

Health and Safety News

incorporating Personal Injury Law Review

Lord Young review of Health and Safety

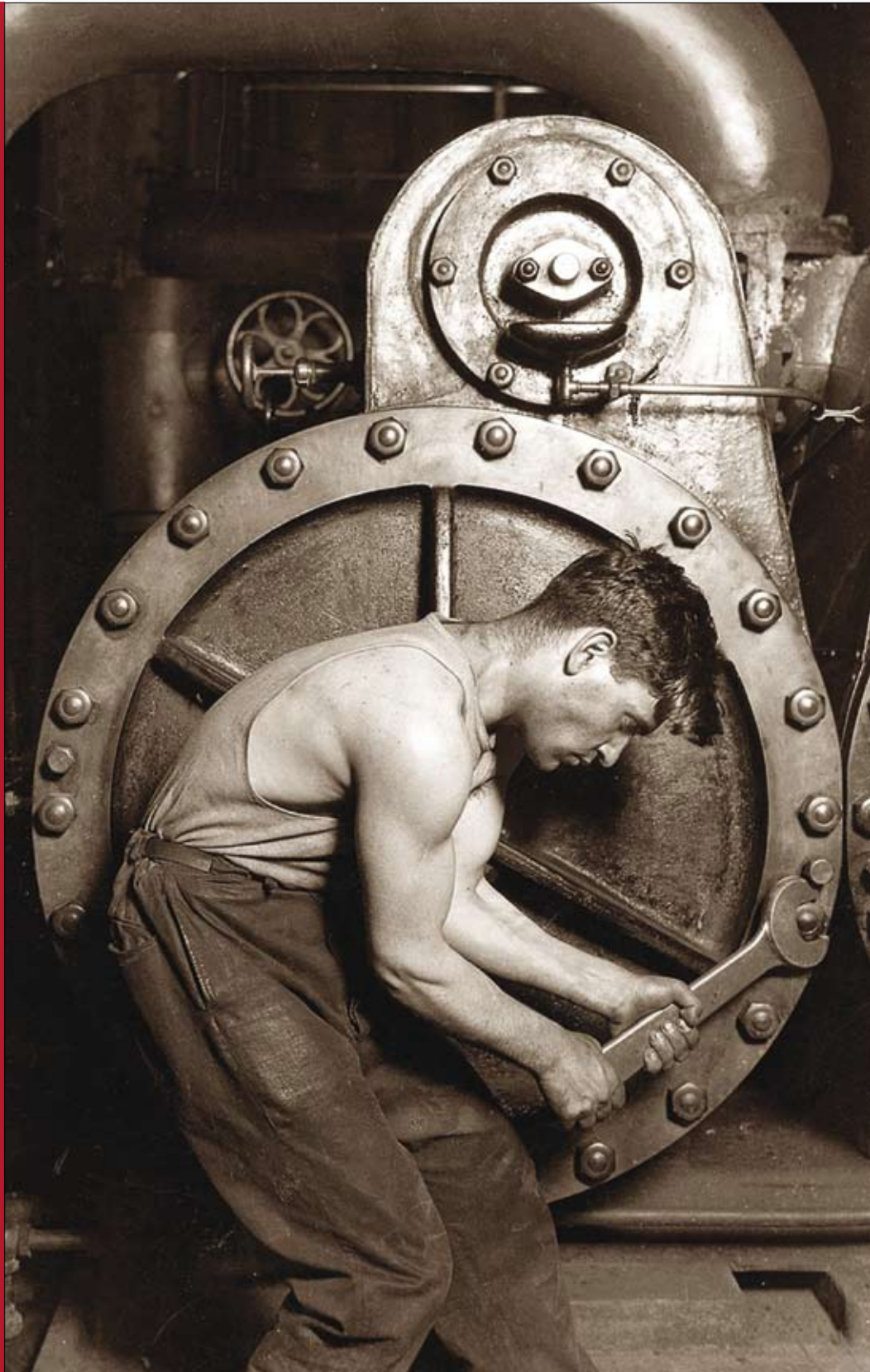
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Review needs to allay the myths

Tom Jones says the Lord Young review of health and safety should recommend a public information campaign, not a weakening of laws that protect workers

LORD YOUNG of Grafton, Margaret Thatcher's former adviser, has been entrusted by David Cameron to review health and safety laws.

