

### ***Steps to take following an accident at work:-***

It is not unusual for people to have accidents in the work place which are due to no fault of their own. Many people do not consider or contemplate bringing a claim for injuries that they have suffered in an accident at work until some time after the accident has occurred. There are certain steps that employees should take to assist them in bringing a claim in the future and ultimately being able to substantiate the basis of any claim that they may have. Where you have had an accident at work and sustained injury, you should take the following steps:-

1. Immediately report the accident to your line Manager or Supervisor and ensure that a record of the incident is made in the Accident Book. It is important that you are clear as to how the accident occurred and who you consider to be at fault.
2. When the Accident Report is made, you should ensure that it is factually correct before you sign it. It is important not to allow your employer to pressurise you in to signing a document that you consider to be false or inaccurate.
3. Ensure that you make your own record of the accident and retain important information such as details of any witnesses to the incident who may be able to provide evidence in support of your claim.
4. It is important that you seek medical attention immediately after or as soon as possible after the accident to ensure that details of your injuries are recorded in your medical notes and records. This is important as you, the Claimant, need to prove that your injuries were caused by the Defendant. Your medical notes and records must link your injuries to the accident in question. This is known in legal terms as Causation i.e. there must be a causal link between the negligence of the Employer and the injury sustained. If your claim is likely to be successful, you will be examined by a medical expert who will prepare a report on your injuries and he will require complete access to your medical notes and records and must be satisfied that there is evidence in your notes that the accident occurred as alleged etc. The medical notes should include a diagnosis of your injuries and whether you received any treatment and/or medication.
5. You are under a duty to mitigate your losses if you intend to bring a claim for injuries sustained in an accident. This includes returning to work when you are reasonably fit and well to do so and seeking appropriate treatment to assist you in recovering from your injuries such as Physiotherapy treatment even if it has to be paid for by you. Usually, this expenditure is recoverable.
6. If you wish to bring a claim for compensation, it is important that you seek independent legal advice as soon as possible. You should note that you have a period of 3 years in which to either settle your claim or issue proceedings against your opponent, otherwise your claim will become

statute barred under the Limitation Act 1980. This means that a claim may only be brought outside of three years from the date of the accident/injury in exceptional circumstances. Different rules apply in respect of 'minors' i.e. persons under the age of 18 years at the time the accident occurred. The 3 year time limit does not begin to run until the minor attains the age of 18 years i.e. they have a period of 3 years from their 18<sup>th</sup> birthday.

The above is not an exhaustive list and other steps may include liaising and co-operating with the Health and Safety Executive (HSE).