THOMPSONS SOLICITORS

SUMMER 2007
Issue 003

Personal Injury Law Review

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Directing health and safety

The Institute of Directors (IoD) has launched a consultation on new guidance issued to company board members about their role in health and safety.

Issued at the request of the Health and Safety Commission, the guidance sets out "an agenda for the effective leadership of health and safety".

Leading health and safety at work – actions and good practice for board members seeks to persuade board members and directors that health and safety is "integral to success" and that they have both collective and individual responsibility for it.

The guidance reminds board members that more than 200 people are killed in UK workplaces every year, and about two million people suffer from illnesses that they believe were caused or made worse by their work. About 6,000 cancer deaths each year are estimated to be work-related.

The timing of the guidance and consultation appears to be linked to the Corporate Manslaughter Bill, which includes remedial orders that will give the courts powers to force companies to take the steps necessary to prevent similar accidents occurring again.

This may include ordering companies to alter aspects of their structure, training and management policy as well as forcing companies to place adverts publicising their conviction and the steps they are taking to avoid future accidents (a naming and shaming clause).

The consultation asks two key questions: has the guidance been produced in language that is used and is going to be understood by directors and whether the principles and good practice set out in the guidance are pitched at the right level.

The consultation (which finishes on 22 June) can be downloaded at: http://surveys.iod.com/s/pfUsLP5bMqQo3eZ.

The guidance can be downloaded from: www.iod.com/intershoproot/eCS/Store/en/pdfs/policy_health_safety_cons.pdf

Justice for dock workers

The Court of Appeal has ruled – in Wright & Thompson -v- Secretary of State for Trade & Industry – that dock workers who were registered under the National Dock Labour Board scheme can sue the government if they develop an asbestos related disease.

Thousands of dock workers, who were employed in ports around the UK, will benefit from the decision as it will make it easier for those with conditions such as mesothelioma, asbestosis and pleural thickening, to claim compensation.

Many of those affected were exposed to dangerous asbestos dust while removing raw asbestos from cargo ships in port.

The asbestos was imported during the 1950s and 1960s in sacks, which would often split as they were unloaded. The dockers were never provided with any protection from the harmful dust.

Until now, some workers had to identify the individual ship owners to claim compensation. This was very difficult as many of the shipping companies no longer exist.

Smoke free workplaces

Following the introduction of the Health Act 2006, smoking in all enclosed public spaces and workplaces will be outlawed from 1 July 2007 in England. Wales, Scotland and Northern Ireland are already smoke-free.

The regulations are a health and safety measure to protect workers from the health risks of passive smoking.

With limited exemptions, smoking will be banned in all indoor places such as offices, shops, schools, hospitals, pubs, restaurants, theatres, cinemas, casinos and public transport.

Workplace vehicles will also be included if they are used by more than one person at any time, unless they have no roof or the roof is completely stowed away.

The law will apply to all places that are fully enclosed or "substantially enclosed", meaning premises that have a ceiling or roof (including retractable structures such as awnings) and less than half of the perimeter walls have openings other than windows or doors. Temporary or moveable roofs or walls do not attract an exemption.

For more information, go to: www.thompsons.law.co.uk

Government consults on claims process reform

A government consultation on reforming the personal injury claims process will be damaging to the trade unions' ability to fund personal injury services, Thompsons Solicitors has warned.

While there are welcome moves within the paper, such as the commitment not to increase the small claims limit for personal injury claims, it appears to reflect intensive lobbying by the insurance industry.

The new claims procedures would operate for all cases below £25,000. This would be the new fast track limit and while in itself is unobjectionable it is the changes that are proposed to go with it that offer the real risk for claimants and trade unions.

These include that claimants will be required to put forward a valuation of their case and if that valuation is too high, and a lower amount is awarded by a court, they will receive no costs.

The consequence of this will be that claimant lawyers will be conservative in their valuations of cases and that this will drive down damages levels.

And while the decision on small claims demonstrates that the government has listened to the trade unions, the proposal that no insurance premium is recoverable except where court proceedings are required (a minority of cases) and even then only in cases where liability is not admitted and the value of the claim is below £2,500, is effectively a small claims limit of £2,500 by the back door.

For health and safety reps with an interest in rehabilitation, the reference in the consultation paper to rehabilitation being "provided as early as possible, usually before a claim is made", without cross reference to the work going on to try and deal with a process for rehabilitation, will be worrying.

