the claim as soon as possible to put pressure on the other side, as employers have only 30 working days, and public liability defendants only 40 working days, to investigate the claim and respond with a decision.

So that the CNF is submitted sooner rather than later, we propose gathering the information from members over the telephone initially.

If the other side fails to admit or deny liability within that time frame, they are allowed more time (up to three months from the initial submission of the claim) to investigate. However, they will then have to pay more in legal costs if the claim is ultimately successful. It is hoped therefore that defendants will admit liability in good claims more quickly.

If liability is denied, Thompsons can arrange a face-to-face meeting to discuss matters and the next stage in the claims process.

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.**

Compensation after fall

A UNITE member was awarded £6,250 for back injuries sustained when a platform he was working on gave way. The member was working with a colleague to replace cylinders on a press and he was required to stand on a static platform positioned next to the press. The platform suddenly gave way and the member fell, injuring his lower back. Liability was admitted and a settlement was reached without the need for court proceedings.

Did you know?

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

- **Personal Injury claims at home, work or abroad**
- **Claims for dependent family members hurt outside of their work**
- **Initial advice on any legal subject**
- **Free wills for you and your partner**
- **Reduced price conveyancing**
- **Employment and criminal advice**

Weighted dummy caused injury to shoulder

A MEMBER working for UK Power Networks Limited was injured during a training course. He was climbing a pole to rescue a weighted dummy, when the dummy fell and struck him on his right shoulder.

Investigations showed the training instructor had failed to secure the dummy correctly. Following the accident, that particular exercise was withdrawn from the training programme.

The member suffered from soft tissue injuries to his right shoulder and hand and was left with other permanent symptoms. Liability was admitted and he received £5,000 compensation.