

# Steps to protect Companies from Claims

Scottish Housebuilders  
Health & Safety Forum

Elena Fry

0141 228 8140

[efry@biggartbaillie.co.uk](mailto:efry@biggartbaillie.co.uk)

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## Train driver sues over bruised nail



Ms Morrison says her fingernail fell off

A train driver is suing ScotRail for £15,000 after she bruised a fingernail while adjusting the seat in her cab.

Jacqueline Morrison claims the amount is "a reasonable estimate" of her loss.

But the rail company described the damages claim as "excessive" and said the 29-year-old's injury was "trivial".

Ms Morrison, of Langton View, East Calder, West Lothian, has launched her action at Scotland's supreme civil court, the Court of

**See also:**

- ▶ 09 Apr 02 | Scotland  
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**Internet links:**

- ▶ ScotRail
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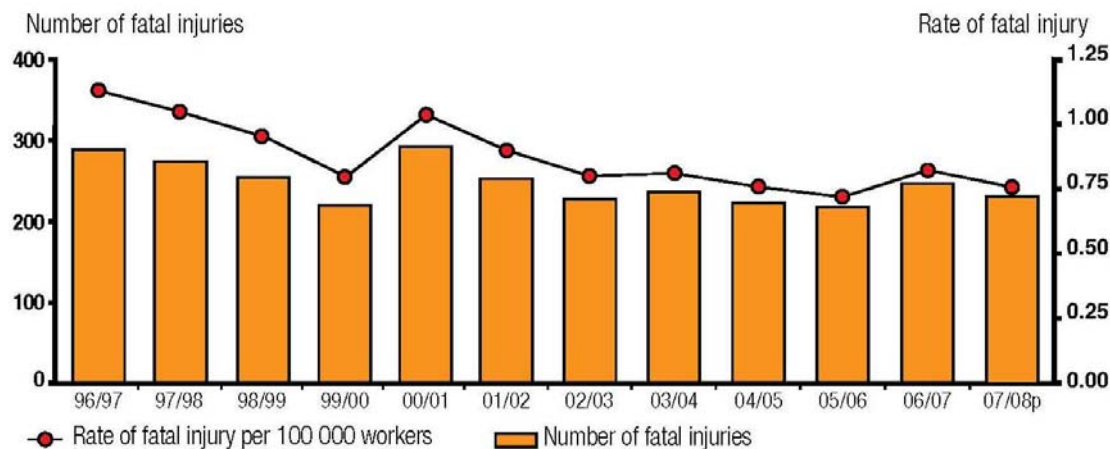
# Are claims on increase?

## HSE Scottish accident statistics

	2006/07	2007/08
Worker fatalities	31	32
Worker major injuries	2702	2721
Worker >3 day injuries	9324	8994
Member of Public fatalities	5	5
Member of Public non-fatal	1250	1267
<hr/>		
Total	13312	13019

NB – Does not include any less than 3 day absence from work cases, asbestos or RTAs.

