



# Legal Plus Reps' Handbook

Advice Guide for Usdaw Reps



# Legal Plus is a Key Benefit to Our Members



**Usdaw's mission is all about improving workers' lives and winning for members. Usdaw Legal Plus is at the heart of that mission by providing members with a comprehensive range of legal services.**

Usdaw provides a great range of legal services which have got better and better over the years; we have extended the types of cases where our members and their immediate family can receive full legal assistance. FirstCall Usdaw remains an extremely popular service with our members - giving access to a free 24/7 accident claim line or online on the Usdaw website.

We are happy to continue to guarantee that our members will receive 100% of any compensation awarded. High Street solicitors can look to take up to 25% of any damages awarded. By guaranteeing that our members retain 100% of any damages, this sets us apart from others, improves what we offer to our members and assists in achieving our mission.

Usdaw Legal Plus is a service of which we can all be proud. This Legal Plus Reps' Handbook explains the range of legal services available, how our reps can support members with legal issues and how to help our members get the best out of Legal Plus.

Delivering Legal Plus is about teamwork and you, the Usdaw reps, are the backbone of that team. In introducing this Handbook, I would like to pay a personal tribute to the work you do for the Union and to thank you on behalf of the National Executive Council.

**Year on year Legal Plus delivers great results and millions of pounds of compensation are secured for members.**

A handwritten signature in dark ink that reads "Paddy Lillis". The signature is written in a cursive style and is positioned above a horizontal line.

**Paddy Lillis**  
General Secretary

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# Introduction

**This Handbook has been produced to help Usdaw representatives understand:**

- The scope of Usdaw's Legal Plus service.
- How to get the best out of the service for our members.
- The law relating to accidents at work.
- How to investigate accidents at work.
- What the member should do if they have had an accident at work.
- The conditions of Usdaw's legal assistance.



# The Role of Usdaw Reps in Delivering Legal Plus

## The Team

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Ushaw reps are key to the Usdaw Legal Plus team which is made up of:

- Usdaw reps – Shop Stewards and Health and Safety Reps.
- Usdaw full-time officials.
- Usdaw Legal Department.
- Usdaw panel of solicitors.

**It has to be a team effort.**

## The Role of the Usdaw Rep

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- To ensure that members know that Usdaw provides a legal service.
- To ensure that members understand what the service covers and are alerted to their legal rights.
- To ensure that members have easy access to that service and know how to access it.
- To support the member through a claim.
- To help the legal team gather evidence and find witnesses.
- To represent the member on employment issues under the procedures with the aim of resolving them within the procedures.
- To use Legal Plus to best effect when recruiting members.

## What Usdaw Reps Need to Know

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- What the Legal Plus scheme offers members [page 9].
- Who gets Usdaw Legal Plus [page 13].
- How members can access Legal Plus [page 19].
- How to organise around Legal Plus [page 25].
- Why Usdaw Legal Plus is a good reason to join the Union [page 29].
- How Personal Injury claims work and how to support a member's claim [page 37].
- How to help members get back to work and stay in work after an accident [page 61].
- How employment cases need to be dealt with [page 67].

### Legal Plus saves members thousands of pounds...

Personal Injury – Guaranteed 100% compensation. High street solicitors could take 25%.

Free Wills – Save over £250 if the member and their partner apply for a free Will.



# What Usdaw Legal Plus Offers Members

**This section tells you the range of Usdaw Legal Plus services:**

- Accident, injury, disease claims.
- Employment.
- Pension.
- Health and Safety.
- Prosecutions.
- Free Wills and Probate.
- Conveyancing.
- Legal Advice not related to work.

## **Accidents, Injuries and Disease Claims**

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Legal Plus covers members for:

- Accidents, injuries and disease claims.
- Accidents any time and any place in the UK – not just at work or going to and from work.
- Road traffic accidents.
- Work-related diseases or conditions.
- Slipping and tripping anywhere.
- Injuries caused when involved in a crime of violence or armed robbery (CICA).

## **Help and assistance is only one freephone call away – 24/7.**

Call FirstCall Usdaw on **0800 055 6333** to start your claim or complete the form on the Usdaw website.

### **Family Cover**

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- Family members living with you are covered for any non-work related accidents.

### **Holiday Claims**

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- Accidents/injuries to members and family that lives with them whilst on a package holiday outside the UK.\*

### **Occupational Diseases**

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Work-related diseases and conditions like repetitive strain injury, deafness, occupational asthma and dermatitis are all covered by Usdaw Legal Plus. Use FirstCall Usdaw to start your claim.

### **Crimes of Violence**

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If you are a victim of violence, use FirstCall Usdaw to start your claim. Under Usdaw Legal Plus we help members to claim compensation from the Criminal Injuries Compensation Authority (CICA) which is a state-funded scheme.

In order to be eligible under the state-funded scheme, you must ensure that you take the following steps:

- Personally report the matter to the police within 48 hours of the incident occurring and that you obtain a crime reference number.
- It will not usually be sufficient if someone other than yourself reports it, such as your employer, a relative or friend.
- See a doctor straightaway to receive appropriate treatment. You may require treatment not just for any physical injuries but also for possible psychological ones such as stress or shock.

### **Employment Problems**

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Usdaw aims to help members resolve employment problems under the workplace procedures where Usdaw representatives and officials will assist.

By law the employer must allow the Usdaw rep to attend all disciplinary and grievance hearings with the member.

If the member cannot sort out the problem under the company procedures, then the Usdaw team will provide advice about taking the case further.

Through our full-time officials and the Usdaw Legal Department, we can provide advice and representation in employment tribunal cases.

Tribunal claims must be lodged within strict time limits - normally three months less one day from the date of dismissal or cause of complaint. The member must also follow the company grievance and appeals procedures.

All types of employment problems are covered - redundancy, dismissal, discrimination, contract claims, equal pay, family-friendly rights, part-time workers' rights, unlawful deductions, minimum wage.

## Pensions Issues

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The Pensions Section of the Usdaw Legal Department can also help you if you have a problem about your company or State Pension scheme. Where appropriate we will also support legal action to secure your pension rights.

To contact the Pensions Section, call **0161 224 2804** or you can find more advice on the Usdaw website: [www.usdaw.org.uk/pensions](http://www.usdaw.org.uk/pensions)

## Health and Safety Issues

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The Legal Department has its own specialist Health and Safety advice team who will be happy to help with any health and safety problem at work.

You can find more health and safety information on the Usdaw website: [www.usdaw.org.uk/healthandsafety](http://www.usdaw.org.uk/healthandsafety)

To contact the Usdaw Health and Safety Section, telephone **0161 249 2474** or email [healthandsafety@usdaw.org.uk](mailto:healthandsafety@usdaw.org.uk)

## Help for Your Family

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If a family member living with you is injured in a non-work related accident, call FirstCall Usdaw on **0800 055 6333** or complete the form on the Usdaw website to make a claim. They are fully covered by Usdaw Legal Plus if they live with you.

Family members who live with you are also entitled to free advice under the BL3 scheme for any other problem not related to work.

## Prosecution Cases

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As a member, if you're prosecuted for something in the course of your work, we'll instruct solicitors to advise on your defence. If there is a defence, we will instruct them to represent you until State Criminal Legal Aid can be arranged.

For work-related prosecutions, complete our online BL6 Form at: [www.usdaw.org.uk/BL6](http://www.usdaw.org.uk/BL6) or phone the Legal Department clerical team on **0161 249 2477**.

If you and your family are facing criminal charges not related to work, you're entitled to free initial legal advice from an Usdaw solicitor.

To arrange this, complete our online BL3 Form at: [www.usdaw.org.uk/BL3](http://www.usdaw.org.uk/BL3) or phone the Legal Department clerical team on **0161 249 2477**.

## Free Wills

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Every Usdaw member, and their partner, is entitled to make a Will free of charge through the Usdaw panel of solicitors.

It is important for your family, and your own peace of mind, that your affairs are in order upon your death. It is, therefore, important to make a Will to ensure that your property passes to the people you choose.

A brand new member can take up the free Will writing offer from the day they join the Union, and immediately benefit from this service for which they could otherwise pay around £250.

Please note: if your affairs are especially complex the solicitors may need to make a charge, but they will discuss this with you beforehand.

For a free Will, complete our online BL4 Form at: [www.usdaw.org.uk/Wills](http://www.usdaw.org.uk/Wills), or phone the Legal Department clerical team on **0161 249 2477**.

## Probate

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You may also need help in sorting out probate matters when someone dies. The Usdaw solicitors can provide sympathetic and professional advice at this stressful time at special favourable rates for Usdaw members under the free advice scheme.

## Conveyancing

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The Usdaw panel of solicitors will deal with all stages of your property transaction professionally and efficiently, at rates which are specifically favourable to Usdaw members.

Buying a house or flat is probably the most important step in most people's lives. It involves a long-term financial commitment, providing security for you and your family.

Urdaw solicitors will give you a written quotation at the outset, so you won't be faced with any unexpected expense.

## Free Advice for Problems Outside Work

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Urdaw's Legal Plus service does not stop when you clock off work. Under the free initial advice scheme you can receive advice from an Usdaw solicitor about any legal problem not connected with work. Here are some examples:

- You may have bought a car or a washing machine that simply is not up to standard and the salesperson refused to do anything about it.
- You may have a dispute with your landlord or the Council, or with nuisance neighbours.
- You may have a matrimonial or other family problem at home, or you may feel you need some advice about debts which are piling up.

Through Usdaw Legal Plus you can receive initial advice from one of our panel of solicitors and, if any further work needs to be done, then our solicitors will offer you special terms.

\*Package holiday claims mean accidents, injuries or other personal injury claims covered under the Package Travel, Package Holidays and Package Tours Regulations 1992.



# Who Gets Usdaw Legal Plus?

This section explains who qualifies for Legal Plus and summarises the rules of the scheme.

## Members

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- All members are entitled to Usdaw's legal assistance from the day they join.
- It does not matter how long you have been in Usdaw - there is no 'waiting period'.
- You must be in membership when the accident or incident happens - so the quicker you join, the quicker you are covered!
- You must keep up-to-date with Union contributions.
- It does not matter how much you earn or what hours you work.
- You must observe the rules of the Usdaw Legal Plus service.

## Family Members

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- Members of your family can benefit from Usdaw's legal services provided you remain in membership and keep up-to-date with your contributions.
- Family members living with you are covered for any non-work related accident, anywhere in the UK (including where they are victims of violent crime) and also injured outside the UK on a package holiday\*.
- Call FirstCall Usdaw on **0800 055 6333** to make a claim or complete the form on the Usdaw website.
- They can have initial advice from a solicitor on any legal problem not related to work with special rates for follow-up work.

**All members are entitled to Usdaw's legal assistance from the day they join...**

It does not matter how long you have been in Usdaw – there is no 'waiting period' but you must be in membership when the accident or incident happens.

- They can share the benefit of Usdaw's competitive conveyancing and other legal services.
- Partners of Usdaw members can share the benefit of our free Will writing service.
- They and the member must observe the rules of Usdaw Legal Plus.