We knew from the Tory election manifesto that Cameron was planning X-factor style public nominations of regulations to repeal and ways to free employers from "intrusive visits from officials checking whether they are complying with regulations".

So the deputy prime minister Nick Clegg launched his Your Freedom website for the public to suggest laws to scrap. Predictably, many of the thousands who posted said amend trade union laws to curb their ability to go on strike and scrap health and safety laws that protect workers.

Meanwhile Lord Young suggested that emergency workers should be excluded from health and safety laws because they are "paid for doing a job that involves risk".

Myths are being exploited or indeed, on occasions, made up by the media to maintain a favourite theme

Lord Young's official brief was to "investigate and report back to the Prime Minister on the rise of the compensation culture over the last decade coupled with the current low standing that health and safety legislation now enjoys and to suggest solutions."

Thompsons has sent Lord Young evidence showing that all the reports and all the statistics prove there is no compensation culture. There may be a tabloid driven perception of compensation culture but removing protection for firefighters, paramedics and other emergency service workers is a dangerous sledgehammer to crack tabloid myths however persistent they are.

Our response to Lord Young can be read at www.thompsons.law.co.uk/ttext/briefings-and-responses.htm.

Absurdities

Lord Young has been widely quoted pointing out the absurdity of the many stories that abound – from toothpicks being unavailable in restaurants to pancake racers having to walk in wet weather. We have taken Lord Young at face value and assume that, rather than seeking to perpetuate the myths, he is highlighting what are, in anyone's eyes, clearly misinterpretations of the law.

"Elf and safety" hasn't "gone mad". Myths are being exploited or indeed, on occasions, made up by the media to maintain a favourite theme. In the process, they attribute rules and powers to health and safety that are completely false. It is a monster of their own making.

The Your Freedom website further encourages the hysteria about health and safety. People are hijacking it to nominate laws for repeal that simply don't exist.

In 2008, the Conservative shadow work and pensions minister Andrew Selous said that

health and safety was "the bottom line" and "traditionally had cross-party support" and The Health and Safety (Offences) Bill 2007 did indeed get all party support in order to become law.

So we have asked Lord Young what has changed. Why does the coalition think that health and safety laws are in "low standing" when they weren't in 2007 and weren't in 2008?

Between April 2009 and March 2010, 151 people were killed at work. Thousands were injured in work-related accidents. That is the reality for working people and statistics show that most then don't make a claim.

Adequate enforcement

The key is adequate enforcement of health and safety legislation. We have too few inspectors and too few prosecutions of employers and that leads to thousands of people continuing to be injured and killed at work.

We have told Lord Young that if his review intends to look at real personal injury claims – ones that result in formal claims for compensation recorded by the Government's Compensation Recovery Unit (as all claims must be) rather than the tabloid myths – then he will see that compensation claims for people injured at and out of work are falling consistently.

Great health and safety myths



The myth You don't need to secure down the road

The reality If not properly secured, vehicle loads that haven't been firmly tied down spillage. They risk the lives of drivers and other annoying traffic disruption. More than 1200 people a year are injured and pounds are lost in damaged goods. Don't take the risk – make sure your load

HSE Go to www.hse.gov.uk/myth/index.htm

Great health and safety myths



The myth Health and safety brings

The reality Come the summer sun and old-fashioned candyfloss? But if you believe some newspaper headlines because of the dangers posed by the stick it is the truth is that there are no health and safety Is the traditional form of this sweet disappearing and store it in plastic bags? Who knows, but anyone with a bad taste in their mouth.

HSE Go to www.hse.gov.uk/myth/index.htm

Great health and safety myths



The myth Health and safety risks stop on the donkey!

The reality We recently read that the tradition is allegedly under threat because parents corner Not trusting children with drawing pins seen millions of children have been playing traditional any problems. Was this just a marketing ploy to drum up

HSE Go to www.hse.gov.uk/myth/index.htm

Great health and safety myths



The myth Risk assessment is too complicated for me to do!

The reality Carrying out a risk assessment should be straightforward. It's about focusing on real risks and hazards that cause real harm and, more importantly, taking action to control them.

HSE Go to www.hse.gov.uk/myth/index.htm

Claims down 64 per cent

The CRU's figures show that workplace accident and disease claims have dropped by 64 per cent since 2000.

