

Personal Injury

Accidents at work

Responsibility for the accident

Your employer is responsible for providing a safe working environment.

- The employer must provide safe ways of working, including proper equipment and training. For example, your employer is likely to be responsible if you suffer a back problem because you weren't given the right lifting equipment and/or training.
- The premises must be safe. For example, you might claim if you get injured tripping over exposed wires, or falling from a height where there should have been a guard rail.
- The employer must ensure that employees are competent. The employer is likely to be responsible if you are injured by the actions of an incompetent employee (but not if another employee deliberately assaults you).
- The employer must comply with specific health & safety regulations covering different activities.
- You have a responsibility for your own health & safety. You might find that your claim fails, or the amount you receive is reduced, if you contributed to the accident through your own carelessness. But if you made a mistake because of lack of training, or by not spotting a hazard that should not have been there, it would normally be the employer's responsibility.
- The same considerations apply to industrial illnesses (such as repetitive strain injury) as well as accidents.
- Similar rules apply where you are self-employed or a visitor rather than an employee.

What to do

If you think you have a claim against your employer, you should collect as much evidence of what happened as you can.

- Make sure there is a record of the accident. Employers must report serious incidents to the Health & Safety Executive, and employers with 10 or more employees must record any injuries in an accident book - but it's worth checking.
- Make your own notes of what happened. Note down who else was there and ask them to write down what they saw.
- Ask colleagues (and your union if you have one) if there have been any similar accidents before. Your case is likely to be stronger if there have, or if your employer's working practices fail to meet normal industry standards.
- Visit your doctor to get any medical treatment you need (and evidence of the injuries you suffered).
- Take legal advice. You should avoid agreeing anything with your employer, or signing any statement, until you know what your position is.
- Do not worry about your employer taking action against you in revenge. Any claim should be dealt with by their insurers, and in any case there are laws protecting you from being harassed, disadvantaged or dismissed.

Financial issues

Your entitlement to financial compensation depends on the circumstances.

- Your claim can include compensation for the pain you have suffered, expenses (eg private medical treatment), damage to personal belongings (eg clothes) and loss of earnings and future earnings.
- The amount you receive broadly aims to put you in the same position as you would have been if you had not had the accident. You should not expect to "win" a great bonus - when large payouts are made, this typically reflects a substantial future loss of earnings or costs of coping with a disability.
- The amount of compensation can be reduced if you were partly to blame for the accident or for the severity of its consequences.
- Even if your employer is in financial difficulties, you should receive any compensation you are awarded. The payment should

TOLLERS • BUSINESS LEGAL • TOLLERS • PRIVATE CLIENT

www.tollers.co.uk

This document was created on 06 May 2010

While great care is taken when compiling these materials, no responsibility is accepted for their content or accuracy. They are for general guidelines only and action should not be taken without obtaining specific advice.

be covered by Employers' Liability Insurance (which almost all employers are legally obliged to have).

- You are responsible for your own legal costs when you make a claim, and could be responsible for your employer's legal costs if your claim fails. If you do not already have legal expenses insurance (eg through your trade union membership) you may be advised to take out insurance to cover the costs of the claim.