

ACCIDENTS AT WORK

A HELP GUIDE FOR PEOPLE WHO HAVE HAD AN ACCIDENT AT WORK

DO I HAVE A CLAIM?

If you have been injured at work you may be unsure as to whether you are entitled to claim compensation from your employer. You may feel that it is not your employer's fault; perhaps a colleague was to blame, or you feel you were partly to blame. Perhaps you were not actually at your place of work or office when the accident occurred? The law surrounding accidents at work is complex and you should seek specialist legal advice.

WHY AM I ENTITLED TO COMPENSATION?

You are entitled to work in a safe environment. Employers are under an obligation to assess risks which you may face whilst you are at work. If they fail to do this, or do it ineffectively, they are not keeping their side of the deal.

Even a minor injury can affect someone's life and in serious cases can change their life forever. Compensation is payable both for your injuries (general damages) and your financial losses (special damages).

TYPES OF ACCIDENT/INJURIES

There are many types of accidents and injuries that can occur during the course of your employment. Here are just some of the examples:

- injuries caused by machinery
- injuries caused through lack of, defective or unsuitable protective equipment (e.g. missing guards)
- accidents whilst working at a height (using scaffolding, ladders, steps)
- accidents caused by a colleague
- injuries caused by someone you were caring for
- accidents caused by contractors or suppliers at your place of work
- accidents caused by lack of training or poor supervision
- office environment accidents
- slips and trips at work
- injuries from doing a repetitive action
- injuries caused by lifting, pushing or pulling
- illness or disease caused by your work
- illness caused by stress at work or bullying
- road traffic accidents caused by faulty vehicles

Even if your accident does not fall into any of the above categories you should still speak to a specialist Lawyer who will be able to advise you.

I HAVE HAD AN ACCIDENT AT WORK – WHAT SHOULD I DO NOW?

The most important thing is your recovery. If you have not received any medical treatment you should seek medical advice as soon as possible.

Further things to consider:

- Make sure that the accident has been reported to your employer and has been entered into the Accident Book
- If your accident has stopped you from working for 3 days or more then it should be reported to the Health & Safety Executive by your employer. Find out if this has been done
- Try to obtain photographs of the scene of your accident, or the equipment that caused it
- Try to stay in touch with your colleagues. This may help if Statements are required from them. They may even provide information to you after the accident that will assist your Lawyer
- Keep a diary to record how the injury has affected you, what you have spent on pain relief or travel and help that you have required as a result of the injury
- Keep receipts for anything paid for as a result of the accident

If you require support in addition to medical treatment there are many useful contact details at the end of this leaflet. Do not be afraid to ask for help.

Accidents can be upsetting and many people fear for the future if they are unable to work due to injury and do not know what the future holds. You may need advice as to benefits available to you.

WHAT HAPPENS DURING A CLAIM?

Your Lawyer will deal directly with your employer's insurance company or their legal representative. You will not be contacted by them and all correspondence will be between them and your Lawyer.

Your Lawyer will

- Obtain evidence to support your claim
- Obtain expert evidence to support your case if required (such as an engineer's report)
- Obtain a medical report detailing your injury
- Negotiate settlement of your compensation
- Start Court proceedings for you

HOW LONG WILL IT TAKE?

From receiving the letter of claim, your employer or their insurer will have a period of just over 3 months to investigate the claim. At the end of this period they must either accept that they are at fault, or deny the claim. In case of a denial, they must say why they believe they are not responsible for your injury. Our Lawyers are skilled at fighting cases where employers believe that they are not to blame.

In straight forward cases you can expect to settle your claim within 6 months, but in more serious cases it can often take much longer as it is necessary to see how you recover before your Lawyer can begin to look at valuing your claim. In such cases an interim payment can be obtained for you which will help with wage losses and any private medical treatment you may need.

WHAT CAN I CLAIM?

Your employer, by law, must have liability insurance. You will normally claim on this insurance policy. If your Lawyer establishes fault on the part of your employer you are entitled to claim compensation for your injuries and other losses that arise due to the injury, such as

- lost wages
- travel expenses
- private medical treatment
- care provided to you whilst you were suffering from the injuries

In serious cases this will also include future loss of wages, pension losses and aids and adaptations for the home to help you with your day to day life.

WHAT WILL IT COST ME TO CLAIM?

We will discuss your funding options with you. It may well be that you have a policy of legal expense insurance which you can rely upon. We will help you to identify if this is the case. We can also offer, in appropriate circumstances, to deal with your claim with a Conditional Fee Agreement (commonly known as a No Win No Fee agreement).

IS THERE A TIME LIMIT ON MY CLAIM?

As a rule, personal injury claims can only be made up to 3 years from the date of the accident. As always though, there are exceptions to this rule. You should seek advice straight away in respect of your claim. Time limits for various accidents and situations can differ. Your age at the time of the accident may be relevant, the date you discovered the injury may be relevant and where your accident actually took place is also a factor.

Do not delay in seeking advice. If you do, you may find that you cannot pursue your claim.

If you have had an accident at work then please contact Forster Dean on 0800 389 1978 and one of our specialist Lawyers will be happy to assist and guide you through the process.

USEFUL LINKS:

FINANCIAL HELP – BENEFITS ADVICE AND DEBT MANAGEMENT

<http://www.direct.gov.uk>

<http://www.nidirect.gov.uk/benefits-adviser>

http://england.shelter.org.uk/get_advice/housing_benefit_and_local_housing_allowance

GENERAL ADVICE

The Health & Safety Executive

<http://www.hse.gov.uk>

The Citizens Advice Bureau

<http://www.citizensadvice.org.uk>

SUPPORT AND EMOTIONAL WELLBEING

The Bereavement Trust

<http://www.bereavement-trust.org.uk>

The Samaritans

<http://www.samaritans.org>

SUPPORT EMOTIONAL WELLBEING FOR CHILDREN <http://>

www.griefencounter.org.uk