Neither is there any attempt to deal with the real problem at the heart of the issues around rehabilitation of who will pay for it and whether if a claimant, however legitimately, refuses to undergo rehabilitation their claim will be prejudiced in any way.

The consultation can be downloaded at: www.dca.gov.uk/consult/case-track-limits/cp0807.htm

New construction regulations

Construction is one of the most dangerous industries for workers. The government has finally taken heed and introduced new regulations - the Construction (Design and Management) Regulations 2007 (CDM 2007) – which came into force in April 2007.

Since the introduction of the original regulations in 1994, unions and others had raised concerns about their complexity, saying that it was undermining the health and safety objectives behind them. This view was supported by an industry-wide consultation in 2002 which resulted in the decision to have another look at them.

The new CDM 2007 Regulations revise and bring together the CDM Regulations 1994 and the Construction (Health Safety and Welfare) Regulations 1996 into a single regulatory package.

They aim to:

- simplify the regulations to improve clarity and make it easier for everyone to know what is expected of them
- maximise their flexibility to fit with the vast range of contractual arrangements
- focus on planning and management, rather than "the plan" and other paperwork
- encourage co-ordination and co-operation, particularly between designers and contractors
- simplify the assessment of the competence of organisations.

For more information, go to: www.hse.gov.uk/construction/cdm.htm

Adding insult to injury

With the frequency of assaults on staff growing, the onus is on employers to protect their employees

Photo: Stefano Cagnoni/Report Digital

Serious assaults on staff (such as nurses, paramedics, bus and train drivers) are on the increase. Employers who try to evade their duties and put the onus on staff will receive short shrift from the courts, as the case of **Smith -v- Welsh Ambulance Service NHS Trust** shows.

Mr Smith's union, UNISON, instructed Thompsons to act on his behalf.

Basic facts

Mr Smith, a highly regarded paramedic with 20 years' experience, was called to an incident on 30 June 2001 involving an unconscious drug addict in a derelict building in a deprived area. He was working on his own and asked for the police to be called.

He arrived first and went to the patient, but was then accosted and threatened by two other drug addicts in the building. By the time a second ambulance arrived, he was very distressed and was subsequently diagnosed with severe post traumatic stress disorder.

Mr Smith argued that he should have been ordered to "stand-off" until the police arrived and that someone should have undertaken a proper assessment of the risks. His employers, however, said that, as the paramedic attending, only he could know whether to proceed or not.

Mr Smith claimed that his employers had been negligent and/or were in breach of contract.

Evidence for Mr Smith

At the time of the incident, the only relevant policy documentation available to staff was a basic training manual, described by the judge as "sparse". There was no policy document on lone workers.

Since the incident, however, the Trust had issued a "raft" of documentation dealing with the management of conflict, how to reduce risk, how to conduct a risk assessment and one on lone workers.

This stated that it was the job of control and operational staff to decide whether to send a lone worker into "potentially hazardous situations". One of the incidents listed as unsuitable for lone workers to attend was overdoses.

A number of witnesses attested to these changes following the incident. For instance, a paramedic recently called to a similar incident was told not to go in alone. He pointed out that: "What is dangerous has not changed but now you have the right to question whether you should go in…..you did not in 2000…you were expected to go. It was not questioned"

Evidence for the employer

The Trust argued that there were no known risks in sending Mr Smith into the area (one manager went so far as to describe it as being "within a holiday area"), and that it was for Mr Smith to decide whether or not to wait for the police or go in himself.

It argued that its only duty was to provide Mr Smith with all the known information, but no duty to decide whether he attended the incident or not. That duty, it argued, was delegated entirely to the paramedic because they were the ones on the spot and the only ones who could make the assessment.

As for the new written policies, they said these were simply a case of "recording in writing what was being done orally already".

Decision of the court

The Judge accepted that members of the emergency services will sometimes be put at risk and that the final decision whether to "go in" must lie with them, but the duty is on the trust "to ensure that a paramedic is not placed in such a situation unless it is necessary and unavoidable".

He said it was essential for control staff to perform a risk assessment of the situation, and "make an intelligent decision " about whether it was appropriate to send a lone worker.

> Members of the security services will sometimes be put at risk ... but the duty is on the trust to ensure that a paramedic is not placed in such a situation unless it is unavoidable

In this case, the controllers should have advised Mr Smith not to do anything until the police arrived. He surmised that: "Had the control staff known they had a discretion to do this and had they been given guidance on how to exercise their discretion, it is my view that they would very probably have done this."

