

Accidents at work

Expertise and Understanding

Legal advice from Irwin Mitchell

This booklet provides some guidance on the legal rights of those injured as a result of an accident at work.

This information relates to the law and procedures in England and Wales. Please contact us if you need advice about the law and procedure in other legal jurisdictions.

All jobs, from manual to office work, hold risks for the health and safety of an employee. For some, the risks of a potential accident at work are obvious and for some, less so.

As a worker, you have a right to expect your employer to provide protection against any risks arising from your job that could result in an accident and serious personal injury. If your employer does not meet these obligations, the likelihood of an individual suffering an accident at work is increased.

At Irwin Mitchell we fight fearlessly to achieve the best outcome for you whether your injury is minor or major. We're renowned for our understanding of the issues affecting you and your family due to an accident at work, and we know what positive action to take to make a difference.

Our lawyers offer the highest level of professionalism and expertise, combined with dedication and sensitivity.

Above all, we put you first.

"Your encouragement and advice to pursue the claim was good advice and we are both grateful for your support... Thank you again for your diligence and support throughout the process"

- Don Astley

Talk to a specialist advisor today

Freephone **08000 23 22 33** or visit
www.irwinmitchell.com

If you've been injured in an accident at work, Irwin Mitchell could help you to claim compensation for your injuries.

UK Health and safety legislation is designed to protect employees, minimising the risk of accident and injury in the workplace. If you have been involved in an industrial accident, then you may be entitled to claim compensation for your injuries.

As leading UK personal injury lawyers with dedicated specialists in workplace and industrial accidents, we can help you pursue your claim for compensation for the injuries that you have sustained as a result of an accident at work.

Health and safety regulations cover all forms of workplace accident and injury, including:

- Lifting
- Use of machinery
- Provision of safety equipment
- Work at height
- Tripping and slipping

At Irwin Mitchell, we have an experienced team of lawyers dealing with works injuries on a daily basis, so are familiar with a wide range of workplace accident scenarios.

Our dedicated work accident team has handled thousands of injury cases on behalf of individuals, trade unions and their members. Our reputation in successfully claiming for industrial work accidents and workplace injury makes us a formidable force and recognised leaders in our field.

Talk to a specialist advisor today

Text claim to **61993** and someone will call you back

Irwin Mitchell is also one of the largest and most experienced personal injury law firms in the country. Our reputation for accidents at work claims is second to none and every year we recover compensation for people injured in this way.

Specialist team

Employing many of the country's finest personal injury lawyers, our highly specialised accidents at work team delivers expert, insightful and effective advice. Combining powerful legal arguments with care and consideration, we will handle your claim with strength and understanding to ensure the best possible outcome.

From our very first meeting all the way through your claim and even beyond, we work tirelessly, introducing forward thinking and creative new ways to present your case and get the best outcome for you.

Our service

The service we provide is much more than securing compensation. As well as helping you claim compensation, we can also help with your medical treatment and rehabilitation if necessary. This may involve liaison with NHS staff or it may involve private care paid by the defendant's insurer or from an interim compensation payment. Our service includes:

- Immediate investigations to determine who was at fault.
- Interim payments wherever possible to help fund private health care.
- Taking into account any worries you may have such as financial needs, state benefits and your employment or other rights.

Your future health and financial wellbeing informs our every action and is central to what we do.

Irwin Mitchell's first commitment is to you, and to achieving the best outcome for your claim. We'll ensure that you are well cared for throughout the process and do everything we can to secure the compensation to which you are entitled.

Campaign for improvements

We also have a long history of campaigning with leading organisations in numerous personal injury fields. Together with those organisations we seek improvements in health and safety, prevent accident and injury where possible, and improve the quality of life and levels of compensation for those who have suffered injury.

We have also pursued many leading legal cases in order to improve the prospects of success of claims for various forms of personal injury, and to obtain fairer workplace accident compensation.