We suggest it isn't acceptable to put emergency and other workers' lives at risk through the watering down of health and safety legislation simply to deal with a false perception about the law

Rather than reducing the protection that health and safety legislation provides, the government should initiate a public information campaign using the Health and Safety Executive's "myth of the month" posters at www.hse.gov.uk/myth.

National and regional newspaper adverts, films on YouTube and social networking sites should:

1. Reassure the public that there is no compensation culture and no need to fear health and safety regulations.
2. Explain what the regulations really say and how they protect people.
3. Set out what people's rights to sue for compensation actually are.

Lord Young is due to report his conclusions to the prime minister in September this year.

The Health and Safety Executive's "myth of the month" posters are available in English and Welsh

Mythau Iechyd a Diogelwch Mawr



Y myth Mae HSE yn dal i wahardd popeth dan haul

Y gwirionedd Dywedir yn rhy aml o hyd bod HSE a chyfraith iechyd a diogelwch yn gyfrifol am wahardd pob math o bethau – digwyddiadau rholo caws, gwau mewn ysbwtai a hyd yn oed deintbigau! Mewn gwirionedd, ychydig iawn o bethau y mae HSE wedi'u gwahardd yn llwyr, heblaw am rai ethriadau peryglus iawn fel asbestos, sy'n lladd tua 4000 o bobl bob blwyddyn. Defnyddir iechyd a diogelwch fel esgus cyfleus yn rhy aml, ond mae'n amser herio hyn ac atgoffa pobl i ganolbwyntio ar y risgiau go iawn – y rhai sy'n dal i achosi pobl i gael eu lladd, eu hanafu neu fynd yn sâl yn y gwaith. Herio'r mythau a mynd i'r afael â'r risgiau go iawn!

HSE Am ragor o wybodaeth ewch i www.hse.gov.uk/myth/index.htm Rhif 37 Ebrill 2010

When going to work really is a pain

Henrietta Phillips explains the law in relation to assaults at work

THE 2008/09 BRITISH Crime Survey estimated that in the previous year there had been 305,000 threats of violence and 321,000 physical assaults to workers in the UK. These included ambulance workers, hospital workers, care workers and teachers assaulted by members of the public as well as patients, service users and pupils.

In addition some employees were assaulted by their colleagues.

The injuries – physical and psychological – sustained in such assaults can be significant and where the injuries affect the victim’s capacity for work there can also be significant financial losses.

A claim for compensation for those injuries and losses against the individual who caused the injury is likely to be fraught with difficulties, not least because the individual will not have insurance to cover such a claim and the chances of compensation actually being paid are often slim.

An alternative will sometimes be a claim against the employer (who will have insurance to cover claims) but such claims have their own difficulties.

If a colleague deliberately assaults another in the course of their employment, then the employer is likely to be vicariously liable for the consequences of the assault. However, claims against employers for an assault by a third party (such as by a pupil on a teacher) are much more difficult to pursue successfully as the employer will not automatically be responsible for the consequences of the third party’s actions.

The law says that employers have a duty to take reasonable steps to provide a safe place and system of work and to supervise and maintain it. They also have duties to carry out, act on and update risk assessments under the Management of Health and Safety at Work Regulations 1999, and strict duties under the Workplace (Health, Safety and Welfare) Regulations 1992, Provision and Use of Work

Equipment Regulations 1998 and the Personal Protective Equipment at Work Regulations 1992, among others.

But the regulations can be of limited relevance in assault claims where the incident involves a third party rather than defective equipment.

There are risks in certain types of work, such as caring for people in psychiatric wards or teaching children with special needs, which are not always foreseeable or preventable.

In 2002 the Judge in the case of **King -v- Sussex Ambulance Trust** stated: “Such public servants accept the risks which are inherent in the work, but not the risks which the exercise of reasonable care on the part of those who owe them a duty of care to avoid”. In the same year the Court of Appeal stated in the case of **Cook -v- Bradford Community NHS Trust** that “a health authority who has the difficult task of

If a colleague deliberately assaults another in the course of their employment, then the employer is likely to be vicariously liable



looking after these patients should not expose their employees, however well trained, to needless risks”.