\*Package holiday claims mean accidents, injuries or other personal injury claims covered under the Package Travel, Package Holidays and Package Tours Regulations 1992

## Rules of Legal Plus

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1. Usdaw has complete discretion on whether to grant or to continue legal assistance to its members or their families. We will exercise that discretion fairly and consistently in accordance with these rules.
2. To be eligible for legal assistance:
  - You must be a fully paid up member at the time of the event or incident giving rise to your claim.
  - In employment cases you are not entitled to legal assistance if the issues relating to your claim arose before you joined the Union.
  - You must remain a fully paid up member.
  - You must comply with the Rules of Legal Assistance.
3. Cases will be supported only if they have reasonable prospects of success, they are proportionate in value to the cost of pursuing the claim, they are not an abuse of process or fundamentally dishonest and no reasonable offer of settlement has been made.
4. Once legal assistance is granted the case will be kept under review to ensure that the rules are complied with and the case continues to enjoy reasonable prospects.
5. Legal assistance may be refused or withdrawn in any of the following circumstances (the list is not exhaustive):
  - If you cease to be a member.
  - If you are in arrears of membership contributions.
  - If you are in breach of the Union's rules.
  - If your claim brings you into conflict with the Union; its policies; its ethos; or officers.
  - If you have instructed or taken legal advice outside the Union.
  - If you instruct or take advice from any other legal representative.
  - If you have been dealing with a claim yourself or through another representative and you ask us to take over conduct of it.
  - If you reject the reasonable advice of the Union appointed representative as to the conduct and/or settlement of your claim.
  - If you fail to provide reasonable instructions or fail to provide instructions at all.
  - If you appear to have no cause of action and/or your claim does not enjoy reasonable prospects of success and/or it is an abuse of process.
  - If you behave in a manner which has or is likely to destroy trust and confidence between you and your representative.
  - If you require the Union or its solicitors to act improperly.

- If you deliberately mislead the Union or its solicitors or provide false information or if all or any part of the claim is fundamentally dishonest.
  - If the necessity for legal advice has been caused by drunkenness, drug use, wilful neglect of duty or other misconduct or by any criminal act on your part.
  - If you fail to co-operate.
  - If you insist upon dealing with the claim in a way that is significantly disproportionate to the amount or issues involved.
  - A claim is made against the Union, its employees, National Executive Council, officers and representatives.
- 6.** You must co-operate with the Union and its solicitors; your representative and any experts appointed on your behalf:
- You must use the solicitors appointed by Usdaw.
  - You must keep appointments.
  - You must provide any information or instructions requested by the deadline set.
  - You must behave reasonably and provide reasonable instructions to your case representative.
- You must provide honest and accurate information.
  - You must remain in contact with Usdaw and your case representative and respond promptly to letters; email; and calls.
  - You must deal with your representative politely and treat them with respect.
- 7.** You must authorise Usdaw and/or its solicitors to:
- Disclose to the court, tribunal and opponents all relevant information in respect of the claim and/or recovery of costs.
  - Disclose to Usdaw Legal Department and/or the National Executive Council and/or the Central Officials of the Union their advice and any information relating to your claim.
- 8.** You are entitled to reject the advice of Usdaw and/or the solicitors and instruct another representative, but Usdaw will not be responsible for their charges and disbursements nor any costs awarded against you.
- 9.** If Usdaw legal assistance is refused or withdrawn, the Union will not be liable for any legal costs or expenses you subsequently incur.

- 10.** Usdaw can refuse to pay your legal bills and those of other parties and can require you to pay to the Union any sums it has paid out on your behalf if costs are awarded against you or are not recovered because of:
- Your own false statements.
  - There is a finding that part of, or all of the claim is fundamentally dishonest.
  - You have deliberately concealed or failed to disclose important information.
  - Your unreasonable actions or failure to act after legal proceedings have been commenced.
  - A settlement being made by you without the knowledge and/or approval of the Union.
- 11.** In an employment tribunal claim Usdaw will not meet any costs awarded against you when:
- You have been given a costs warning by the tribunal and/or ordered to pay a deposit.
  - You have been advised by the Union that the prospects of success are poor and there is a risk of costs being awarded against you.
  - The tribunal has awarded costs because of your dishonesty or unreasonable conduct.
- 12.** In prosecution cases solicitors will be instructed to give preliminary advice as to assess whether there is a defence to the charge.
- Legal assistance will only be continued if the solicitors advise that there are reasonable prospects of a defence to the charge.
  - Members are required to apply for State Legal Aid at the earliest opportunity.
- 13.** You must co-operate with your solicitors in recovering legal costs including any success fee or additional amount from your opponent.
- 14.** If you settle the claim outside the terms of this Agreement then you agree that you will pay the costs and any additional amount due to Usdaw and its solicitors for the work done by them, if necessary from your compensation or your new solicitors' costs.
- 15.** By accepting Usdaw legal assistance you agree that should there be any arrears of Union contributions at the date compensation is agreed in your favour; the Union and/or its solicitors may deduct the amount of the arrears from the compensation.
- 16.** Family members must also comply with these rules and the member must maintain their Union membership and remain up-to-date with contributions.
- 17.** Assistance will not be granted to a family member if they are employed in a company where Usdaw is recognised for any purpose and they should have been in membership.



The rules are set out in the Legal Plus Members' Handbook, which all members are given by the solicitors when they start an injury claim.

Once legal assistance has been granted the member's case will be investigated. Cases are kept under review to ensure that members continue to comply with the rules and that their case continues to enjoy reasonable prospects of success.

For more information visit:  
[www.usdaw.org.uk/legalplus](http://www.usdaw.org.uk/legalplus)

## Special Circumstances

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A request for legal assistance will be refused if it relates to something which happened before the member joined Usdaw.

But there are sometimes special circumstances when help may be given. For example:

- Industrial disease cases (like asbestosis or industrial deafness) caused by work before the member joined Usdaw but discovered afterwards. These cases will be looked at very sympathetically.
- When the member has applied to join and/or has paid contributions but things have gone wrong with the administration.

If you think there are special circumstances to be taken into consideration or if you or your branch thinks a refusal of legal assistance is unfair, write to the Legal Department and they will look at all the circumstances again.



# How Members Can Access Legal Plus

**This section tells you how your members can access Legal Plus:**

- FirstCall Usdaw – Free Accident Claim Line.
- Accessing the BL scheme.

**The Union relies on our reps to ensure that members know how to access legal assistance when they need it. Organising for Legal Plus outlines the steps you can take to get that message across.**



## FirstCall Usdaw – Free Accident Claim Cover

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Making a claim is easy. Free, honest legal assistance for accident and injury claims.

The Usdaw service gives members free access to legal assistance for accident and injury cases. Family members living with you, who are involved in any non-work related accident should also go through FirstCall Usdaw.

**The service is open 24/7 every day of the year.**

A member can call FirstCall Usdaw **0800 055 6333** and, after a quick membership check, they will be passed through to a solicitor immediately. Alternatively, they can complete the form on the Usdaw website.

FirstCall Usdaw **0800 055 6333** is the number to ring to start a claim for:

- Any accident or injury to the member.
- Work-related condition or industrial disease of a member.
- CICA claim if member is a victim of violent crime.

### FirstCall Usdaw...

- Is NOT a general helpline.
  - Should NOT be used to enquire about the progress of the case.
  - Should NOT be used to apply for any other kind of legal assistance.
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- Accidents and injuries outside of the UK whilst on a package holiday\*.
  - Members' family living with them for any non-work related accident, including accident and injury outside the UK whilst on a package holiday\*
  - A fatal accident of a member. When a member is killed in an accident, the Union will help that member's family whether or not the family are Usdaw members.
  - More information about FirstCall Usdaw can be found on the website: [www.usdaw.org.uk/FirstCall](http://www.usdaw.org.uk/FirstCall)

\*Package holiday claims mean accidents, injuries or other personal injury claims covered under the Package Travel, Package Holidays and Package Tours Regulations 1992.

## Free Accident Helpline - 24/7

If a member has an accident, injury or disease they can just call FirstCall Usdaw to get the claim started.

**Call 0800 055 6333 or complete the form on the Usdaw website.**

The member should be ready to provide:

- Name and address.
- Phone and email contact details.
- Date of birth.
- Date of accident.
- Brief description of the injuries suffered.
- Membership number if it is to hand.
- The claim will be logged and the member will be given a case number and put through to an Usdaw solicitor straight away.

## Use FirstCall Usdaw...

To start all accident and injury claims - including CICA claims, claims for non-work related accidents for family members that live with you and package holiday claims\*.

- The Usdaw solicitor will ask for confirmation of the member's details again, together with the case number, provided by FirstCall Usdaw. The member should be prepared for this, as it is a legal requirement that all information is provided to the solicitor by the member and not by any third party (including Usdaw).
- Only use FirstCall Usdaw to start a claim.
- Do not use this number for any other enquiries or existing claims. After the claim has been logged, use the solicitor's number.

## Eligibility Problems

If there is a problem locating membership or regarding eligibility, the member will be put straight through to the Legal Department.

\*Package holiday claims mean accidents, injuries or other personal injury claims covered under the Package Travel, Package Holidays and Package Tours Regulations 1992.



## Face to Face Contact – The Reps

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Usdaw reps are the face of Usdaw in the workplace and should continue to keep on top of the accidents in their workplaces to ensure that:

- The member is properly looked after at the time.
- The health and safety issues are covered.
- The member makes a claim through FirstCall Usdaw and knows they have their reps' support.

FirstCall Usdaw **0800 055 6333** is the number to ring to start a claim. Alternatively, complete the form on the Usdaw website.

## How to Get Legal Assistance for Wills, Problems Not Connected to Work, Probate, Conveyancing and Prosecutions

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We are continuing to improve how we offer these services to our members.

You can always telephone the Legal Department (during office hours) to start things off – call **0161 249 2477**. Out of hours requests for assistance can be lodged using the Usdaw Helpline – **0800 030 80 30**.

It is now also possible to apply for assistance for non-work related issues (BL3) and Prosecutions (BL6) online at: [www.usdaw.org.uk](http://www.usdaw.org.uk)

Search for BL3 or BL6 in the top right hand corner of the Usdaw website and the form will be available.

## Free Will Applications (Members and Their Partners)

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Members can call the Legal Department (during office hours) to start things off – call **0161 249 2477**. Out of hours requests for assistance can be lodged using the Usdaw Helpline – **0800 030 80 30**.



Alternatively, you can apply for a Free Will online at: [www.usdaw.org.uk](http://www.usdaw.org.uk)

Search BL4 in the top right hand corner of the Usdaw website and the form will be available.

**Remember – to start an accident or an injury case, use the FirstCall Usdaw number: 0800 055 6333 or the form on the Usdaw website.**



## Completing the BL Forms

Many of your members may be frightened off by the thought of filling in a form, although more and more people are now used to completing documents online. Some members have difficulty in reading and writing English and may be too embarrassed to fill in the form or ask for help.

This is where a Union rep who knows the members well can be a real asset. Offer to help the member fill in the form, as this can encourage a member to seek assistance and shows the Union as a sympathetic, caring team. We will always be sensitive to the difficulties of members.

