



## **CLAIMING COMPENSATION FOR WORK PLACE INJURIES**

Hundreds of thousands of people are injured each year in accidents at their place of work. Hundreds of these accidents result in fatalities. Damages will not adequately compensate for the injuries suffered and their effect but can assist in making it easier for families and individuals to cope.

Hodge Halsall offer specialist experience and expertise in pursuing claims for compensation for individuals injured in work place accidents.

### **What to do following an accident**

- Record the accident in your employer's Accident Book checking carefully the date and description of the accident and making sure that you agree that it is an accurate record
- Ask for a copy of the Accident Book entry
- Inform the Benefits Agency about the accident as you may wish to claim benefits for the accident in the future
- Do not make any other statements to management, insurers or Solicitors (other than your own)
- Keep all letters, memos and other documents relevant to the accident

- Ensure that any tools or equipment involved in the accident are kept safely for future inspection
- Ask your health and safety representative to inspect the scene of your accident and any equipment involved immediately afterwards so that they can give accurate evidence if necessary. If no health and safety representative is available get a work colleague who you trust to do this if possible
- If you can arrange to have photographs taken of the accident scene or any relevant equipment do so as soon as possible after the accident
- See a Doctor as soon as possible
- Take photos of any visible injuries
- Get the names and addresses of all witnesses to the accident
- See a Solicitor and claim damages

### **Making a claim**

Compensation is recoverable only if it can be shown that the employer (or a third party for whom the employer was responsible) was wholly or partly to blame for the accident.

If neither the employer, nor any third party for whom the employer was responsible, was to blame for the accident compensation may not be recoverable although the injured employee may remain entitled to State Benefit.

Our Solicitors will be able to advise whether it is likely to be possible to establish blame. They will explain what you may be entitled to claim.

### **Compensation**

Damages (compensation) are awarded for pain, suffering and loss of the ability to do things after an accident which an employee could do before. Medical evidence will be obtained recording the injuries suffered, how those injuries affected the injured employee and how long it is likely to be before recovery is complete (if at all).

Damages are also paid for any financial loss suffered because of the accident. This will include loss of earnings suffered because of the accident and future loss of earnings arising out of any ongoing disability. Damages can also include payments to third parties to carry out tasks such as gardening and DIY work that an employee would have carried out himself but for the injuries suffered. The costs of care provided by members of the family and others can be recovered in more serious cases as can any specialist equipment required to make life easier for the injured person.

### **Legal costs**

An initial consultation is free. If Hodge Halsall agreed to assist an injured employee with a claim a number of options for payment of costs will be considered. Hodge Halsall offer a "no win no fee"

agreements and the possibility of legal expense insurance will also be discussed.

### **Time limits**

Any claim arising out of an accident causing injury must be commenced by the issue of proceedings through a Court within three years of the date when the accident occurred. A failure to comply with that time limit will usually result in the claim being out of time.

A significant number of claims arising out of work place incidents involve medical conditions such as dermatitis, work related stress, asbestosis and work related upper limb disorders (repetitive strain injuries). In such cases an employee may not be immediately aware that an injury is being caused by the work process and proceedings must be commenced within three years of the date when the injured employee knew or ought to have known that the condition was caused as a result of work. Specialist legal advice should be taken immediately an employee becomes aware that such a claim may exist.