He concluded that: "In not allowing the control staff this discretion, and in not providing them with guidance on how to use it, the trust both purported to delegate a non-delegable duty and failed in their duty of care to the claimant."

He said that there was no contributory negligence on Mr Smith's part because he felt he had little alternative but to go in. He had been placed in an impossible position as he had not been given adequate training as to whether he had a choice about going in or not, nor how to exercise it.

Comment

This case illustrates the very real dangers that many employees face when asked by their employers to work alone. It is crucial therefore that employers undertake detailed risk assessments before sending employees into potentially hazardous working areas. These should highlight the risks to the employee's health, safety and general well being.

If a risk is identified, the employer must take adequate steps to reduce the risk to the lowest possible level. In many cases this will mean ensuring that two or three employees work together. In the case of staff working in hospitals, benefit offices and other areas where they encounter members of the public, this may mean employing security guards and implementing other safety measures.

Working people are increasingly at risk from being subjected to violent assaults when going about their work. This is an issue of great concern to trade unions and their members and will be covered in more detail in the next edition of PILR.

Reforming Industrial injuries benefits

The Department of Work and Pensions is reviewing the Industrial Injuries Disablement Benefit (IIDB) scheme, having declared it no longer fit for purpose in the modern world of work

Introduced in 1948 after being proposed in the Beveridge report, IIDB provided the first state-funded, no fault compensation scheme for disablement arising from injuries or diseases caused by work.

The DWP's review of IIDB is part of its broader welfare reform agenda and there is no clear proposal for an alternative occupational injury scheme.

Below are set out Thompsons' main points made to the DWP in its response to the IIDB reform consultation.

> Rehabilitation must not be a stick to punish or force people into returning to work too early

There is a compelling case for a "no fault" scheme, separate to the tort system (the system whereby someone can be sued for damages) for claiming compensation. The scheme should not be anything other than "no fault", free for all, and payable regardless of financial status.

People who have been injured or made ill due to their employment and who are unable to work as effectively as in the past, or are unable to work at all, are entitled to financial support.

Workers have little or no control over their work environment. Their health at work is in their employer's hands. It is a fact that the majority of people injured at or made ill through their work are doing lower paid, usually (but not exclusively) manual jobs. They are therefore likely to be more economically vulnerable than other categories of workers.

Untraceable employers

While any injured or ill worker able to establish negligence on the part of their employer will be able to claim compensation from their employer/insurers, many will not. This is either because it is not possible to establish negligence, or because it is not possible to trace former employers or their insurer. This is especially so in asbestos and other occupational disease claims.

At least 10 per cent of mesothelioma claims are unsuccessful because it is not possible to trace an employer or insurer.

It is therefore vital that those whose health and ability to work have been seriously compromised or ended, but who cannot claim damages from an employer, have access to the safety net of a "no fault" benefits scheme.

Although there is benefits recovery in successful personal injury claims (through the Compensation Recovery Unit), any benefits scheme must be kept separate from the tort system, ensuring that those who can sue an employer or former employer or insurer for compensation continue to have the right to do so. The two are not mutually exclusive. Indeed the two systems complement each other.

The purpose of a scheme

The IIDB scheme is also, importantly, more than just a financial crutch. It provides evidence to vulnerable, injured or ill people that society cares and is genuinely committed to helping them to cope better with the circumstances they are in.

Individuals pay National Insurance (NI) contributions because they are required to do so but also as a form of insurance. They should have the reasonable expectation that it will result in a return when a genuine need arises.

Rehabilitation

Rehabilitation should be a key part of any scheme, and the government appears committed to that principle. However, while rehabilitation aims to encourage people back into appropriate work, it must not be a stick to punish or force people into returning to work too early or into inappropriate work. Rehabilitation should be used appropriately and money for it should be ring-fenced within the scheme.

There will, however, be cases where rehabilitation is inappropriate or unsuitable and where that occurs individuals must not be penalised for failing to take up the option of rehabilitation. If rehabilitation fails, they must not be penalised in terms of the benefits they receive.

Financial incentive to improve workplace health and safety

The scheme should include a financial incentive to employers to improve health and safety procedures and to protect their workers from ill health and injury. This would reflect the social responsibility that employers have. They should be compelled to make a contribution to the social costs of caring for those too ill to return to work or of assisting people to return to work and to cope with their circumstances.