If in any doubt, telephone  
**0161 249 2477.**

Where members do not have English as their first language there may be special problems. Can someone in the workplace who speaks both English and the member's first language help to explain the service on offer and complete the form?

If a member has special language difficulties, please let the Legal Department know of the best way of writing to the member. Some members may have a disability which makes communication difficult. For example, they may have a hearing impairment which means they find the telephone difficult to use, or they may need a signer. Visually impaired members may need large print documents. Please tell the Legal Department about such disabilities and we will do our best to help.

## How to Get Assistance in Employment Cases

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The Usdaw aim is to resolve employment matters under the procedures in the workplace.

Employment cases will usually be dealt with by Usdaw reps in the workplace supported by the Area Organisers. The Usdaw Legal Department will support and advise reps and officials.

If a grievance or a disciplinary matter cannot be resolved under the workplace procedures, then the member may wish to make a claim to the tribunal.

Tribunal cases are usually dealt with by the Area Organiser and the Usdaw Legal Department. The Legal Department may refer some cases to our panel of solicitors but that is unusual. The Head of Legal Services decides whether and by whom the member will be represented.

If a member needs legal assistance for an employment matter, they must complete a Member Pack which they can obtain from their local Usdaw office.

In employment cases it is important that members and reps understand the disciplinary and grievance procedures in operation by their own employer and use them.

Members and reps must also be aware of the tribunal time limits and that claims to tribunal must generally be submitted within three months less one day from the date of a dismissal or the event giving rise to the member's complaint.

See pages 67-70 for further information.

**The Usdaw aim is to resolve employment matters under the procedures in the workplace...**

If a member needs legal assistance for an employment matter, they must complete a Member Pack which they can obtain from their local Usdaw office.



# Getting Organised for Legal Plus

**Getting organised for Legal Plus means having a system in your workplace which:**

- Tells members about Legal Plus.
- Tells members how to access it.
- Supports members through their claim.
- Uses Legal Plus effectively to support recruitment and celebrate success.

## Telling Members About Legal Plus

- Legal Plus is free to all members from the day they join. They must be a fully paid up member of the Union at the time of the accident. The accident must not pre-date their membership.
- Make sure that the noticeboard is up-to-date and contains the:
  - *FirstCall Usdaw poster (R40).*
  - *Looking After You and Your Family (Leaflet 312) and poster (R10).*
  - Member's letters of endorsement after having used FirstCall Usdaw.

- Make sure that all your members have the FirstCall Usdaw card. Circulate these regularly together with FirstCall Usdaw leaflets.
- The Usdaw website will advise you about the latest leaflets.
- Also, note that branch funds are not used to pay for Legal Plus or FirstCall Usdaw items. They are paid for separately at Usdaw's Head Office.
- Make sure that all reps and activists understand why Usdaw Legal Plus is a good reason to join the Union and spread the word.
- Make sure that you celebrate the Legal Plus successes in your workplace and ask members who have benefited to participate in spreading the word. Also, encourage members who have benefited to participate in publicity through the Union's *Arena* magazine.

### Using Legal Plus as a Recruitment Tool

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- Legal Plus saves members thousands of pounds - for example, in Personal Injury claims, Usdaw guarantees that the member will recover 100% compensation, where high street private solicitors can take up to 25% of the compensation.
- Make sure that all reps and activists know the range of Legal Plus benefits and spread the word to members and potential members. The leaflet *Looking After You and Your Family (Lft 312)* gives full details of the services available.
- Consider using Legal Plus initiatives in special recruitment drives and by organising a Legal Plus day through your Area Organiser.

#### Legal Plus saves members thousands of pounds...

For example, in Personal Injury claims, Usdaw guarantees that the member will recover 100% compensation, where high street private solicitors can take up to 25% of the compensation.



## Telling Members How to Access Legal Plus

**Accident, Disease and Injury Cases – Call FirstCall Usdaw 0800 055 6333 or use the form on the Usdaw website.**

- Make sure the noticeboard carries the *FirstCall Usdaw poster (R40)*.
- Make sure all your members have the FirstCall Usdaw card – it is usually attached to the Arena magazine twice a year. Having a few cards for distribution at your workplace is also good practice.

### Employment Matters

- Pages 67 to 70 of this Handbook deal with employment matters, specifically how to:
  - Contact the Usdaw rep.
  - Contact the Area Organiser.

### Other Legal Issues – Wills, Prosecutions, Probate, Conveyancing, Legal Advice

- Make sure the noticeboard tells members how to access other services. See page 19 of this Handbook for further details of how to apply.

## Supporting Members Through the Claim

- Some members may need help in completing forms or in responding to the Legal Department or the Union's solicitors.
- In Personal Injury cases solicitors may need your help in:
  - Tracking down witnesses.
  - Getting evidence, including details of previous similar accidents or complaints.
  - Getting health and safety documents and accident reports.
  - Understanding the practices in your workplace.
- Some members may feel that they are not being well looked after by the solicitors or the Legal Department – we may need your help in dealing with any complaints or problems.
- The Legal Department will also be happy to deal with any issues you have which can help you and your members.

## Staying Organised for Legal Plus

- Make Legal Plus a regular agenda item for your Shop Steward or rep team meetings.
- At the team meetings have a quiz or some other exercise to check that reps are confident they know about FirstCall Usdaw and the range of Usdaw Legal Plus services.
- Check that your leaflet stocks are up-to-date.
- Send to the Legal Department any ideas for promoting Legal Plus and improving the service or its delivery.

### Do your members know how to access Legal Plus?

Make sure the noticeboard displays the *FirstCall Usdaw poster (R40)*.

Also, make sure that all your members have the FirstCall Usdaw card - it is usually attached to the *Arena* magazine twice a year. Having a few cards for distribution at your workplace is also good practice.

## Checklist

Telling Members About Legal Plus	Applying for Assistance
Are reps and activists up-to-date on the whole range of Legal Plus services and FirstCall Usdaw? <input type="checkbox"/>	Does every member know about FirstCall Usdaw? <input type="checkbox"/>
Do you attend staff inductions and highlight Legal Plus? <input type="checkbox"/>	Is help on hand for members in obtaining advice? <input type="checkbox"/>
Do you distribute the FirstCall Usdaw card and Legal Plus leaflets to both new and existing members regularly? <input type="checkbox"/>	How would any special needs be met? <input type="checkbox"/>
Do you use your noticeboard to advertise Legal Plus and FirstCall Usdaw? <input type="checkbox"/>	Do you know what to do in an emergency situation, i.e. call the Legal Department? <input type="checkbox"/>
Do you hold briefing sessions for all members on Usdaw benefits - including Legal Plus? <input type="checkbox"/>	Do your members know where to turn to for support at branch level during the course of a case? <input type="checkbox"/>
Do you publicise Usdaw success stories? <input type="checkbox"/>	
Have you considered a special Legal Plus event? <input type="checkbox"/>	



# Usdaw Legal Plus – A Good Reason to Join the Union

This section gives you some ideas to use when recruiting new members.

## Reps Use Legal Plus to Recruit New Members

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### *We Are Proud of Usdaw Legal Plus*

- Free service from the day you join.
- Wide range of services – accidents, Wills, employment, conveyancing, probate, prosecutions, non-work related matters.
- Keep 100% of your compensation.
- No hidden charges.
- One team approach:
  - Reps and stewards.
  - Area Organisers.
  - Legal Department.
  - Solicitors.
- Knowledge and experience of the companies and industries where Usdaw members work.

- Expert panel of Personal Injury lawyers – committed – specialist – great track record.
- Quality – standards monitored.
- We work for people not profits.

Here are some other things you can say to members when talking about Legal Plus:

### ***Legal Plus – The Range***

- Accident, injury and disease claims.
- Victims of violence – CICA claims.
- Employment.
- Wills.
- Conveyancing – discounted rates.
- Probate – discounted rates.
- Non-work related cases – free advice.
- Prosecutions – related to work.

### ***You Cannot Afford to be Without it***

Thousands of members have needed Usdaw Legal Plus.

The Union deals with more than 11,000 requests for legal assistance every year.

That’s about one case for every 30 members.

On average, over £15 million is recovered for Usdaw members every year.

Almost 5,000 members also took advantage of the free legal advice and free Will services.

### ***Choosing a Solicitor to Handle Your Accident Claim – Don’t Trust Luck***

- Usdaw solicitors specialise in industrial accident cases and know about Usdaw’s companies.
- Usdaw solicitors work to standards set and monitored by the Union under our Legal Services Agreement and Solicitors Charter.
- Usdaw solicitors are committed to Usdaw and we trust their loyalty to represent the best interests of our members.
- Usdaw solicitors value you as an important individual client but also collectively Usdaw is a very powerful client.

### **Usdaw's Support Team**

It's not only the lawyers who will be working on your accident case – there is the whole of the Usdaw support team – Shop Stewards and Health and Safety Reps helping to find the evidence on the ground.

### **Be Careful of No Win, No Fee Lawyers**

- There can be hidden costs:
  - Insurance policies to pay for.
  - Own solicitor costs and legal expenses.
- They may retain up to 25% of your compensation.
- In the private sector there are lots of people who want a slice of profit from your claim:
  - Insurance companies who sell policies.
  - Solicitors.
- Only take on the best cases.
- Take the first but not necessarily the best offer.
- They may not deal with low value claims, especially road traffic whiplash injuries.

### **Usdaw Works for People Not Profits**

Private solicitors may have a financial limit or cap on the amount of time and money they will spend on investigating and dealing with a claim – Usdaw solicitors do not.

#### **You cannot afford to be without Usdaw Legal Plus...**

Thousands of members have needed Usdaw Legal Plus.

The Union deals with more than 11,000 requests for legal assistance every year.

That's about one case for every 30 members.

On average, over £15 million is recovered for Usdaw members every year.

Almost 5,000 members also took advantage of the free legal advice and free Will services.



## Usdaw Solicitors' Charter

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1. Usdaw solicitors specialise in Personal Injury work and are committed to Usdaw.
2. Usdaw solicitors will act in the best interests of the member and the Union.
3. Usdaw solicitors shall at all times behave and act in a manner which will uphold the reputation of Usdaw and the Usdaw legal services.
4. Usdaw solicitors will ensure that the member feels well looked after in the process of the claim.
5. Usdaw solicitors will ensure that their staff have up-to-date training and expertise to deliver the Usdaw legal service.
6. Usdaw solicitors will tell the member who is dealing with their case.
7. Usdaw solicitors will be polite and considerate in their dealings with members.
8. Usdaw solicitors will ensure that their staff are aware of discrimination issues and treat members fairly and will not discriminate on the grounds of sex, race, sexuality, age, disability, religion or belief.
9. Usdaw solicitors will make special arrangements to meet the servicing needs of a member with a disability insofar as it is reasonably practicable to do so.
10. Usdaw solicitors will keep members informed of all developments in their case and will communicate clearly in plain English and avoid legal jargon.
11. Usdaw solicitors will return members' telephone calls on the day of the call or, if that is not possible, will telephone to explain why and tell the member when their call will be returned.
12. Usdaw solicitors will respond to members' emails and letters as soon as possible and not later than five working days after receipt.
13. Usdaw solicitors will explain to members the funding arrangements of the case.
14. Usdaw solicitors will have a complaints procedure which a member may use if they are dissatisfied with the service they have had.
15. Usdaw solicitors will encourage their own staff to join a trade union.