The difficulty in these cases is persuading courts to accept that the risk the victim was exposed to was more than a reasonable part of the job and crossed the line so as to become, as described in the case of **Cook**, “needless” risk. It is often necessary to show that:

- There was a previous history of violence by the third party that the employer was aware of. This can seem unfair to victims in that, if they are the first to be assaulted, theirs is often a weak claim. A history of violence can be difficult to prove and information can be difficult to obtain. Where there is no history of violence, it may be enough to prove that the employer was, or should have been, aware of the specific risk but this is much more difficult to prove.
- That the employer has not carried out an adequate risk assessment. Often the employer will have carried out some form of risk assessment so the victim must be able to prove that it was not adequate. This can be difficult.
- That the employer has not implemented the risk assessment. However, even

where this can be proved (such as in a failure to provide the minimum number of staff recommended by a risk assessment or a failure to provide a panic alarm) the victim must still prove that this failure was a material cause of the incident – which again can be difficult.

Claims are also difficult to investigate, not least because relevant personal documents for the third party (including education records, care plans and specific risk assessments) are subject to the Data Protection Act and cannot be easily obtained in the way that incident reports and risk assessments can be in other accident at work cases.

CICA

Ultimately it is often the case that a victim’s only prospect of obtaining compensation is from the government funded Criminal Injuries Compensation Authority (CICA). Thompsons acted in the case of a UNISON member assaulted at a care home where she looked after elderly male residents who had difficult backgrounds, including alcoholism and sexual offences.

She was attacked in 2002 by a resident with no previous history of violence. She suffered bruising and swelling to her legs and shoulder and also psychological trauma. She was

unable to return to work and was eventually medically retired.

Because the attack could not have been foreseen, it was not possible to pursue a compensation claim against the local authority that ran the care home. Instead, a claim was submitted to the CICA. Its initial low offer was eventually increased this year after the CICA appeal panel accepted evidence that the member would have been promoted to a managerial role had the attack not happened.

Nevertheless, compensation awarded under the CICA scheme is often lower than that in the civil courts and applicants often experience significant delay in the processing of their claims.

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Cramped cab causes carpal tunnel syndrome

The importance of risk assessments has been highlighted by another case involving poor ergonomics in train cabs, says **William Gasson**

WHEN THE judge in the case of **Allison -v- London Underground [2008] EWCA Civ 71** (see Health and Safety News Autumn 2008) confirmed that it is not enough for risk assessments to be carried out after a hazard is brought to their attention, common sense would have seen employers being proactive.

Especially rail industry employers.

Yet Arriva Trains Wales appeared not to have taken on the significance of the Court of Appeal decision in **Allison** when it failed to

Risk assessments of the cabs and work processes had not even been done by the time the case reached trial - long after the drivers' claims had been started

carry out either pre or post-injury risk assessments of the cabs and seats in locomotives used on lines throughout South West Wales.

In **Thomas, Studholme and Rogan -v- Arriva [2009] Swansea County Court**, Thompsons was instructed by ASLEF to represent three members who worked out of Arriva's Carmarthen Depot. They had been driving the 140, 142, 150, 152 and 153 locomotives for many years. All three developed carpal tunnel syndrome (CTS) and needed surgery.

The incidence in the population of CTS is 0.5 per cent. So three drivers out of one depot of 50 drivers is an unusually high incidence of the syndrome: over ten times higher than the national average.

Allegations

All three men alleged that the symptoms had been caused by their repetitive work, adopting awkward wrist postures to operate the brake and power controls of the locomotive, and the cramped conditions and poor ergonomics within the cabs.

In particular, Thompsons alleged:

- Inadequate seats with little or no adjustment.
- A lack of suitable arm rests – the drivers rested their arms on the edge of a desk creating a risky posture.
- Generally cramped conditions within the cab with insufficient legroom.
- Increasingly longer turns at the controls.
- Repetitive and awkward deviations due to extended wrist movements of the controls through the brake and power controllers.
- Increased use of the control levers (to satisfy

Comment

THE CASE has wide implications for train drivers across the UK but also for all workers in that it further emphasises employers' duty to risk assess.

The Judge ruled that each of the drivers had proved that they suffered CTS and that it was work related. He said that just because it had taken years to develop did not indicate that it was not. Years of working in those conditions would tire the muscles.

Significantly, though not surprisingly, he said that Arriva had failed in its duty of care towards each of the claimants in failing to risk assess their work systems.

A risk assessment was the crucial pre-requisite to assessing whether the work was being done in a suitable way and place as required under Reg 4 PUWER 1998 (he cited **Robb -v- Salamis 2006 UKHL 56**).

