

## **Accident investigation: legal case studies**

Helen Shaw, Senior Litigation Manager, Porter, Rees & Dolan Solicitors

Helen explained that there were three aspects of law that determined whether or not someone with a serious workplace injury or occupational disease would win a legal case against their employer:

- Negligence
- Causation (direct link to workplace)
- Damage caused (long term implications)

Once a case is accepted the appointed lawyer will gather and assess all available evidence including *HSE* reports, police reports and information about workplace Safe Systems of Work and Risk Assessments as well as witness interviews and assessments of the long term health effects of the injury or disease.

Helen said that the cases that she has dealt with clearly demonstrate that virtually all workplace injuries and diseases were preventable. She identified the following key management failings:

- Poor training
- Inadequate Risk Assessments
- Inadequate application of recommendations in Risk Assessments
- Poor management

She then identified ways of rectifying these problems:

- *Employees*: need effective induction training and supervision when they take on new tasks.
- *Training* - must be appropriate for the job.
- *Risk Assessments*:
  - Need to be practical, simple and to the point
  - Need to be done by the people who do the task (they know the problems)
- *Equipment provided* must be
  - Appropriate for the job and
  - Suitable for use by the person who will be doing the job.

Helen concluded that if all employers followed these basic guidelines she would need to change her job!