# How to Make Legal Plus Even Better – The Complaints Procedure

**This section tells you and your members how to make complaints and give feedback.**

We aim to give members a great service and to have no complaints but we accept that sometimes things can go wrong.

Our aim is to make the service even better.

## **Improving the Service**

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The Legal Department wants reps to feedback on the delivery of Legal Plus. We want to offer the best possible service to members.

If you have a good idea for improving things, please let us know.

If you think that your members are not receiving the best service from a firm on the panel, please let us know.

Please contact the Legal Department, at Usdaw's Head Office, on **0161 224 2804**.

## Individual Complaints

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This is what your members should do if they have a particular complaint about how their case is being handled or has been dealt with.

## Granting and Withdrawing Assistance

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If the complaint is that we have refused to grant the member, or a member of their family, legal assistance or that we have withdrawn assistance, then the member should appeal that decision by:

1. Writing to the Head of Legal Services at Usdaw Head Office, Voyager Building, 2 Furness Quay, Salford Quays, Manchester M50 3XZ giving full details of the appeal.
2. The appeal will be considered by the Head of Legal Services or Deputy Head of Legal Services, usually by way of a file review and the member will receive a response within four weeks or an explanation for any delay, in which case the member will be given a date when they can expect a response.

3. The decision of the Head of Legal Services on the granting, refusal or withdrawal of legal assistance is final.

### Improving Usdaw Legal Plus...

Our aim is to offer the best possible service to members and to have no complaints, but we accept that sometimes things can go wrong.

If you have a good idea for improving things, please let us know.

If you think that your members are not receiving the best service from a firm on the panel, please let us know.

## How the Legal Department Has Conducted the Case

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If the member has been granted assistance and the complaint is about the way the Legal Department staff have conducted the case, then the member should:

1. Put that complaint in writing, giving full details, and send it to the Head of Legal Services, Usdaw Head Office, Voyager Building, 2 Furness Quay, Salford Quays, Manchester M50 3XZ.
2. The Head of Legal Services will investigate the complaint, usually by way of a file review.
3. The Head of Legal Services will respond to the complaint within four weeks. If the enquiry is not completed within that timescale the member will be told of the delay and given a date when he/she can expect a response.
4. If the member has a complaint about the Head of Legal Services, or is dissatisfied with the response, the member should make a further complaint in writing to the General Secretary within two weeks, giving full details.
5. The General Secretary will investigate the matter, usually by way of a file review, and respond to the member within four weeks. If the General Secretary is unable to complete his enquiry within that timeframe he will write to the member to explain the delay and give a date when the member can expect a response.

## How an Area Organiser Has Conducted a Case

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If the member has been granted assistance and the complaint is about the way their full-time official has conducted the case, then the member should:

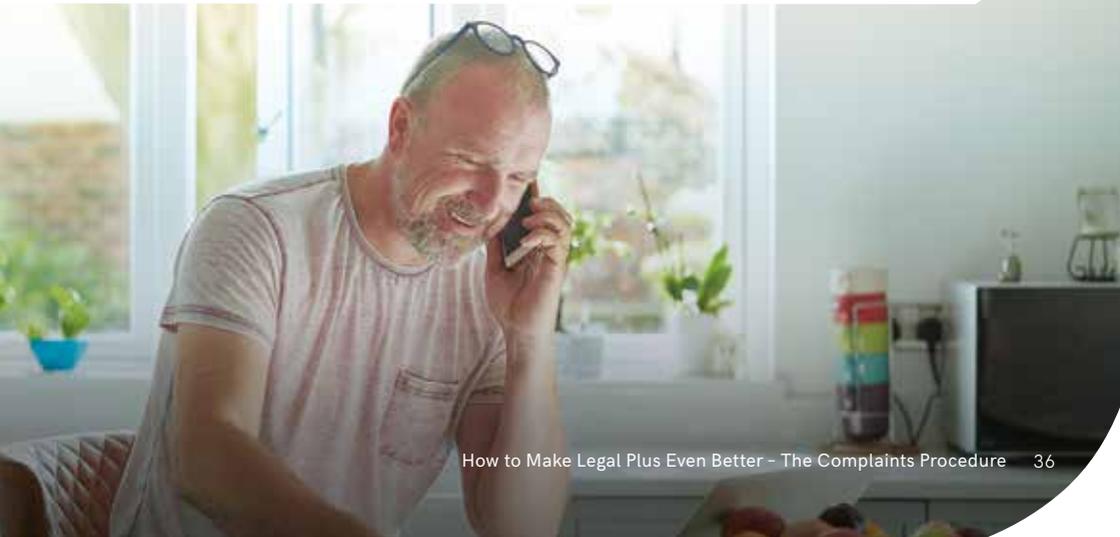
1. First contact the official concerned and try to resolve the matter informally.
2. If not resolved, put the complaint in writing to the Regional Secretary who will usually respond within 21 days.
3. If the member remains dissatisfied with the Regional Secretary's response, within 10 days they should refer the matter in writing to the General Secretary giving full details of the complaint.
4. The General Secretary will usually respond within 21 days.

## Complaints About Solicitors

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If a member is not satisfied with the service provided by the appointed solicitor they should:

1. First try to resolve it directly with the solicitors involved.
2. If still unresolved the member should write to the Legal Department and we will try and assist in resolving matters.
3. If the member remains dissatisfied, they should ask the solicitors for a copy of their formal complaints procedure and lodge a complaint. They should also write to the Deputy Head of Legal Services.





# The Legal Background to Accident Claims

**This section gives you some legal background to accident claims.**

You do not need to learn in detail about the law, but it is useful to know some basic principles. This will make it easier to get the evidence, find witnesses and explain what is happening to the member. It will also help you to understand the role of Usdaw reps.

Most cases are settled by negotiation and compensation is obtained without the need to go to court. The more evidence the Union has that the accident was the fault of someone other than the member, the quicker the case will be sorted out.

## **Who is Involved?**

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In a typical accident case the parties are usually:

- **The Claimant** - the person who is injured and who is making the claim for compensation.
- **The Defendant** - the person being blamed for the accident and from whom compensation is claimed.

The Defendant is usually the employer, but for many Usdaw members it could be someone else, for example:

- If a courier falls down some broken steps in a block of council flats, the local authority could be to blame.
- If a lorry driver is injured in a road traffic accident, the other driver could be to blame.
- If a delivery driver is bitten by a customer's dog, the customer could be to blame.

Sometimes there could be more than one Defendant. It is important that we identify the right Defendant, or all Defendants, early on.

Remember, an accident or injury in the workplace does not necessarily mean the member will be entitled to compensation. Blame or negligence needs to be attributed to another person or employer. The Usdaw solicitors will make that assessment. More details on the next page.

## **Injury by a Workmate (Vicarious Liability)**

---

Often a member will be injured because of something done by a workmate. Usually the claim is not against that workmate but against the employer. This is because the employer is legally liable for injury caused by their workers in the course of their work. This is called vicarious liability of the employer.

For example, if Fred is employed by Superstores Ltd and Susan is injured by Fred's carelessness at work, Superstores Ltd will probably be liable to pay Susan compensation.

If Fred was not 'acting in the course of his employment' but was guilty of 'horseplay', then the employers (Superstores Ltd) may not be liable to Susan.

But if Superstores Ltd should have known Fred was a 'practical joker' then the employer may still be liable, if they failed to make sure Susan worked with properly supervised staff.

Union reps and members should identify everyone involved in the accident if they can. They need to keep this information safe to pass on to the Union solicitors. The solicitors will sort out who to claim against.

## Time Limits

---

The time that you have to bring a claim in the UK is known as the 'Limitation Period'. It is usually three years from the date of the accident so you must have commenced proceedings in the courts before the third anniversary of the accident.

This time countdown does not apply to children until they reach 18; the three years to issue proceedings commences from the child's 18th birthday.

For example, if a member has an accident on 1 July 2021, they must issue court proceedings no later than 30 June 2024.

In accident cases the general rule is that the three year period starts running from the day the member was injured.

In disease cases the period may be extended to run from the day the member knew (or should reasonably have known) that the disease was connected with work.

So, for some industrial diseases (such as deafness or cancer from asbestos) a member may not know until several years after the initial exposure that they have suffered long-term damage. The three year limitation period starts running from the day they get this knowledge.

Even if a member is outside the three year limitation period, the Court has discretion to allow a late claim to be made. But permission will be refused in all but exceptional cases.

The golden rule is to **make a claim as early as you can**. The sooner the evidence can be investigated, the greater the prospects of success. If a member delays putting in a claim, then the evidence will be more difficult to establish as memories of witnesses fade and conditions on-site change.

The Union has set up the FirstCall Usdaw **0800 055 6333** number to make claiming as quick and easy as possible. Alternatively, use the form on the Usdaw website.

## The Rules of Negligence – Duty, Breach and Damage

---

To win a claim for an injured member, we have to prove that the Defendant is legally negligent. This means we have to show that:

- The Defendant had a duty of care to our member.
- The Defendant was in breach of that duty.
- The breach caused the injury to our member.
- It was reasonably foreseeable that the breach would cause the injury.

## Duty of Care

---

Employers have a legal duty to take reasonable care for the safety and health of their employees at work. This duty is found in:

- Acts of Parliament and Regulations – statutory duty.
- Decisions of Judges in previous legal cases – common law duty.

People other than the employer can have a duty of care and have responsibility for the safety of members. The obvious examples are the responsibility owed by householders to visitors and by drivers to other road users.

## Breach of Duty of Care

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A breach of duty is where the Defendant:

- Has done something which ought not to have been done, or
- Has not done something which ought to have been done.

Sometimes the breach of duty will be obvious. On other occasions the help of a qualified engineer or other expert will be required to prove the breach.

We always need the help and advice of the Union rep as to what should or should not have been done, based on your experience. No one else has your practical knowledge of the job and the workplace.

Your expertise must not be underestimated. When the Union solicitor contacts you about a member's claim, always tell them what happened and why this fell short of good practice. Do not assume the solicitors will pick up points which are obvious to you without being told about them.

## Injury or Damage

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The Claimant must establish:

- That the disease/injury and loss to the member were caused by the accident and/or the conditions at work.
- The extent of the injuries/disease and its effects on the life of the member.

The Usdaw solicitors will usually instruct a medical consultant for a medical examination. The consultant will prepare a report saying:

- What injuries have been suffered and their effects.
- How long the injuries will last.
- Whether the injuries were caused by the accident or conditions at work.

All these matters – duty, breach and damage – must be proved by the person bringing the claim.