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Working with a solicitor to put together a claim for compensation can seem daunting. We know there is a lot to take in but we will be with you every step of the way making your claim as easy and stress-free as possible.

Basic Steps

Here are a few basic steps that you can follow to help your solicitor put together a claim for compensation.

1. Make sure you inform your Health and Safety representative (if you have one) about your accident as soon as possible.
2. Notify your employer immediately and complete a short accident report. Make sure that it is based on fact and not an attempt to suggest who you think is to blame. If you are still in shock, distressed or in pain, do not sign any report that is given to you by your employer or anyone else involved.
3. As soon as you are able to, write out a clear description of the accident. This will be of benefit to you and your solicitor. Make sure you sign and date it.
4. Try to get hold of the names (and if possible the addresses) of anyone who witnessed your accident. Your solicitor may wish to write to them.
5. Ask your Health and Safety representative to preserve the scene of your accident, if possible. Also ask them to take photos of the scene which can be made available to you. If they are not able to get a camera, ask if someone could sketch the scene instead.

If you have been injured in an accident at work it is important to seek legal advice as soon as possible. Even if you don't know whether you are entitled to make a claim or not, you should speak to one of our specialist advisors right away.

You can talk to a specialist advisor today on freephone **08000 23 22 33**

Free advice

The sooner you contact us the better your chances of making a successful claim. To find out if your circumstances could lead to a claim contact us on the number above or visit our website and complete the online claim form.

Once you have made contact, we will give you free advice on whether we think you could make a claim. It is then up to you to decide to proceed. Should you wish to go ahead we will make an appointment to see you at a convenient time and place.

"Please accept my sincere thanks for all the time and effort including patience that your staff have shown me. They have all left their mark upon me."

- John Moffatt

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In many personal injury cases there are strict time limits on when you have to start court proceedings for your claim. For this reason it is vital that you seek advice from one of our specialist advisors immediately.

Time limits

In English law and in most cases, the time limit for starting a personal injury claim is three (3) years from the date of the accident or incident giving rise to your injury. However, that limit can vary and may be shorter or extended depending on the circumstances of your case.

Accidents at work

In the vast majority of accidents at work that result in injury, the time limit for claims will be three (3) years from the date of the injury. In some very limited cases, such as where the person injured was under the age of 18 you can start Court proceedings at any time up until their 21st birthday.

More detail

In the case of accidents at work outside England and Wales time limits may be less.

The sooner you contact us the better we are able to prepare your claim, but in any case we will give you clear advice about the time limits that apply to your particular circumstances.

If you are unsure whether you have a claim, or even if you think the accident at work might have been your fault; you must always call us to talk it over. We'll assess your case free of charge, tell you what we think and then you can decide if you want to go ahead.

Track record

At Irwin Mitchell, we have a long track record of winning compensation cases where the client initially thought they did not have a claim, or that the law did not protect them.

What are my chances of winning?

When you contact us we will give you realistic advice on the chances of winning based on the information you provide. It is not possible to give a definitive answer on any case, however, the more information we have the more accurate an assessment we can make.

We will always give you an honest, straightforward opinion.

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If you are worried about legal costs, don't be.

Contacting us for initial advice on your claim will cost you nothing. If we advise you to pursue a claim with us, we will review all the options for funding it.

At Irwin Mitchell our preferred option is our "No Cost To You" scheme which under a "no win no fee" agreement means that:

- If you win you keep 100% of your compensation.*
- If you lose, you pay nothing.**
- There are no hidden costs

When we discuss your claim in more detail we will tell you if the "No Cost To You" option is available or if we need to look at other funding options.

You may for example be able to fund your case through trade union membership or legal expenses insurance.

*Does not apply to group actions or accidents and illnesses outside England and Wales and is subject to compliance with the terms of your funding arrangements.

**Subject to entering a 'No Win, No Fee' agreement with us and complying with its terms.

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The amount of compensation you receive will depend on many factors, including how seriously you have been injured, how the injury has affected your life, how much money you are considered to have lost and will lose as a consequence and the extra support you will need in the future.