A risk assessment should have identified the shortcomings in the ergonomic conditions of the cab and observed the individual habits of drivers which gave rise to risk of injury.

There was a failure to take even the most modest of measures to prevent or significantly reduce the risk of injury to the drivers and there was a failure to inform and train the drivers in breach of Regulations 8 and 9 of the Provision and Use of Work Equipment Regulations.

The judge cited the Judge in **Allison** on the need to observe and then train and inform each train driver at their workstation.



the Professional Drivers Standards being monitored by the On Train Monitoring Report system which required more use of controls to avoid wear and tear caused by extreme braking).

- A breach of Regulation 4 of the Provision and Use of Work Equipment Regulations 1998 – the suitability of equipment.
- Breaches of Regulation 8 and 9 of the Provision and Use of Work Equipment Regulations – information and training for train drivers about the risk of injury in these positions.

Medical evidence linked the CTS to the men's work as train drivers on the specific locomotives and routes. An ergonomist confirmed that the job was repetitive within HSE "danger" guidelines and that the repetition and awkward wrist movements did give rise to a foreseeable risk of injury.

In effect, the drivers were extending their arms fully and deviating the wrist to both sides on regular occasions.

Reducing the risk

The ergonomist said that simple and inexpensive measures, such as providing adjustable seats with arm rests would have significantly reduced the risks of injury.

But Arriva denied that the locomotive cabs had caused the drivers' conditions or that it was liable for them. The company obtained its own medical evidence from a rheumatologist and a report from an engineer.

Significantly, Arriva was unable to produce any pre or post-injury risk assessments. Risk assessments of the cabs and work processes had not even been done by the time the case reached trial – long after the drivers' claims had been started.

Instead Arriva insisted that the risk of injury was so minimal as not to trigger risk assessments and claimed that what risk there was arose from the individual habits of drivers rather than the set-up of the workspace (some drivers found standing up in the cab more comfortable because of the lack of leg room under the desk).

The trial Judge, at Swansea County Court, even visited the local station and inspected some of the cabs himself, comparing them with a newer 175 unit, which is more spacious and designed around the driver.

The Judge was clearly struck by the lack of space in the 153 units and said he understood why some drivers would sometimes stand up to drive.

Paintshop solvents lead to nerve cell failure

Andrew McDonald explains the significance of a recent case that tested the link between exposure to lethal solvents and neurological conditions

THE CASE of the former RAF Corporal, who won a 17-year legal battle for compensation after being left with a devastating degenerative neurological condition caused by exposure to dangerous toxins at work, underlines the wider issues of the safety of workplace solvents and the difficulties with identifying them as the cause of some conditions.

Shaun Wood was diagnosed with Multiple System Atrophy-P (MSAP), a Parkinsonian condition that affects the nervous system, after exposure to a lethal cocktail of solvents as a painter and finisher at RAF sites across the world.

There is no cure for the condition, which has left the once extremely fit distance runner needing to use a wheelchair and to be cared for by his wife. There is little that he can do independently.

In **Wood -v- Ministry of Defence**, the High Court at the District Registry in Middlesbrough upheld Mr Wood's claims that he was exposed

It was revealed that the exposure levels of the said toxins were between 10 and 20 times the recommended maximum

to dangerous chemicals at work and that they caused his condition.

The judge described a "potentially lethal cocktail" of solvents, most significantly trichloroethylene and dichloromethane.

It was recognised in the 1960's that high exposure to trichloroethylene could cause dizziness, lethargy, inebriation and visual disturbance. It has also been known since at least the 1960s that dichloromethane, in high concentrations, produces narcotic effects and may cause kidney and liver damage.

Yet it was these solvents, along with those with components including xylene ethanol, butan-2-one, butan-1-ol and white spirit, that Mr Wood was exposed to between 1987 and 1995 after he had been discharged from the RAF. Then he worked intensively on stripping and repainting aircraft and motor vehicles, especially in the run up to the first Gulf War in the early 1990s.

Feeling weak

Dichloromethane and trichloroethylene were once used as anaesthetics. In the painting and finishing environment they often left the men feeling weak, nauseous and dizzy. Shaun Wood commented that the thinner they used made him feel "drunk and wobbly causing a headache later." However, it was not fully realised how much damage was being caused until the beginning of the 1990s.