## Compensation

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If the member wins a legal case after being injured at work, they will get money in compensation. This compensation is called damages. There are two kinds of damages and people usually get compensation made up of both kinds:

### General Damages

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This is compensation for the following things:

- Pain and suffering: that is, the injury itself, and the pain and 'mental stress' associated with it.
- Loss of amenity: that is, the reduction in enjoyment of life because of the injury, for example, the member can no longer play sport, or do DIY or gardening.
- Loss of future earnings: that is the estimated loss of future wages in the present job if they have to stop work because of the injury.
- Loss of earning capacity: that is, the risk of financial loss if the injury has made it hard to find another job in the future.

## Special Damages

---

This is compensation to reimburse the member for actual financial loss and can include the following things:

- Loss of earnings: that is, lost wages while they were off work because of the accident.
- The cost of any medical treatment.
- Expenses, for example, travel to and from hospital.
- The value of any damage such as torn clothing, etc.
- The cost of any domestic help.
- The cost of any special equipment or aids.

If the member gets State Benefits because of the injury, the total amount of benefits they get may be deducted from the special damages and paid back to the Department for Work and Pensions.

### Your expertise must not be underestimated...

When the Union solicitor contacts you about a member's claim, always tell them what happened and why this fell short of good practice. Do not assume the solicitors will pick up points which are obvious to you without being told about them.



### 'How Much Will I Get?'

At some stage in the legal claim the member may well ask this question. The amount of compensation a member will get depends on:

- How badly they were injured.
- How long-term their injury is.
- How long they are off work.
- How their future prospects of work are affected.
- How much they get paid.
- How much in State Benefits has to be repaid.
- The 'litigation risk': that is, the risk of losing the case if it went to trial (most claims settle out of court).

In some cases the injured person may have been partly to blame for the accident. This is called contributory negligence. Compensation can be reduced by the amount they were to blame. For example, if it is held that the member was 20% to blame for the accident and the employer was 80% to blame, then the compensation will be reduced by 20%.

No two cases are alike and each case has to be looked at individually. It is impossible to assess the financial value of a claim until the enquiries are completed as to:

- Medical evidence.
- Wage loss.
- Litigation risk.
- Contributory negligence.



# What Usdaw Reps Should Do After an Accident

**Usdaw reps – Shop Stewards and Health and Safety Reps – play an important part in building a strong legal case for an injured member.**

They can also help to ensure management take the necessary steps to prevent similar accidents happening in the future.

In this section we look at:

- How you can help to gather vital evidence.
- How to protect members and witnesses from unreasonable management pressure.
- How to support the member from start to finish in their legal claim.



## You're Twice as Safe in Usdaw

Independent research shows that union safety reps do make a difference. Workplaces with trade union safety reps are twice as safe as those where there is no employee consultation on safety. Usdaw safety reps can investigate hazards, inspect the workplace and take up issues on behalf of the members.

	Injury rate per 1,000 workers
Joint Union - Management Committee	5.3
No Union - No Committee	10.9
Committee - No Union	6.9

Source: British Journal of Industrial Relations Vol. 33.2 1995

By using their legal powers to work with management, Usdaw safety reps can make your workplace safer and healthier. Usdaw safety reps are backed by experienced officials and have access to expert advice and quality training.

Members should always be encouraged to raise any concerns about health and safety at work with their Usdaw Health and Safety Rep.

Active safety reps can also help to make it easier to win a claim if something does go wrong and a member is injured.

## Proof and Evidence

It is not enough simply to prove that the accident happened at work. To get compensation the Claimant must prove 'on the balance of probabilities' that the accident was the Defendant's fault. Usually this means we have to prove that the employer was to blame.

Proof means evidence. The Defendant does not have to do anything until faced with the Union's evidence. Getting that evidence is essential to the success of a claim. Union reps and officials have a crucial job in helping to gather the evidence.

The solicitors need two kinds of evidence:

- Evidence of how the accident happened (what caused the accident?).
- Evidence of the background to the accident (should the employer have reasonably foreseen the accident?).

## Evidence of How the Accident Happened – Causation

---

The faster you can investigate what caused the accident, the better the chances of getting all the relevant evidence. It could be some time before the Legal Department or its solicitors can investigate an accident. By then the trail could be cold. It can also be a long time before the claim is finally settled or goes to court. By then everything may have changed, so a proper investigation made at the time is vital.

Union reps at the workplace have the advantage of being on the spot. Health and Safety Reps have the legal right to investigate accidents. But whoever investigates should get as much evidence as possible.

Use Usdaw form HS3 to help you investigate the accident. Keep a copy safe to pass on to the Union solicitors if they contact you about a member's claim.

## Here Are Some Ways of Getting Evidence

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- Inspect the scene of the accident and look for spillages, obstructions, broken flooring, defective equipment, poor lighting, etc., and make a note of what you find.
- Take photographs if you can or make a clear sketch of the scene, the equipment, etc.

- Weigh or measure any items involved in lifting accidents.
- Interview witnesses who saw the accident happen and get their names and addresses. Get them to describe clearly and accurately what they saw. A good test for a clear statement is whether you understand it. Do not be afraid to ask a witness to clarify a point.

It is important to put a date on your inspections, photographs, sketches and statements. The closer to the time of the accident a piece of evidence is, the more reliable it will be. Keep all your evidence neat and safe and pass it on to the solicitors as soon as possible.

The Union rep needs to be able to make an immediate investigation. Make sure that management inform you when there is an accident and that members also report incidents to you.

## Keeping the Evidence

---

Accidents often happen because a piece of equipment is faulty or damaged. This equipment can be vital evidence and it may need to be inspected later. Usdaw reps should make sure:

- It is not thrown away.
- It is not tampered with.
- It is kept in a safe place so both the company and the Union can have access to it.

If an item must be repaired urgently, it should be thoroughly examined and photographed, if possible, before any work is done on it. This applies to the structure of a building too. Tell the solicitors about such evidence and whether it is in danger of being removed, repaired or destroyed.

### The 'Accident Book'

---

The 'Accident Book' is a very important piece of evidence which is always used in accident cases. The onus is on the member who had the accident to ask for the record to be entered in the Accident Book. The employer cannot refuse to allow a member to make an entry if they ask to do so. Usdaw reps should make sure the accident is entered and entered accurately. If the member does not agree with the entry, get it changed. If the company will not change it, then write to them:

- Protest at their refusal to change it.
- Ask them again to change it.
- Tell them what it should say.
- Keep a copy of your letter.

Make sure that the Accident Book entry, or your letter, contains:

- The name and address of the member who was injured.
- The date and time of the event.
- A brief and accurate description of what happened.
- Names of any witnesses.

Health and Safety Reps can examine previous accident reports to look for similar incidents. Follow the same procedure with any other company records you can check. Take copies of all the records you can and send them to the solicitors.

### Evidence of the Background to the Accident – Foreseeability

---

Getting evidence of what actually happened is important. But we also need to show that the employer (or other Defendant) should have known that it was likely to happen and that it would cause injury. The test used by the Court is whether a 'reasonable person' would have anticipated the accident.

Union reps are extremely important in getting such evidence. This evidence will depend very much on the level of health and safety organisation at your workplace. If the Union is weak on health and safety, you are more likely to have accidents and less likely to prove foreseeability.

The important evidence here includes:

- Complaints and warnings.
- Previous similar accidents and near misses.
- Employer's risk assessments.
- Common sense.

## Complaints and Warnings

---

Members need to understand that complaints must be made to management in clear terms. Grumbling with workmates will not do.

If they spot a hazard they should report it to management, preferably in writing, and tell their Usdaw Health and Safety Rep.

The Health and Safety Rep is the key to hazard reporting. If the rep is aware of a hazard they can report it in writing and use their rights to negotiate to reduce the risk.

Ushaw form HS2 has been produced to help Health and Safety Reps to make a written report of a hazard. You should keep a copy of the report form, as this may be a valuable document if an accident happens later.

## Follow Up Complaints

---

Any written evidence, such as letters, health and safety reports etc., showing management have failed to deal with the hazard may be valuable later. Making written complaints has two effects:

- It helps to make the workplace safer because managers are less likely to ignore a written complaint.
- It proves management knew of the hazard before it caused an accident.

Health and safety committee minutes can be valuable evidence as well. The minutes should:

- Record the items raised.
- Identify what action will be taken.
- Identify the manager responsible for taking that action.

## Previous Similar Accidents and Near Misses

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If management know of previous similar accidents, or near misses, this is good evidence that they should have foreseen the accident which actually happened. That is why it is important that members report all accidents and near misses to management.

Also, if workmates have had similar accidents or near misses, encourage them to come forward as witnesses, even if they have not recorded anything in the Accident Book.

## Employer's Risk Assessments

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Under health and safety law employers have a duty to assess any significant risks at work and to keep a record of the assessment.

The record should contain details of the hazard involved, the control measures in place and the workers exposed to the risk.

Health and Safety Reps are entitled to take copies of records of risk assessments. If the risk of a member's injury was foreseeable, then the employer should have done a risk assessment to cover it. Failure to do a risk assessment when one is needed may itself be evidence that the employer was in breach of their duty. On the other hand, if a relevant risk assessment does exist it will be important evidence.

You should check if a risk assessment has been done. If there is no risk assessment this is important information. If there is a risk assessment:

- Get a copy of the risk assessment record.
- Check if it accurately describes the risk.
- Check whether the control measures identified in the assessment were working properly at the time of the accident.
- Raise any problems with the risk assessment in writing – for example, using form HS2 and keeping a record.

Sometimes employers may rely on 'generic' risk assessments covering a wide range of workplaces or work tasks and there may not be a detailed risk assessment for the particular job or piece of equipment involved in the member's accident. However, there should still be written details of safe

systems of work based on the generic risk assessment. For example, most of the large retailers do generic risk assessments for the checkouts in their stores. The safe systems of work based on these assessments are included in the checkout operator manuals they produce.

The instructions on safe operation of the checkout can also be important evidence for the Union's solicitors.

### Common Sense

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Sometimes foreseeability is a matter of common sense. Even if no formal complaints have been made to management or no previous similar accidents are recorded, workmates can tell you:

- What conditions were like generally.
- What conditions were like immediately before or after the accident.
- Whether managers should have known of the hazard, for example, because they walked past it each day.
- What should have been done by management to prevent the accident or to reduce the risk.

So, for example, members may be able to tell you about inadequate cleaning systems, poor manual handling techniques, delays in getting repairs done, etc.

Even if you think a point is obvious, tell the Union solicitors. The lawyers cannot know your workplace like you do and may miss the point if you do not make it clear.

### Protecting the Member and Witnesses from Management

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Most Usdaw reps and full-time officials know that supporting a member and protecting them from management pressure is an important part of defending the member's interests.

The same applies in legal cases.

#### Members should:

- Be encouraged and helped to report accidents to management.
- Make sure accidents are recorded accurately - you can check this with them.
- Refer management requests for information to the solicitors.

#### Members should not:

- Be persuaded to settle their own cases with management or their insurers directly. They should always claim through the Union.
- Be drawn into an inquisition by management.
- Make statements to the company or their insurers once a legal case is underway.