Employers should be required to report all accidents to the Health and Safety Executive and should have responsibility, if they are negligent, to pay part of an injured worker's benefits.

Their contributions to the scheme should reflect the injuries they have caused. Rather than just paying in cases where negligence is established, they could be required to pay to the DWP all or a proportion of the IIDB paid to employees injured by them. Alternatively their contributions should be based on the percentage of their workforce that is in receipt of IIDB over a certain period.

Apart from the employer contribution, the scheme should continue to be funded on the basis of a social contract between the individual and the state whereby the individual pays contributions, which are levied across the piece, and the state pays out when the need arises.

This principle avoids any profit motive for the insurance industry which, if responsible for funding the scheme, might avoid paying out in order to guard its profits.

The rights of union safety reps

The TUC recently highlighted the problem faced by union safety reps who are being denied their legal entitlement to time off for training and to undertake their duties of inspection and investigation. Union safety reps also report that their work is being undermined by employers not acting on their safety concerns.

The evidence is that unionised workplaces are safer workplaces and that health and safety reps play a crucial role in this. The new scheme should enhance the role of the safety rep, by confirming their role and rights in law as has been done with union learning reps.

Equity, transparency and simplicity

Thompsons sees many clients who have been forced to undergo regular and repeated interviews and medical examinations in order to claim and to continue to receive IIDB.

While this demonstrates a flexibility that some benefits lack, there is a dearth of information that often leaves vulnerable people confused. They may be unable to understand why one day they are judged to have a certain level of disability, and yet only weeks later, a much lower level when they themselves feel no discernible difference in their condition.

There must be increased transparency in all decisions regarding eligibility for IIDB and greater simplicity in the process. This should include a plain English letter and leaflets explaining the process, and a helpline so claimants can speak to a DWP benefits advice worker.

Decisions on entitlement should be done as quickly and informally as possible, based on medical evidence and the simple balance of probabilities test. In other words, is it more likely than not that the condition was caused, aggravated and/or accelerated by the employment?

Clearly this would be regardless of whether or not there was negligence on the part of the employer.

Self-employed and agency workers

All workers, including some self-employed and agency workers, should be covered by the scheme. The self-employed may pay reduced NI contributions in recognition that they may not be entitled to certain benefits, including IIDB, but many have no more control over their working environment than an employee.

A freelance or contract worker may be working in exactly the same conditions as an employee. Indeed contract and agency workers increasingly make up the bulk of workers in many organisations and where they have no more control over their conditions than an employee, their employment rights and entitlement to work-related ill health benefits should be the same as an employee.

Too many employers are hiding the true relationship between them and a worker to avoid the obligations of being an employer. It is a scam that should not prevent the worker receiving benefits.

Thompsons would support a strict control test, as per the definitions given in existing legislation including the Employment Relations Act 1996 and the National Minimum Wage Act 1998 and testable in a Court of Law, of the relationship between the worker and the employer to establish eligibility for the scheme. Agency workers should have the same rights as all other categories of worker.

Holiday hazards

Tony Lawton, a personal injury partner with Thompsons, looks at how holiday makers can claim compensation for accidents while abroad

Keith Richards, the ageing rocker with the Rolling Stones, made news last year when he fell out of a coconut tree and suffered a head injury while on holiday.

Although some people might think this was normal behaviour for him, there is no doubt that lots of people do things on holiday that they would not usually get up to at home.

Take the man who went to bed somewhat worse for drink, tried to get up to go to the toilet but got into a fight with his duvet which, he alleged, then catapulted him through patio windows. Despite the extreme circumstances, he was still able to claim compensation for his injuries.

Holiday damages

So how was he able to succeed? If someone injures themselves while abroad on holiday and wants to sue, the court proceedings usually have to start in the country where the accident occurred. That does not make life easy for claimants as the laws relating to accidents vary widely around the world, as do the time limits for bringing claims. Nor is it always easy to find a foreign lawyer with the necessary level of expertise in personal injury claims.

However, in a large number of cases, claimants can have the case heard in a UK court, if the Package Travel Package Holidays and Package Tour Regulations 1992 apply. These allow people injured in a holiday accident abroad to bring proceedings against the tour operator.

Regulation 15 states that the tour operator is liable for the "proper performance" of the holiday contract. As the parties entered into the contract in this country, English law applies. And it includes a term that "reasonable care" must be exercised in the provision of facilities and services. In other words, they must comply with local standards. So, for example, if a tourist walks through glass doors while on holiday in Cyprus, the standard for deciding whether the glass was faulty is the building and health and safety regulations in Cyprus.

