

A Guide to Employer's Liability Claims

Despite the fact that all employees should be entitled to a safe working environment, the sad reality is that every year thousands of people are injured as a result of an accident at work through the fault of their employer.

Some common examples of accidents in the workplace are:

- Manual handling accidents
- Falls from height
- Accidents caused by defective work equipment/machinery
- Slips, trips or falls at work
- Accidents as a result of insufficient training/supervision
- Accidents caused by the fault of another employee
- Building site accidents
- Electrical injuries
- Military injuries



At Express Solicitors, we offer specialist lawyers who can help those who have suffered injury in the course of their employment. We aim to achieve the maximum amount of compensation for our clients, and offer free initial advice about any workplace accident you may have been involved in.



What does your employer owe to you as an employee?

Every employer owes a duty of care toward their employees to ensure they remain safe in the workplace, whether the employee is carrying out work in their usual workplace, whether they're working from home or in any other location in the course of their employment.

What do you need to prove?

In order for your case to be successful, you firstly need to prove that your employer breached the duty of care that they owe to you or that they were negligent.

Dependent upon each individual case, we can seek to do this by proving that your employer failed to ensure that the working environment adhered to the minimum health and safety standards expected, for example, did your employer provide adequate training or did they carry out an adequate risk assessment.

Secondly, you need to prove 'medical causation', i.e. that your employer's negligence or fault caused you to suffer injury, loss and damage. We do this by obtaining a medical report from a specialist medical expert who will comment upon the injuries suffered as a result of the accident and make any recommendations for treatment if necessary.



Main concerns about bringing an employer's liability claim:

Many claimants are apprehensive about bringing a claim against their employer, particularly whilst they are still working there.

Some common concerns you may have when bringing a claim against your employer may be:

What if bringing a claim affects my job, causes me to miss out on a promotion, or I get dismissed as a result?

You are protected by employment law and may be able to take legal action against your employer should your employer seek to treat you differently or terminate your employment as a result of pursuing your claim.

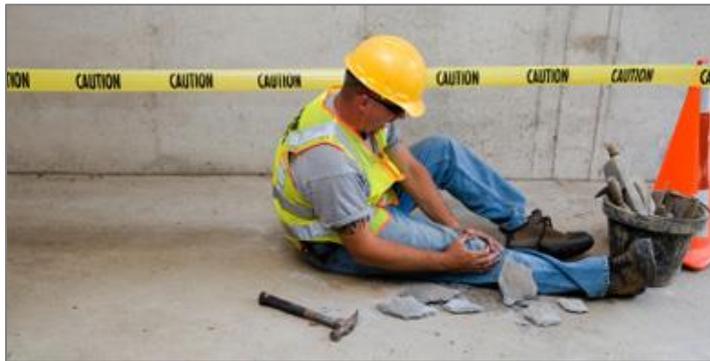
I work for a small company and I'm worried about the financial affect my claim will have on their business:

All businesses (large or small), have to have what is referred to as 'liability insurance' which is they are required to take out in order to protect them in the event that an employee is injured during the course of their employment. This means that once you

start your claim Express Solicitors will generally be dealing with the insurers or solicitors appointment by the insurers rather than your employer direct.

I was employed as an agency worker at the time of my accident – can I claim?

Whether you were employed in full time or part time employment, were a temporary/agency worker, were a self-employed contractor or were simply visiting a business at the time of your accident, you're entitled to bring a claim for compensation.



What preparation can you do to assist your employer's liability case?

If you have been unfortunate enough to have suffered an accident at work, by completing the following you can provide helpful assistance to us for when we represent you in relation to your claim:

- Following your accident, it is important that you **report this to an appropriate manager** and complete an entry in the accident report book providing details as to what happened
- You need to also **consider whether there were any witnesses to the incident**, and if so obtain contact details for these witnesses as soon as possible. It may be that we can obtain a witness statement from these witnesses which will ultimately help strengthen your case
- In some situations, it would also be beneficial to **take photographs of the accident location**, particularly if you've had a slip or trip in the workplace or suffered an injury as a result of defective work equipment. It is important to try and take photographs as soon after the accident as possible, and also to provide us with a date of when the photographs were taken
- We always recommend you **seek medical attention** as soon as possible to assist your recovery. It also allows an appropriate record to be made of the injuries suffered.

How can we help you by bringing a claim?

We endeavour to achieve the maximum amount of compensation we can for you and to keep you informed in relation to the progress of your claim. We understand that bringing a claim against your employer can be a difficult and stressful time, and we therefore aim to make the process as straightforward as possible.

What can you claim for in relation to your employers liability claim?

We can help you obtain:

- Compensation for the pain and injury you have suffered
- Past and future loss of earnings
- Private medical treatment to assist with your recovery
- Expenses that you have incurred as a result of your accident, such as travel expenses and prescription costs
- Care provided by family and friends

Sometimes more complex cases may take a little longer to reach settlement. If you were struggling financially as a result of the accident prior to the conclusion of your case, or you required private treatment to assist with your recovery, we will attempt to obtain some early compensation on your behalf.

Why choose us to represent you in relation to your claim?

At Express Solicitors we promise to offer an exceptional level of service throughout the course of your claim.

Our lawyers have extensive and vast experience in pursuing claims in the workplace and will strive to continually keep you up to date throughout the claim process, whilst also ensuring that your case is dealt with as expeditiously as possible in line with our aim of achieving the highest amount of compensation for you.