Management may make an immediate investigation of the accident for health and safety purposes. Members should co-operate with any such inquiry, but they should be careful that any statements they make are properly recorded as being a true account of what they wish to say and they should not be pressured into accepting blame or responsibility. Wherever possible, a member should be accompanied by their Usdaw rep to make sure they are properly protected in such an inquiry.



### Supporting the Member

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Fighting a legal case can be very stressful and members can feel isolated. The Legal Department is far away from most members and contact is mainly by letter. It is, therefore, important that members feel they are supported by their Usdaw branch and colleagues.

Witnesses may also need support and encouragement. Sometimes you will have to persuade witnesses to come forward because they do not want to get involved, or because they are afraid of management. It may help you to get a statement from a witness if you remember two things:

- It is in everyone's interest that witnesses come forward so that any dangerous work practices can be stopped. It may be the reluctant witness who has the next accident!

- In reality a legal claim is dealt with by the employer's insurers and management have little to do with the claim.

The most important support to give to members is to make sure they know about the FirstCall Usdaw **0800 055 6333** number, or the form on the Usdaw website, and to get them to use it to start a claim if they do suffer an accident whether it is at work or not.

## Checklist for Reps in an Injury Case

Have you inspected the scene of the accident and completed an Accident Report, for example Usdaw form HS3?

Have you made a sketch or taken photographs?

Have you taken statements:

- From the injured person?
- From any witnesses?
- From other colleagues who can tell you about the background to the accident?

Have you checked the Accident Book report:

- To see if the accident has been reported accurately?
- To add to or change an incomplete or inaccurate entry?

Have you checked previous Accident Book reports to identify similar incidents?

Have you asked that faulty equipment is kept safely?

Do you understand exactly how the accident happened?

How do you, or other workers, think the accident could have been prevented?

Has the member called FirstCall Usdaw 0800 055 6333 to make a claim?

Is the member aware of Statutory Sick Pay (SSP) and other benefits?

Have you thought about what steps can be taken to prevent any future accidents and raised the appropriate health and safety issues?

Are you recording hazards or health and safety problems on Usdaw form HS2?

Have you checked whether there is a relevant risk assessment?



# What the Member Should Do After the Accident

**This section tells you about what the member should do after an accident.**

- Use FirstCall Usdaw to start a claim.
- Recording the accident.
- Keeping the evidence.
- Investigations.
- Medical examinations.
- Benefits claims.

## **The Accident Itself**

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Members need to know what to do if they have an accident - before it happens.

They need to know about the FirstCall Usdaw freephone number and they need to know about the importance of reporting the accident in the Accident Book and telling you as their Union rep.

## FirstCall Usdaw – 0800 055 6333

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- Members should make the free call to start their claim. Alternatively, they can complete the form on the Usdaw website.
- The member should provide:
  - Name and address.
  - Phone and email contact details.
  - Date of birth.
  - Date of accident.
  - Brief description of the injuries suffered.
- If the member has their membership number it will speed up the process – but the membership number is not essential.
- The operator will give the member a case number and transfer them immediately to an Usdaw solicitor.
- If there are any further difficulties in processing the case, the member should call the Legal Department on **0161 249 2473**.

## Reporting the Accident

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Make sure that members in your workplace:

- Tell you about the accident.
- Tell the employer and get it recorded in the Accident Book.
- Check that the Accident Book entry is accurate and to keep a copy of it.
- Ask for your help if there is any problem in getting the correct version of events in the Accident Book.

## Keep the Evidence

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A member who has had an accident needs to know that they must keep any letters, memos, receipts or any other documents that will be useful in their case.

They also need to keep wage slips and make a note of the pay they receive from the employer whilst off work.

They should work with you as their rep to make sure that any tools or equipment which were involved in the accident are not thrown away but are kept safely for future inspection. If vehicles, fork-lift trucks, etc are involved, make sure they have the registration or serial number to identify the vehicle involved.

### Health and Safety Investigation

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The member must co-operate with any reasonable investigation the employer needs to make because of their duties under health and safety law. The purpose of the investigation should be to identify what went wrong and decide what can be done to prevent it happening again. It is important that they stick to the facts about what happened and avoid getting into discussion about who was to blame. They should have their Usdaw rep, or a trusted colleague, present when the manager is interviewing them.

Apart from the accident investigation, members should not make any statements to the company, its insurers, their solicitors, or anyone else acting for the employer in connection with the claim.

### Medical Examinations

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If your employer, their insurance company or solicitor wants to arrange to have the member medically examined, the member should not agree to anything until they have spoken to the Usdaw solicitor or Area Organiser.

The employer may wish to meet the member to discuss their future employment situation. This might include the prospects for returning to work, transferring to different work, or dismissal.

Before the meeting, they may want to arrange a medical examination to assess the member's ability to return to work. Members should co-operate with your employer as fully as possible about this but check with the Union solicitors or Area Organiser. This examination should concentrate solely on their fitness to return to work.

Members should always have an Usdaw rep with them at any meeting with the company about their employment situation.

### Seeing Their Doctor

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Members should be encouraged to see their doctor as soon as possible after the accident so that there is a record of it. This is important because the doctor may be asked to provide a medical report later on.

They should also go back to their doctor if the injury continues to give them trouble, not only to get the proper treatment but also so that there is a record of it.

### **Sick Pay**

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Company sick pay may be payable – this will depend on the terms of the member’s contract.

Statutory Sick Pay (SSP) should be payable through the payroll. If SSP is not paid, the member should query the position with the employer and contact the Benefits Agency.

### **Disablement Benefit**

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Members should claim Disablement Benefit if the injury is still causing problems 15 weeks after their accident, whether or not they have returned to work. To do this they need to get a form from the Department for Work and Pensions (DWP). If they have any difficulty filling in this form, they should contact the Union solicitors dealing with their accident claim. For more information, go to: [www.gov.uk/industrial-injuries-disablement-benefit](http://www.gov.uk/industrial-injuries-disablement-benefit)

The DWP will get a doctor to examine them and assess the degree of disability. The assessment will determine whether they receive any benefit and how much they get. So they must send a copy to the Union solicitors dealing with their claim along with any comments.

The solicitors dealing with the accident claim should also be told if the member’s condition changes after the DWP assessment is made. If there is any need to appeal against the decision of the DWP, the Union solicitors should be able to advise.

### **Claiming Union Benefits**

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Remind members that they may be entitled to Union benefits if they are off sick or unemployed.

### **Warn Your Members About Filming/ Social Media**

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Insurers sometimes obtain evidence of a Claimant’s capabilities, for example, by secretly filming them doing DIY or shopping, if they suspect the Claimant of exaggerating their injuries. The courts can allow such evidence to be used, but expect insurers to show it to the Claimant as soon as possible. The message to members, of course, is to be honest about the extent of their injuries.

Members should also take care if they regularly use social media websites such as Facebook, Twitter, Instagram, etc.

Insurers regularly search these types of websites to look for information they can use against potential Claimants. Numerous examples have been reported where Claimants have embarrassed themselves by commenting on claims they are pursuing.

The best advice we give to members is to always avoid discussing your claim (or commenting on how it is going) or making statements or posts that could contradict your medical evidence on any social media websites.

### Keeping in Touch

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Members must tell us whenever something important happens to them which may affect the case.

Members should tell Usdaw if:

- They change their name.
- They change their address.
- They change their phone number or email address.
- They change or lose their job.
- They stop having their Union contributions deducted from wages.

Members should tell their Usdaw solicitor of any:

- Change of name or contact details.
- Hospital treatment or an operation.
- Medical condition changes.
- New evidence or witnesses.
- Major changes in the way they do their job compared to before the accident.
- Change or loss of job.

### Contacting Usdaw – Use the Case Number

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Members should always use the Usdaw Legal Case Number when they write to or telephone the Union. This is because we deal with thousands of claims and this number helps us to find the file quickly.

The Usdaw Legal Case Number is usually printed in bold type at the top right of an Usdaw letter and will be their name with a six-figure number after it, for example:

**P Smith/14/1234**

**A Choudhry/15/4798**

It is usually better to write than to phone, but if a member has trouble putting what they want to say on paper or email, they do not understand something, or they want to discuss the case with the Usdaw Legal Department, then they are very welcome to do so.

Members and reps are welcome to contact Usdaw to discuss the claim. However, generally they should contact the Usdaw solicitors for any information or advice in respect of the progress of the case.

## Contacting the Usdaw Solicitor

Ustaw solicitors will appoint a named person to deal with the claim.

Address any queries to that person directly. When telephoning or writing to the Usdaw solicitors use their reference number. If this is not available, give them the Usdaw Case Number and the name of the employer.

Make sure the member keeps the contact details of their solicitor in a safe place. Contact the Legal Department if the contact details get lost or the member has any difficulty getting hold of the solicitor.

**Do not use the FirstCall Usdaw number to contact the solicitors once the case is registered.**

## Member's Checklist

Have you called FirstCall Usdaw?

Have you told your Usdaw rep?

Have you reported the accident to management?

Have you recorded the accident in the Accident Book?

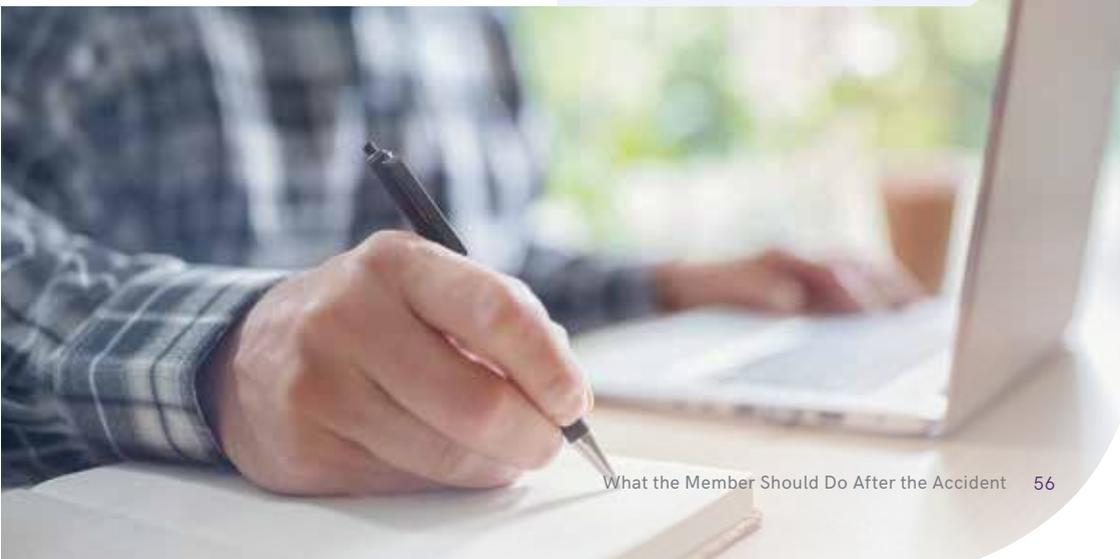
Do you agree with the record?

Have you kept a copy of your Accident Book report?

Have you reported the accident to Jobcentre Plus? Get the appropriate form from them to get it declared an industrial injury.

