

£20,000 compensation secured for driver injured at St Pancras

A TRAIN DRIVER, who fractured his calf bone when he tripped and fell while walking at St Pancras Station, has secured £20,000 compensation.

The ASLEF member was told by his employers to exit his train in the sidings, a short stretch of rail track used to store a train, which meant he had to walk along a pathway that runs adjacent to the rail line. As he did so, he tripped on a retainer board that was sticking up and fell.

In the fall, the 56-year-old fractured his left calf bone and dislocated his ankle joint. He spent nine nights in hospital, six weeks in a cast and had to use crutches for four months. In the end he was forced off work for almost six months.

Following the accident, the driver of more than 40 years contacted his trade union, ASLEF, who instructed Thompsons Solicitors to investigate a claim of compensation for their member.

The man said: "I'm still feeling the effects today; my leg aches constantly.

"Despite working for the company for 20 years and despite my being injured following their instruction on where to leave the train, I didn't have a single phone call from my employer while I was sick.

I don't feel I was treated with the respect I deserved after so many years of service."

Angela Staples, from Thompsons Solicitors, said: "It's actually quite simple for companies to stop accidents like this happening: make sure that there aren't boards jutting out to trip up employees and if they are either get rid of them, signpost them or don't insist employees walk past them.

"Workplace safety standards and regulations are in place for a reason, and companies that choose to ignore them should be held accountable."

Workers' health and safety should be top priority

FIGURES RELEASED from the Office for Rail and Road (ORR) suggest that the UK railway was the safest in the EU for both workers and passengers last year.

But while the level of fatalities and injuries fell between 2005 and 2009, and then stayed fairly constant from 2009 to 2014, health and safety for workers in some

parts of the industry remains poor, with failings often ignored by both the regulator and employers.

Glossed over in the report is the major safety issue of obstructions on the line. For drivers, given there is very little protocol in place, the issue of who is responsible to deal with the obstruction is a real dilemma; should they put themselves in danger to remove it?

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Small Claims, Big Impact

IF YOU'RE injured in an accident, the right to have independent legal representation to help you get - not what the insurers decide they will give you - but what a court would award you for your injuries, losses and expenses, is under threat.

The age-old entitlement that compensation is fair to all, regardless of your wealth or position in society, is currently being challenged by proposed government changes to the small claims limit.

In November's Autumn Statement, the chancellor announced that he wants the small claims limit to rise from £1,000 to £5,000 in road traffic accident cases.

This means that, if a person is injured in a road accident and their damages are likely to be worth less than £5,000 (that's about 90 per cent of all road accidents), the injured person won't be able to recover the money spent on a solicitor to represent them.

The government is essentially asking injured people to pay for the privilege of having legal support to bring the people responsible for their injuries to account.

The alternative? The injured person goes it alone in a legal case against an insurance company and their bank of lawyers.

Epidemic of fraud?

The government, along with its mates in the insurance industry, says there is a "fraud and claims culture in the motor industry". The Association of British Insurers (ABI) claims that they "detected" 67,000 instances of "fraud" in 2013 alone. But there has never been any independent verification of the insurers' figures.

Without solid evidence to back up the idea that fraud is at the level of an "epidemic" (as one insurer claimed), the figures being peddled are a self-serving rhetoric designed to reduce the money they have to pay out while increasing their profits and dividends to shareholders.

Motor insurance is compulsory and the £15 billion a year market is looking pretty healthy by anyone's standards. The chancellor claims that the proposed rise in

the small claims limit will save the insurance industry £1 billion, however it is unclear how this has been calculated and even if it does happen, how this saving would be passed on to motorists. Ministers have admitted in parliament that they do not intend to intervene in the market to require savings to be passed on.

Attack on ordinary people

While this government continues its attack on ordinary people, members of ASLEF should remember that your union legal scheme will continue to work hard to protect you from the worst effects of Tory policy.

If you, or a family member, are injured in a road traffic accident, don't go it alone – contact Thompsons and get support from expert solicitors who represent union members in personal injury cases every day of the week.

Thompsons is working with trade unions and opposition parties to fight changes to the small claims limit before they are sneaked through as law. Help us fight them too – read the latest on our Small Claims, Big Impact campaign at www.thompsons.law.co.uk/CutPremiumsNow or on Facebook at bit.ly/SmallClaimsBigImpact.

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Workers' health and safety should be top priority from first page

The lack of clarity is made worse by confused authority between Network Rail and the train operator, meaning track workers and train workers have different employers.

At Thompsons, we regularly represent ASLEF members who have sustained injuries while working on the railways. It is clear to us that the ORR's optimistic report should be taken with a large dose of salt.

As always, the devil is in the detail. While the general trend on worker health and safety in the rail industry

may well be encouraging at face value, the regulator and all employers in the sector shouldn't rest on their laurels. There remains a huge amount of work to be done to deliver the kind of working environment that members deserve.

Members who are injured at work should rest assured that, through the ASLEF legal service, expert legal advice and representation is available from Thompsons – free of charge and with the guarantee of 100% compensation within the union scheme.

To speak to an expert legal representative, call
0808 100 8009 for advice and support from your union

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