Dichloromethane was banned in 2009 from use in paint strippers for consumers and many professionals because of the risks to health. According to the European Commission, between 1989 and 2007 there were 18 fatalities and 56 non-fatal injuries registered in the EU as a result of dichloromethane.

Victorian conditions

Working in what the judge described as "Victorian conditions", Shaun Wood and his colleagues were given completely inadequate

protection to the massive exposure to these solvents.

The work pressure was such that Mr Wood and his colleagues worked in excess of 12 hours per day, and sometimes up to 16 hours per day, to get through the volume of work that was expected of them. However, because Mr Wood and his colleagues were committed to serving their country, they got on with their jobs.

Mr Wood began to suffer a decline in his health when he was in his 30s and he was diagnosed with Parkinson's disease in 1993. He was medically discharged by the MoD in 1995.

Examinations by neurologists later revealed that he had Multiple System Atrophy, which is a Parkinsonian type condition associated with the degeneration of cells in the nervous system. He continues to suffer problems with balance, movement and other autonomic functions such as bladder control.

But the difficulty in proving that solvent exposure at work can cause such conditions is underlined by the comments of one doctor who examined Mr Wood. The doctors said: "interestingly he [Shaun Wood] was one of two painters and finishers at RAF Leeming in their 30s who presented with Parkinson's disease at the same time. The possibility of some kind of exposure to toxins during their careers was looked into quite thoroughly and the final conclusion was that this was a coincidence."

This, even though the onset of Parkinson's disease is usually at around 65 years.

Mr Wood instructed Thompsons to pursue a claim for compensation against the MoD in 2007 after a third RAF painter successfully claimed compensation in Scotland.

He had previously enquired about receiving legal aid to pursue a claim for compensation but was unable to obtain legal representation. The MoD used the delay in bringing the claim as part of its defence, because the law generally only permits a claim to be brought within three years of the date of knowledge of the cause of the illness or injury.

Photo: Valley Aviation Society



Limitation dispute

The MoD said that Mr Wood did not have a case but that, if he did, he should have acted much more promptly.

However the High Court ruled in 2008 that he had acted promptly when he secured more information that supported his hypothesis that his condition was linked to his work and exposure to toxins

A five-day trial subsequently took place in April. It addressed whether the MoD was in breach of the duty of care it owed to Mr Wood, the neurological condition he suffered from and whether there was a causal link between any such breach of duty of care and that condition.

It was revealed that the exposure levels of the said toxins were dramatically high, between 10 and 20 times the recommended maximum exposure levels.

On the fifth day of the trial, the MoD capitulated and conceded that it had breached its duty of care to Mr Wood in exposing him to the toxins and by failing to provide him with any adequate protective equipment or ventilation.

Although respirators and breathing apparatus were sometimes provided, they were usually inappropriate or inadequate, this leading to breaches of Control of Substances Hazardous to Health (COSHH) Regulations.

Yet, despite the late admission, the MoD still failed to concede that exposure caused Mr Wood's condition. The judge ruled that, while there was limited scientific evidence as to the effects of the toxins, this was largely because there were so few people who had been exposed to such toxins and at such high levels.

However, the judge found that it was known that exposure to toxins could cause damage to the brain. He said that, on the balance of probabilities, the toxins that Shaun Wood had been exposed to, particularly at such dangerously high levels, had caused the majority of his symptoms.

The MoD is seeking permission from the Court of Appeal to appeal the judgement on the basis that the lower court made an error of fact in finding that the claimant's condition had been caused by solvent exposure. A decision on whether permission to appeal is to be granted is expected before the end of October 2010.

Comment

THERE HAS been particular difficulty in establishing a link between Parkinsonian syndromes and the exposure to high levels of toxins, for a variety of reasons.

Physicians are generally more interested in finding treatments than in enquiring about the causation of a disease and therefore they do not usually take detailed occupational histories. Further, neurologists in general regard these chronic, severe diseases as being primarily genetic or mysterious in origin.

As a result of not establishing the link, workers with symptoms are often sent back to work. Shaun Wood tried to return to work but often found himself feeling unusually tired and was eventually put on sick leave until he was discharged.

Another worker, also after being diagnosed with a Parkinsonian syndrome, was encouraged to go back to work until he had served for 12 years to ensure he received a good pension.