Is your accident being investigated?

Have you made enquiries at your local Benefits Agency and claimed your full entitlement to State Benefits?





# Criminal Injuries Compensation Authority (CICA) Claims

This section tells you how members should claim compensation when they are the victim of a violent assault or injured in the course of a crime.

## What Are CICA Claims?

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- The CICA is a state-funded scheme set up for the purpose of paying compensation to the innocent victims of violent crime.
- The scheme has a tariff of injuries where common types of injuries are listed and a specific Personal Injury compensation figure has been allocated for each injury.
- In order to be eligible for compensation under the scheme, the injured person must have received an injury with a minimum value of £1,000 or more. This is the minimum award under the tariff system.

- The CICA will require medical confirmation of the injuries which have been sustained, in order to identify firstly that the minimum tariff threshold for an award has been met and, secondly, to identify the appropriate level of compensation to award.
- If the CICA consider that you provoked or willingly participated in the assault, the CICA will withhold or reduce any compensation which may have been payable.
- If the victim of the assault has a criminal record, the CICA can again withhold or reduce any compensation which may have been payable.

### What Can be Claimed?

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- You can claim compensation for the injury.
- You can claim for loss of earnings and special expenses, but only where the loss goes beyond the first 28 weeks.
- The assault must be reported personally to the police by the victim as soon as reasonably practicable, which will usually mean on the same day as the incident occurring, and the crime reference number should be obtained.

### When Might a Claim be Rejected or Compensation Reduced?

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- The claim must generally be made to the CICA within two years of the date of the assault. If made after two years the CICA will reject it, unless there are exceptional circumstances. If you miss the time limit for making a claim because you were unaware of the right to claim, this will not generally be sufficient to convince the CICA to allow the late claim.
- It will not usually be sufficient if someone other than the victim reports it, such as your employer, a friend or relative.
- The victim of the assault should attend their GP straightaway to receive appropriate treatment. They may require treatment not just for any physical injuries but also for injuries which may be less obvious, such as stress or shock.

## The Role of the Union Solicitors in Conducting CICA Claims

- CICA claims will be conducted by the Union's solicitors, following the member telephoning FirstCall Usdaw on freephone number **0800 055 6333** or completing the form on the Usdaw website and providing the relevant details.
- The claim will be conducted by the Union solicitors who will submit the online application to the CICA or thereafter advise the member on all matters which may arise during the claim.

## The Role of the Rep in CICA Claims

- Advise the member to call FirstCall Usdaw on **0800 055 6333** or use the form on the Usdaw website to get the claim up and running.
- Ensure that the member has reported the incident personally to the police and obtained the crime reference number. Remember this must be done immediately, on the same day if possible.
- Advise the member that they should attend their GP immediately in order to receive appropriate treatment.
- Ensure that the incident is recorded in the Accident Book as appropriate.
- Support the member throughout the claim.

## What is the CICA Scheme?

The CICA is a state-funded scheme set up for the purpose of paying compensation to the innocent victims of violent crime.

The scheme has a tariff of injuries where common types of injuries are listed and a specific Personal Injury compensation figure has been allocated for each injury.

To be eligible for compensation under the scheme, the injured person must have received an injury with a minimum value of £1,000 or more. This is the minimum award under the tariff system.

The CICA will require medical confirmation of the injuries, in order to identify firstly that the minimum tariff threshold for an award has been met and, secondly, to identify the appropriate level of compensation to award.





# Helping Members Get Back to Work

This section tells you how you can help members get back to work and stay in employment. It deals with rehabilitation and how to use the Equality Act.

## Helping the Member to Get Back to Work

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Normally, the member will want to get back to work as soon as they can after an injury.

If they have suffered a serious injury, recovery can take some time. If they are disabled as a result of the injury there may need to be changes to the work they do or to the workplace to enable them to get back. Research shows the longer the person stays off, the more difficult it is for them to get back into work of any kind. Every year about 27,000 people are forced out of work and onto long-term incapacity benefits as a result of work-related injuries and illness.

It can be difficult to manage the return to work. It is important that people are not left on long-term sick leave for too long, but it is also important that they do not feel they are being pressured into returning too early. The member needs to be satisfied that the work will be safe and that they will be able to cope with the job. As their Union rep, you can help to make the rehabilitation process work.

### Keeping In Contact with the Member

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Government advice to employers is that they should keep in regular contact with workers who are off sick. They may need to contact the member for information on their medical condition to find out when they might be able to return and to consider whether any adjustments will be needed to enable them to return. But too much contact from the employer might become intrusive and the member might feel they are being harassed.

Discuss the plans for keeping in contact with the member with management. Keep in touch with the member yourself. You may need to reassure them about management contact,

or you may need to raise concerns with the manager if contact becomes too intrusive. Members may feel more confident if you are present as their Union rep in any meetings with management.

### Helping to Sort Out a Return to Work Plan

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If a member has suffered serious injury or has had to take a long time off, they may need a planned return to work. For example, they may need to start on part-time hours and build up gradually to full-time working. They may need to work on lighter duties for a period. There may need to be changes to the work they can do or to the workplace to allow them to return.

It is important that everyone involved in the plan understands what it involves and that they are clear about any changes or modified duties the member will be doing. It is particularly important that the member understands and accepts the plan. But their manager also needs to be clear - so that they do not try to force the member to work longer hours than agreed or take on heavier work, etc.

In effect the plan has to be negotiated. As an experienced Union rep you can help to make sure that the negotiation is effective and the outcome is clear.

The Union cannot give members medical advice. The member may need to discuss their options with their GP and may need the GP to review any medical advice the company obtains.

### **Monitoring the Return to Work Plan**

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When the member does return to work, continue to monitor the situation to make sure that the return to work plan is effective.

If managers or colleagues start giving the member a hard time, or if managers start trying to get the member to do things that were not agreed in the plan, it may be necessary to protect the member. If the member finds it difficult to cope, even when the plan is being followed, then there will need to be further discussion to make agreed changes to the plan.

### **Keeping Other Members on Board**

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Other members may not understand why the injured member is doing restricted duties. In some cases they may even be hostile to the member and make their return even more difficult.

Try to get other members on side to create a more supportive environment. It is important that they understand that the person is not receiving

'preferential treatment' and that anyone who suffers a serious injury and needs help getting back to work would receive the same support. As the rep you may have detailed knowledge of the member's medical condition. This medical information must be treated in confidence. You should not let the other members know any more about the injured person's health than he or she wants. But, at the same time, you can help to make them understand that the changes to the injured person's work are because of their accident.

### **Using the Equality Act 2010 (EA)**

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Many members who are injured at work will be protected by the Equality Act. Whether or not the member has a disability under the EA, it provides a useful framework to approach the issue of getting members back to work and helping them stay in work.

### **Problem Solving**

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The Act helps members best when they and their rep adopt a problem solving approach. Work with the company and be prepared to do the managers' thinking for them. Come up with solutions that can work for everyone. Look to specialist outside agencies for help and advice, e.g. Disability Employment Adviser at Jobcentre Plus, organisations such as RNIB, Scope, MIND, etc.

Members with a disability have a right not to be treated less favourably and to have reasonable adjustments made to take account of their disability.

### Who is Covered by the EA?

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Disability is a wide concept and goes way beyond people who are deaf, blind or in a wheelchair.

Five key questions the member should ask themselves:

1. Do I have a physical or mental impairment?
2. Is it more than a trivial condition?
3. Has it/will it last a year or more?
4. What would happen if I stopped taking my medication?
5. Does it affect my everyday life:
  - Mobility?
  - Manual dexterity?
  - Lifting everyday things?
  - Co-ordination?
  - Speech?
  - Memory?
  - Hearing?
  - Concentration?
  - Learning and understanding?
  - Eyesight?

If the answers to questions 1-5 above are yes, then they are likely to be covered.

### Reasonable Adjustments – What Can Be Done?

---

Employers have a duty to make reasonable adjustments to take account of the member's disability in a wide range of situations. The best person to ask about what adjustments will be most helpful is the disabled person. You might want to suggest that employers contact an outside agency for expert advice, such as the RNID, but always make sure the disabled person agrees to this and is involved in the process.

Examples of reasonable adjustments include:

- Adjustments to the building.
- Changing elements of the job.
- Using modified tools and equipment.
- Training, mentoring and support.
- Transfer to a new role.
- Changing, reducing or working flexible hours.
- Adapting communication systems to make manuals and instructions accessible.
- Adjustments to sickness absence formula, for example counting disability-related absence separately and making allowance for it.
- Adjustments to redundancy selection criteria.
- Using a reader or interpreter.



## Supporting the Member Back to Work

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Keep asking questions and maintain a creative problem solving approach:

- What's stopping the member getting back as soon as they can?
- What can be done to facilitate their return – reasonable adjustments?
- What can be done to help them stay in work and perform well?

## Helping a Member Stay in Work

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Members who do not make a full recovery from their injuries may need ongoing support to help them stay in work.

They can be vulnerable in a number of situations:

- Attendance management/sick leave.
- Performance and appraisal.
- Capability – ill-health dismissal.
- Redundancy selection.
- Bypassed for promotion or training.

When work-related decisions are being made, ask the following questions:

- Is the action being taken directly because of the member's disability?
- Is the action being taken because of the effect the member's disability has on performance, attendance, flexibility, etc?
- What reasonable adjustments can be made in the circumstances:
  - To enable the member to stay in work?
  - To enable the member to perform well in work?
  - To adapt policies and procedures to take account of the member's condition?

## Sickness Absence

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- Check your sickness absence policy – what does it say about absence related to work-related accidents, diseases or conditions – should particular allowances be made?
- The attendance management formula should be adjusted for disability-related absence and some allowances given.

## Redundancy Selection

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Redundancy selection criteria which are based on sickness absence, flexibility and performance appraisals may put disabled members at a disadvantage. Criteria should be questioned and reasonable adjustments made if a member scores badly because of disability-related factors.

## Ill-Health Dismissals

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A dismissal on the grounds of ill-health which relates to a disability will be discriminatory unless the company has properly explored and exhausted all possible reasonable adjustments - including alternative work.

If dismissal on ill-health grounds cannot be avoided, then ill-health early retirement should be carefully explored.

## Making a Complaint to Tribunal

---

It is our aim to resolve members' grievances and to challenge dismissals under the company procedures.

If we are not able to do that, the member may make a complaint to the employment tribunal.

Contact your Area Organiser if a tribunal claim is being considered.

The tribunal has strict time limits - usually three months less one day of the act complained about. The member must ensure that the claim is lodged in time.

## Representing the Member in Meetings

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Make sure that the member can fully participate in meetings with the company and there are no issues which put them at a disadvantage. Adjustments might include hearing loops, large print documents, a signer, dictaphones, breaks, etc.

### The Equality Act 2010 (EA)

Many members who are injured at work will be protected by the Equality Act. Whether or not the member has a disability under the EA, it provides a useful framework to approach the issue of getting members back to work and helping them stay in work.

The Act helps members best when they and their rep adopt a problem solving approach. Work with the company and be prepared to do the managers' thinking for them. Come up with solutions that can work for everyone.