Take the case of UNISON member Lorraine Dewison. Her 14-year-old daughter Natalie was badly injured on a family holiday in Tenerife when a glass door shattered, injuring her upper arms and face. Thompsons was successful in helping the family take legal action against the travel company in the UK to cover the cost of medical treatment in Tenerife, but only after it became possible to prove that the door mechanism broke Spanish law.

Likewise, Malcolm Jones who endured a "holiday from hell" in Spain. He and his family were given a cramped room with two single beds and a camp bed which finally collapsed causing serious injury to Mr Jones. The holiday company tried to argue they weren't liable for his injuries, but the judge said it had failed to exercise "reasonable skill and care" in the supply of the bed.

But it is not all bad news for tour operators. They are not liable if they can show that the failure to perform the contract was someone else's fault, or was because of unusual and unforeseeable circumstances beyond their control, for example hurricanes, earthquakes or riots.

And, unfortunately, the regulations will not help an injured holidaymaker if their injury had nothing to do with the services or facilities that were part of their package holiday contract. So, for instance, if they wandered out of their hotel and were knocked down by a local motorist they would not be able to sue their tour operator, nor if they tripped over a pavement outside the hotel.

Nevertheless, there have been cases where the tour operator was held liable in precisely those circumstances. For instance, if the operator knew that tourists were likely to be the target of a particular hazard.

In **Martens -v- Thomson Tours Operations Limited (1999)** a very drunk Mr Martens fell down a deep well outside his campsite in Goa. Although the tour operator had no control over the area where the well was sited, the tour operator's employees knew about the well, that it was dangerous and that guests at the campsite were very likely to pass by it. The court said they should have warned Mr Martens of the presence of the hazard and were found in breach of their duty to do so.

Sea and air travel

In addition to the Package Travel Regulations, there are other ways in which holidaymakers can bring court proceedings here.

Air passengers are protected by the Warsaw Convention (incorporated into English Law by the Carriage by Air Act 1931). This says that the airline has to accept liability unless it can show that it took "all reasonable measures" to avoid the accident. And the Air Carrier Liability Order offers strict liability (in other words, the airlines are automatically to blame once the facts are established) up to around £100,000 for European carriers as long as the claim is brought within two years.

For sea passengers, the Athens Convention, which also has a two-year limitation period, states that shipping companies have to take the blame in cases of shipwreck collision, stranding, explosion or fire and defects in the ship. Otherwise claimants have to prove fault in the usual way.

Motoring abroad

One of the biggest obstacles to bringing a claim against a foreign motorist has been solved by the European Communities (Rights Against Insurers) Regulations 2002. Although it only applies in the European Union, it gives a new right to issue proceedings against the person responsible for the accident, as well as against the driver.

So a holidaymaker from Newcastle who goes on holiday to Spain and is knocked over by a German motorist, can issue court proceedings against the German motorist's insurance company in the Newcastle County Court.

There is a snag, however. Although the claim can be brought here, the assessment of any compensation and the award of legal costs would be dealt with in accordance with the law of the defendant's country.

Forum shopping

In some cases, particularly where there has been a serious injury, the claimant's solicitor may try to bring the case in an English court because the law may be more favourable. This is known as forum shopping but is not always easy to do.

Take the following example. Assuming there are at least two possible defendants to a claim, one of whom can be served with court proceedings in this country (and there is an arguable case against them), then another defendant from a foreign country may be joined into the action. The English court then allows English court proceedings to be served on the other defendant who lives abroad.

Final words of advice

- If you suffer an injury abroad which you believe is someone's fault, try to preserve the evidence. Take photographs, measurements, find out names and addresses. It will be much more difficult to do this when you get home.
- Act quickly. If you have to consider court proceedings in another country, some limitation periods are very short.
- But don't act like Keith. Take care.

Don't fall for it

The Work at Height Regulations 2005 state that a "place is at height if … a person could be injured falling from it, even if it is at or below ground level." Although that might seem a bit confusing, it just means that the regulations apply to any situation where someone could fall and hurt themself.

And every year, thousands of people do. In 2005/6, the Health and Safety Executive (HSE) reported that over 3,300 workers suffered a major injury as a result of a fall, 46 of them fatal. A third involved ladders and stepladders. On average these account for 14 deaths and 1200 major injuries each year.