Choosing the right glove for the job

Employers are still challenging the definition of personal protective equipment, writes **Keith Patten**

THE RANGE OF personal protective equipment (PPE) and its potential use is wide and varied. It can include:

- goggles to protect the eyes against chemical splashes
- hard hats to protect the head from impact
- gloves to protect the fingers and hands against cuts
- full breathing apparatus to protect against low oxygen levels
- safety boots to protect the feet against crushing
- stab vests to protect the body from potential violence.

The law on what PPE needs to be provided and when will, therefore, be of significant interest to many workers across different sectors.

PPE should be regarded as a protection of last resort. The employer's first duty is to see if the risk can be controlled by other means. Only if it cannot should PPE be issued to protect against the risk.

Employers' obligations

An employer's obligations in respect to PPE are set out in the Personal Protective Equipment at Work Regulations 1992. The key duty is set out in Regulation 4. It says that every employer "shall ensure that suitable personal protective equipment" is provided to their employees who are exposed to "a risk to their health and safety while at work".

The wording of this regulation follows a trend in modern health and safety law to set broad generalised goals that an employer needs to seek to achieve. It is inevitable, therefore, that the courts will be involved in interpreting these regulations and in adjudicating whether employers have complied in particular circumstances.

This can be a bit of a battleground. The Regulations are designed to improve the health and safety of workers and should, therefore, give workers better protection than they might have received under the old fashioned law of negligence. Sometimes, however, it seems that judges are making decisions that limit the potential scope of these Regulations.

The Court of Appeal will say whether these regulations should give workers additional protections

A recent example is the decision in **Threlfall -v- Hull City Council**. Mr Threlfall suffered a serious cut to his finger while removing bags of rubbish for his employer. He was wearing gloves supplied by his employer but these failed to protect him.

While it was not clear what had cut him, it was accepted that, from time to time, sharp

objects would be found in bags of rubbish. Mr Threlfall's argument was fairly straightforward – Regulation 4 applied because there was a risk to his health and safety at work (as shown by the acceptance that sharp objects would be found in the rubbish bags from time to time) and was breached because the gloves supplied had not prevented him from being cut and so could not be "suitable" to protect him against that risk.

Suitable gloves

Despite this argument seeming to be in line with the wording of the regulation, the judge found against him. The grounds for this appear to be that cuts in these circumstances were not common, so the gloves were suitable for the level of risk the employers could foresee.

This decision is potentially open to criticism because it appears to treat the regulations as if they were a branch of negligence law and therefore imposes a lower obligation on the employer.

This battle is not over, however, as the case is due to be taken to the Court of Appeal in October this year, which will get the chance to say whether these regulations should be regarded as giving workers the additional protections they were, arguably, designed to provide.



Comment

In an ideal world, employers would comply with all of their obligations before someone gets hurt. The pursuit of claims through the courts can have a big impact on the improvement of health and safety in the future.

An interesting recent example is the case of **Woodward -v- West Midlands Police**. Mrs Woodward, a UNISON member, was a Police Community Support Officer on duty in Wolverhampton city centre in the early hours of the morning. She was attacked by a man who jabbed her hard in the chest at least twice.

Although she was not actually stabbed she argued that she should have been issued with a stab resistant vest (as the police

themselves were) which would have prevented or significantly reduced the injury. The defendants contested this claim throughout and only after three days of evidence in court did they finally concede liability, albeit on a different ground.

They accepted liability on the basis that Mrs Woodward should not have been deployed in the city centre at that time of night. Significantly, a couple of weeks after the case concluded, the West Midlands Police issued stab resistant vests to all of their Community Support Officers.

The timing of this may have been a coincidence, but it might be a reasonable conclusion to draw that the tenacity of Mrs Woodward and

her union in bringing the case to court resulted in an important improvement in health and safety for the future.

So, even though these regulations are now 18 years old, the courts are still being called on to develop their interpretation. This is a battle that it is important for workers to continue fighting.

PPE, like many aspects of health and safety, is seen by some employers as an expensive luxury and in times of austerity it will not be surprising if we see attempts by employers to water down the extent of their obligations. It is important that the unions remain in the forefront of the fight to resist this.

Thompsons is the most experienced personal injury firm in the UK with an unrivalled network of offices and formidable resources.

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Health and Safety News aims to give news and views on developments in health and safety issues and law as they affect trade unions and their members.

This publication is not intended as legal advice on particular cases

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