Members with a disability have a right not to be treated less favourably and to have reasonable adjustments made to take account of their disability.



# What Usdaw Reps Should Do in Employment Cases

**Having a workplace dispute can be a harrowing experience and help and assistance is not far away for our members.**

The Union's aim is to resolve employment disputes through the workplace procedures, but in some matters, further advice or representation may be needed.

You are not on your own and your Area Organiser and the Usdaw Legal Department are on hand to help you if you need any advice, support or information.

Members must:

- Seek advice from their Area Organiser as soon as possible.
- Complete the Employment Member Pack.
- Contact Acas (see opposite) within the time limits to obtain an Early Conciliation Certificate.
- Remember they are personally responsible for lodging the ET1 (the Employment Tribunal Claim Form) to protect their position under the time limits even if there is an ongoing appeal or investigation.

It is important that members know the tribunal time limits and how to apply for assistance from Usdaw.

Make sure that your member keeps a close watch on the tribunal time limits. The tribunal has very strict time limits and if your member intends to go to tribunal they must submit their Tribunal Claim Form (ET1) within three months less one day of the date of dismissal or the date of the event which is the subject of their grievance.

Your member must be very careful if the grievance procedure takes a long time or if the appeal stages drag on. They must not let the time limit run out because they are waiting until the end of the procedural stages.

Before an ET1 will be accepted by the tribunal:

- The member must contact Acas (either online at: [www.acas.org.uk](http://www.acas.org.uk) or by telephoning **0300 123 1100**) to obtain an Early Conciliation Certificate reference number which must be quoted on the ET1.

To assist you as the rep, Usdaw has produced a Reps Postcard for you to hand to the member and which sets out:

### **Usdaw aims to resolve employment disputes through the workplace procedures...**

However, in some matters, further advice or representation may be needed. You are not on your own and your Area Organiser and the Usdaw Legal Department are on hand to help you if you need any advice, support or information.

- How to contact the Area Organiser; and
- How to request legal assistance.

Make sure that you give your member the postcard well before the expiry of the time limits.

You can obtain bulk supplies of the postcard from your Area Organiser or from the Post and Despatch Section at Head Office. Alternatively, you can photocopy pages 69 and 70 of this Handbook - Advice to members - how to apply for assistance from Usdaw.

## Advice to Members – How to Apply for Assistance from Usdaw

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To apply for assistance with an employment tribunal claim you must:

- Contact your local Usdaw office for a Member Pack.
- Complete and return the Pack to the local Usdaw office with the relevant documents as soon as possible.

The member may turn to their rep for:

- Help in completing the Member Pack.
- Assistance in finding all relevant documents.

Some members may find the Pack difficult to complete but it is important that you put down all the relevant details and supply as much information as possible.

The rep's assistance will be appreciated and, if required, there is further guidance about the Member Pack Process on the Usdaw website.

On receipt of your Pack the Union will check your eligibility for assistance and assess whether your claim is one which Usdaw will support.



The Union's Legal Department will write to confirm whether assistance has been granted. The Union will take no responsibility for your tribunal claim until you have been formally notified that assistance has been granted. If assistance is granted, Usdaw will provide representation and take over the conduct of the case.

It is your responsibility to ensure that your claim reaches the tribunal within the time limit. If your claim is put in outside the time limit the tribunal will almost certainly refuse to hear it. The time limit is three months less one day from the date of dismissal or the other act you are complaining about. If you submit a tribunal claim you must retain a copy.

## Taking a Case to Tribunal

A tribunal has only a limited range of solutions and there is no scope for finding the middle ground. At a tribunal hearing there is a winner and a loser and no room for compromise. Where a member has a grievance which cannot be resolved or has been dismissed and the dismissal is upheld on appeal, they may wish to take their case to a tribunal. The rep is in the best place to advise the member of the next steps and the time limits.

Members should be encouraged to use their own workplace procedures when they have an issue. If they do not do so but take a case straight to the employment tribunal they will be penalised and any compensation awarded will be reduced. Under the workplace procedures you have more scope to sort the problem out.

The Usdaw rep will know your workplace procedures inside out and will represent members under the company procedures every day.

# Appendix 1

## Usdaw Offices

**The Union's Head Office is in Manchester and this is where the Legal Department is based. Your Area Organiser is based at an office in a nearby city/town.**

### Head Office

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The Legal Department  
Usdaw Head Office  
Voyager Building, 2 Furness Quay  
Salford Quays,  
Manchester M50 3XZ

Tel: **0161 224 2804/0161 249 2400**  
email: **enquiries@usdaw.org.uk**

### South Wales & Western Region

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#### Bristol

Usdaw House, Unit D  
Abbey Wood Business Park  
Emma Chris Way, Filton  
Bristol BS34 7JU

Tel: **0117 931 9730**  
email: **bristol@usdaw.org.uk**

#### Cardiff

Unit 10, Oak Tree Court, Mulberry Drive  
Cardiff Gate Business Park  
Pontprennau  
Cardiff CF23 8RS

Tel: **029 2073 1131**  
email: **cardiff@usdaw.org.uk**

#### Plymouth

First Floor, Rhin House  
24 William Prance Road  
Plymouth PL6 5WR

Tel: **01752 765930**  
email: **plymouth@usdaw.org.uk**

### Eastern Region

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#### Bury St Edmunds

The Anderson Centre  
6 Olding Road  
Bury St Edmunds  
Suffolk IP33 3TA

Tel: **01284 775700**  
email: **burystedmunds@usdaw.org.uk**

#### Waltham Cross

Unit 12/13 Regent Gate  
83 High Street  
Waltham Cross  
Hertfordshire EN8 7AF

Tel: **01992 709280**  
email: **walthamx@usdaw.org.uk**



## Southern Region

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### Andover

The Priory  
6a Newbury Street  
Andover  
Hampshire SP10 1DN

Tel: **01264 321460**  
email: [andover@usdaw.org.uk](mailto:andover@usdaw.org.uk)

### Faversham

11 Jubilee Way  
Faversham  
Kent ME13 8DG

Tel: **01795 532637**  
email: [faversham@usdaw.org.uk](mailto:faversham@usdaw.org.uk)

### Morden

Meldrum House  
89-91 Middleton Road  
Morden  
Surrey SM4 6RF

Tel: **020 8687 5950**  
email: [morden@usdaw.org.uk](mailto:morden@usdaw.org.uk)

## Scottish Region

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### Aberdeen

1 Queens Lane North  
Aberdeen AB15 4DF

Tel: **01224 652820**  
email: [aberdeen@usdaw.org.uk](mailto:aberdeen@usdaw.org.uk)

### Edinburgh

39 York Place  
Edinburgh EH1 3HP

Tel: **0131 556 5242/557 9109**  
email: [edinburgh@usdaw.org.uk](mailto:edinburgh@usdaw.org.uk)

### Glasgow

Muirfield  
342 Albert Drive  
Glasgow G41 5PG

Tel: **0141 427 6561**  
email: [glasgow@usdaw.org.uk](mailto:glasgow@usdaw.org.uk)

## Midlands Region

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### Kegworth

3c Market Place  
Kegworth  
Derby DE74 2EE

Tel: **01509 686900**  
email: [kegworth@usdaw.org.uk](mailto:kegworth@usdaw.org.uk)

### Redditch

1 Oak Tree Park  
Burnt Meadow Road  
Moons Moat North  
Redditch  
Worcestershire B98 9NW

Tel: **01527 406290**  
email: [redditch@usdaw.org.uk](mailto:redditch@usdaw.org.uk)

## North Eastern Region

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### Leeds

Unit 2, Temple Point Business Park  
Bullerthorpe Lane  
Leeds LS15 9JL

Tel: **0113 232 1320**  
email: [leeds@usdaw.org.uk](mailto:leeds@usdaw.org.uk)

### Newcastle

2 Hedley Court  
Orion Business Park  
North Shields  
Tyne and Wear NE29 7ST

Tel: **0191 296 5333**  
email: [newcastle@usdaw.org.uk](mailto:newcastle@usdaw.org.uk)

## North West Region

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### Belfast

First Floor, Unit 2  
41 Stockmans Way  
Belfast BT9 7ET

Tel: **028 9066 3773**  
email: [belfast@usdaw.org.uk](mailto:belfast@usdaw.org.uk)

### Warrington

5 Ibis Court  
Centre Park  
Warrington WA1 1RL

Tel: **01925 578050**  
email: [warrington@usdaw.org.uk](mailto:warrington@usdaw.org.uk)

# Appendix 2

## Personal Contact List

Your Name: \_\_\_\_\_

Work Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

One of the first things you should do is fill in as much of this list as you can. Put in telephone numbers where possible so that you can contact people quickly in an emergency. Add any other useful names and addresses as you go along - for example, names and addresses of other Union reps you find helpful.

### Usdaw Legal Department Contact

Name: \_\_\_\_\_

The Legal Department  
 Usdaw Head Office, Voyager Building  
 2 Furness Quay, Salford Quays  
 Manchester M50 3XZ

Tel: **0161 224 2804** Ext: \_\_\_\_\_

### Health and Safety Section

Legal Department  
 Usdaw Head Office, Voyager Building  
 2 Furness Quay, Salford Quays  
 Manchester M50 3XZ

### Health and Safety Officer

Tony Whelan

Tel: **0161 249 2474**

email: [healthandsafety@usdaw.org.uk](mailto:healthandsafety@usdaw.org.uk)

### Pensions Section

Legal Department  
 Usdaw Head Office, Voyager Building  
 2 Furness Quay, Salford Quays  
 Manchester M50 3XZ

### Pensions Officer

Debra Blow

Tel: **0161 249 2439**

email: [PensionsSection@usdaw.org.uk](mailto:PensionsSection@usdaw.org.uk)

### Supervisor/Manager

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Tel: \_\_\_\_\_

### Convenor

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Tel: \_\_\_\_\_

**Company Health And Safety Manager**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_

**Local Council Environmental Health Officer**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_

**Area Organiser**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_

**Branch Officer**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_

**Local Factory Inspector**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_

Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Tel: \_\_\_\_\_

Name: \_\_\_\_\_

Position \_\_\_\_\_

Address: \_\_\_\_\_

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Tel: \_\_\_\_\_

Name: \_\_\_\_\_

Position \_\_\_\_\_

Address: \_\_\_\_\_

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Position \_\_\_\_\_

Address: \_\_\_\_\_

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Name: \_\_\_\_\_

Position \_\_\_\_\_

Address: \_\_\_\_\_

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Tel: \_\_\_\_\_

Name: \_\_\_\_\_

Position \_\_\_\_\_

Address: \_\_\_\_\_

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Tel: \_\_\_\_\_

Name: \_\_\_\_\_

Position \_\_\_\_\_

Address: \_\_\_\_\_

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Tel: \_\_\_\_\_

## Notes

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A series of 20 horizontal lines for writing notes, arranged in a vertical column on a white background.





[www.usdaw.org.uk](http://www.usdaw.org.uk)

UsdawUnion



LP Reps HB May 2023  
Stock photography, posed by models