

Health and Safety under attack

THERE IS A relentless onslaught by the coalition government on workplace health and safety.

Following Lord Young’s report last year, which made many recommendations that will jeopardise members’ safety at work, and amid constant references to a compensation culture that doesn’t exist (the number of workplace claims continues to drop each year), the government is watering down measures that protect members at work.

Risk assessments for so-called “low risk” workplaces – shops, classrooms and offices - have been so simplified as to render them almost meaningless.

Budget cut
The budget of the Health and Safety Executive (HSE) which is responsible for investigating accidents and enforcing safety laws, has been cut by 33 per cent which will mean fewer investigations and prosecutions of negligent employers.

There is a real danger that employers will start to cut corners putting workers’ health and safety at risk and in some cases endangering lives.

There are also moves to amend the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations to extend to over seven days the period an employee is off work before an injury or accident needs to be reported.

Accidents are already under-reported, especially in non-unionised workplaces. The proposed change can only make this worse. It is inevitable that employers will fail to fully investigate accidents where the employee was not off work for seven days. Less investigation means more workers injured when the same accident happens again.

Seminars
Thompsons and the NW TUC have held seminars this year highlighting how the proposed changes in legislation and the cuts will make workplaces more dangerous.

This increases the importance of the role of the health and safety rep and their ability to investigate accidents even if the employer doesn’t.

It is even more important than ever to make sure that, if you have an accident (or a near miss) you report it to your employer and your union to ensure that a proper investigation is done and similar accidents can be prevented in the future.

“IT is inevitable that employers will fail to fully investigate accidents where the employee was not off work for seven days”

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UNISON PERSONAL INJURY LAWYERS and personal injury specialists Thompasons have secured compensation of over £20,000 including repayable benefits for a member who suffered multiple injuries as a result of a road traffic accident.

At the time, the library manager and yoga teacher was turning into a garage when her vehicle was hit forcibly from the rear. This shunted the member into the path of an oncoming van resulting in a head-on collision.

The member was taken to A&E where she was examined and diagnosed with two fractures to the left hand, a fractured left index finger, a fractured pelvis and extensive bruising to the left thigh, lower back and chest. She underwent surgery to her left hand and was only able to walk using crutches and then a walking stick for over six weeks.

The accident had a significant impact on all aspects of her life. She was off work for ten weeks and unable to teach yoga or cycle. She required assistance from her family with personal care, housework and shopping and was unable to drive for over six weeks. However, she made a full recovery from her injuries within 19 months of the accident, although she has been left with permanent scarring to her left hand.

Thompsons sued the driver of the vehicle that drove into the back of the member’s car and liability was admitted. However, the defendant’s insurance company delayed settlement of her claim by drip-feeding inadequate offers.

Court proceedings had to be issued and the claim eventually settled out-of-court following the acceptance of the defendant’s fifth offer.

The case illustrates the tactics used by defendant’s insurers in an attempt to pay out the least possible compensation, even when they are clearly at fault.

THE MOST EXPERIENCED PERSONAL INJURY FIRM IN THE UK

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A DENTAL WORKER who has served the NHS for over 40 years has received compensation after she badly damaged her ankle following a workplace accident.

The 65-year-old from Ashton in Makerfield, Wigan, has been left with long-term damage to her foot following the accident at Warrington Dental Access Centre.

The UNISON member was putting a box away in a storage cupboard in the radiology room when she slipped on the wet floor.

Moments before she entered the room, the floor had been mopped but warning signs were not put up.

The dental support service manager suffered ligament damage to her left ankle and knee and, despite her fall happening almost four years ago, still suffers from pain.

She said: “I have to be very careful about what I can and can’t do. I’m unable to stand for long periods and I can no longer dance. I feel angry that my injury could have been avoided if a warning sign had been put up. When you are busy, you assume you will be warned and I would have been cautious while walking through the wet area or avoided it altogether.”

Advice

Following the accident, the member contacted UNISON for advice. She wanted to make sure a similar accident didn’t happen to a colleague.

UNISON instructed Thompsons Solicitors to pursue a claim for compensation. Thompsons argued warning signs should have been put up. Warrington PCT admitted liability and settled the claim out of court for £17,500.

Nick Taylor from Thompsons Solicitors in Manchester added: “Slips and trips are the butt of lots of ‘elf and safety’ jokes but are the single most common cause of injury in UK workplaces and, as this case shows, they are no joke. Avoiding falls should be a major priority for employers and a simple warning sign would have avoided this accident.”

UNISON INSTRUCTED Thompsons Solicitors to represent a staff nurse who was assaulted at work by a patient. The member was assisting a female colleague with a patient who was displaying aggressive behaviour at a Warrington mental health care unit.

As she stood in the doorway of the patient’s bedroom, the patient kicked-out violently at her abdomen and hip. The terrified staff nurse and her colleague left the bedroom. However, they were followed by the patient who assaulted the member for a second time in the corridor, grabbing her by the hair and pulling at her jumper, causing it to rip.

Thompson's made a claim against the member’s employers on the basis of a number of issues, including the fact that they failed to adequately assess the patient, who had a previous history of being unresponsive and violent towards female staff, and failing to ensure that there was at least one male member of staff on duty with the patient at all times.

Liability was admitted by the member’s employers. The member’s main injuries resulting from the horrifying incident were psychological, including shock and anxiety. She also suffered multiple scratches to her face, left ear, neck and chest as well as soft tissue injuries to her right shoulder.

Following negotiations, the claim settled for £11,500. The case highlights some of the many increasing risks and dangers to workers’ health and safety created as a result of cuts.

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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

Legal Helpline 0845 355 0845
Textphone: 0800 0967 968  Mon-Fri 6am-midnight
Sat 9am-4pm or the hard of hearing:
Mon-Fri 6am-midnight/Sat 9am-4pm

Mental patient assaults staff nurse

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UNISON supports long-serving NHS worker injured in fall

Thompsons Solicitors is the largest national specialist personal injury practice in the country with over 1200 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 to let us know if this newsletter was helpful and what topics you would like covered in future.