Outline of the regulations

The regulations state that employers must try to avoid situations where employees have to work at height. If that is not possible they must ensure that:

- they have assessed the risks from work at height
- they have selected and used appropriate work equipment
- the work has been properly planned and supervised
- they have taken account of any adverse weather conditions
- their employees are trained and competent
- the location is safe
- the equipment has been regularly inspected and maintained
- the risks from fragile surfaces have been assessed and all possible protection has been provided

Where use of a ladder is unavoidable, it should only be used for short periods (the HSE suggests between 15 and 30 minutes) in situations of low risk. In all other circumstances, employers should use a mobile elevating work platform.

Falls from ladders

Unfortunately, not all employers take notice of these precautions. Take the case of Robin Watkins, a Birmingham City Council worker whose job was to service and repair playground park equipment. He fell and broke his ankle badly (leaving him with a permanent disability) when his ladder slipped sideways, throwing him off balance.

The council initially denied liability but, after Thompsons pointed out that they had failed to provide him with suitable work equipment, had failed to do a risk assessment and had not complied with the Work at Height Regulations, they admitted liability. Mr Watkins settled for £21,000 and his employer subsequently sent him on ladder and scaffolding courses.

Commenting on his case, Marc Ruff, at Thompsons Solicitors in Birmingham, said: "His decision to proceed with his case was important, and not just for the compensation. His actions mean that others are less likely to suffer a similar fate in the future."

But of course, if more employers followed the guidance from the HSE (see box), there would be fewer accidents. This tells employers, among other things, to ensure that the floor surface is level and solid before allowing employees to climb a ladder. Advice that Ian Mitchell's employer, Condor Environmental PLC, ignored at their cost.

Mr Mitchell, a fibre glass laminator, lost his balance and fell from a ladder that had been placed on an uneven floor caused by pieces of fibreglass that had hardened over time. Had the employer done even a minimal risk assessment, the danger would have been identified.

Thompsons said the company had breached regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 and the company eventually agreed to settle. Mr Mitchell received £90,000 in compensation.

And it is self-evident that employers need to provide their employees with the correct equipment to do the job. But as a result of his employer's failure to do so, Alan Arthur (a moulding machine operator for Lectroheat Industrial Heating Limited) suffered a compound fracture to his left leg which left him permanently disabled.

The issue was the lack of a proper height ladder. Mr Arthur was using an eight foot ladder to retrieve a pattern board from the stores when he had the accident.

He was standing on one of the top rungs when, as he attempted to step down, he missed his footing and fell. Had he had either a longer ladder or a better system, such as a gantry, to access the boards the accident would not have happened.

The company eventually admitted liability for negligence and breach of statutory duty under the Workplace (Health, Safety & Welfare) Regulations 1992 and/or the Provision and Use of Work Equipment Regulations 1998.

Thompsons secured compensation of over £77,000 for him. Eamonn McDonough, Mr Arthur's representative, said: "Mr Arthur suffered a compound fracture to his left shin bone which was very painful.

He was off work for eight months and has undergone extensive treatment to fix the fracture. He is left with very stiff movement of some of the bones in the ankle – arthritis is anticipated and within 10 years an operation to fuse the injured joint is likely."

Amended regulations

To provide protection to more employees, the Work At Height Regulations were amended in April 2007 so that they now apply to the adventure activities industry. For instance, instructors on climbing and caving courses.

As working at height is often unavoidable for people working in this sector, the HSE emphasises the importance of good organisation and forward planning by employers, particularly for emergencies and rescues.

The regulations state that anyone working in the sector must be properly trained and competent to lead an activity and to carry out risk assessments.

Risk assessments

When carrying out an assessment, employers should, at the very least:

- identify the hazards
- decide who might be harmed and how
- evaluate the risks and decide on precautions
- record their findings and implement them
- review their assessment and update if necessary

Thompsons Solicitors are experts in all personal injury matters and can advise employees whether or not they have a valid claim for compensation. For more information, go to: www.thompsons.law.co.uk

Falls from ladders

The HSE advises employers to:

- use a ladder for jobs of limited duration doing light work only
- make sure they use the right sort of ladder for the particular surface conditions
- ascertain that the surface is level and solid
- look for obvious physical defects in the ladder before allowing it to be used
- ensure workers know how to use them safely

PILR aims to give news and views on personal injury law developments as they affect trade unions and their members.

This publication is not intended as legal advice on particular cases

To receive regular copies of PILR
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