Individually assessed

From the outset, our team will advise you on how the Courts approach the assessment of compensation and how this fits with your circumstances. The fact is that we are all different and the consequences of a similar injury will vary from person to person. The Courts will always assess your claim on an individual basis and award compensation according to its findings.

If your claim is progressed under Irwin Mitchell's 'No Cost to You' scheme, you will receive 100% of any compensation* awarded to you.

Keeping you informed

As we learn more about you and your injury, and obtain further evidence such as medical reports, we will be able to provide a more accurate idea of what the Court is likely to award to you. You can be assured that we will do everything we can to recover the maximum amount of compensation available to you and organise payment terms to suit your immediate and ongoing needs.

*Does not apply to group actions or accidents and illnesses outside England and Wales and is subject to compliance with the terms of your funding arrangements.

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We will investigate your case thoroughly by gathering witness statements, accident reports and other relevant details about your injuries and ongoing requirements. All this information will be collated and presented to the Courts.

Insurance

A claim will then be made against the relevant person or body, and it is likely that their insurance company will get involved. We will then wait for a response from the insurance company you are claiming against. This can go one of two ways; either they will decide to meet your claim, or they will not.

Don't panic if an insurance company turns down your claim at first as this often happens - it does not mean that your claim will fail.

Out of Court

The vast majority of cases are settled before they go to Court, however, some will end up going before a Judge. It can take a lot of time to prepare a case for Court so you will need to be prepared for delays.

Don't worry, this is normal and we will keep you informed all the way through.

We know this is a lot to take in but we will be with you every step of the way making your claim as easy and stress-free as possible.

At Irwin Mitchell we understand that contacting a lawyer might seem like a big step, especially if you haven't done it before. That's why we go out of our way to make sure that if you get in touch with us we make you feel welcome, safe and secure.

We understand the issues affecting you and your family if you are injured in an accident at work our renowned team of experts will fight tirelessly to ensure that you get the best compensation, medical care, rehabilitation and support possible.

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Freephone

08000 23 22 33

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and someone will call you back

or visit www.irwinmitchell.com

"May I thank you for the way my accident claim has been handled, after my accident my confidence was very low indeed but the sympathetic handling of my case restored my confidence."

- John Haywood

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Backcare

16 Elmtree Road
Teddington
Middlesex
TW11 8ST

Helpline: 0845 130 2704
Email: online enquiry form
Website: www.backcare.org.uk

British Safety Council

70 Chancellors Raod
London
W6 9RS

Telephone: 0208 741 1231
Email: mail@britsafe.org
Website: www.britsafe.org

Families Against Corporate Killers (FACK)

c/o Hazards Campaign
Windrush Millennium Centre
70 Alexandra Road
Manchester
M16 7WD

Tel: 0161 636 7557
Email: mail@gmhazards.org.uk
WEBSITE: www.fack.org.uk

Chemical Hazards Communication Society

PO Box 222
Lynnington
SO42 7GY

Telephone: 0844 636 2427
Email: chcs@chcs.org.uk
Website: www.chcs.org.uk

Health and Safety Executive

HSE Infoline
Caerphilly Business Park
Caerphilly
CF83 3GG

Telephone: 0845 345 0055
Email: hse.infoline@connaught.plc.uk
Website: www.hse.gov.uk

HSE have regional offices throughout the UK. Full details are listed on their website.

ROSPA

ROSPA House
Edgbaston Park
353 Bristol Road
Edgbaston
Birmingham
B5 7ST

Telephone: 0121 248 2000
Email: help@rospa.com
Website: www.rospa.com

Sheffield Occupational Health Advisory Service

3rd Floor
Queens Building
55 Queen Street
Sheffield
S1 2DX

Telephone: 0114 275 5760
Email: sohas@sohas.co.uk
Website: www.sohas.co.uk

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