# Number of Worker Fatal Injuries - GB



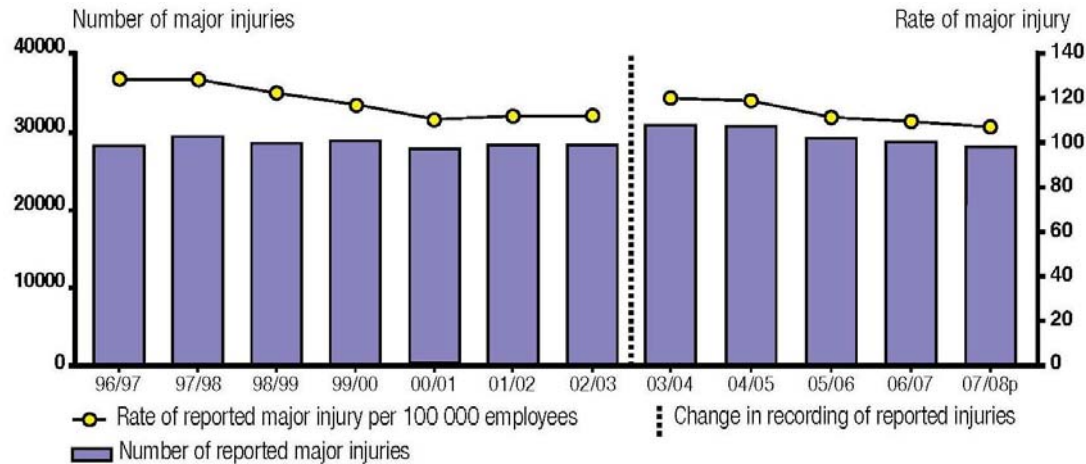
Year	Employees		Self-employed		Workers	
	Number	Rate (a)	Number	Rate (b)	Number	Rate (c)
2000/01	213	0.9	79	2.4	292	1.0
2001/02	206	0.8	45	1.3	251	0.9
2002/03	183	0.7	44	1.3	227	0.8
2003/04	168	0.7	68	1.8	236	0.8
2004/05	172	0.7	51	1.3	223	0.8
2005/06	164	0.6	53	1.4	217	0.7
2006/07	191	0.7	56	1.4	247	0.8
2007/08p	179	0.7	50	1.2	229	0.8

(a) per 100 000 employees

(b) per 100 000 self-employed

(c) per 100 000 workers

# Number of Worker Major Injuries - GB



Year	Employees		Self-employed		Workers	
	Number	Rate (a)	Number	Rate (b)	Number	Rate (c)
Major injury						
2005/06	28 914	110.5	1 303	34.0	30 217	100.7
2006/07	28 544	108.8	1 194	30.1	29 738	98.4
2007/08p	27 976	105.9	1 187	29.4	29 163	95.8
Over-3-day injury						
2005/06	119 045	454.7	1 223	31.9	120 268	400.8
2006/07	114 653	436.8	1 146	28.9	115 799	383.2
2007/08p	108 795	411.9	1 117	27.6	109 912	360.9

(a) per 100 000 employees

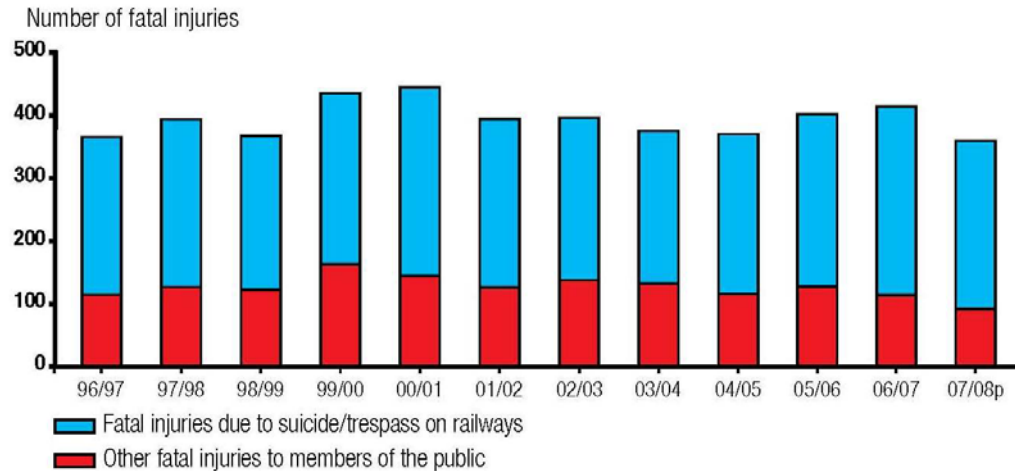
(b) per 100 000 self-employed

(c) per 100 000 workers

**Note:** See page 28 for definitions of major and over-3-day injuries.

www.hse.gov.uk/statistics/overpic.htm

# Number of Member of Public Fatal Injuries - GB

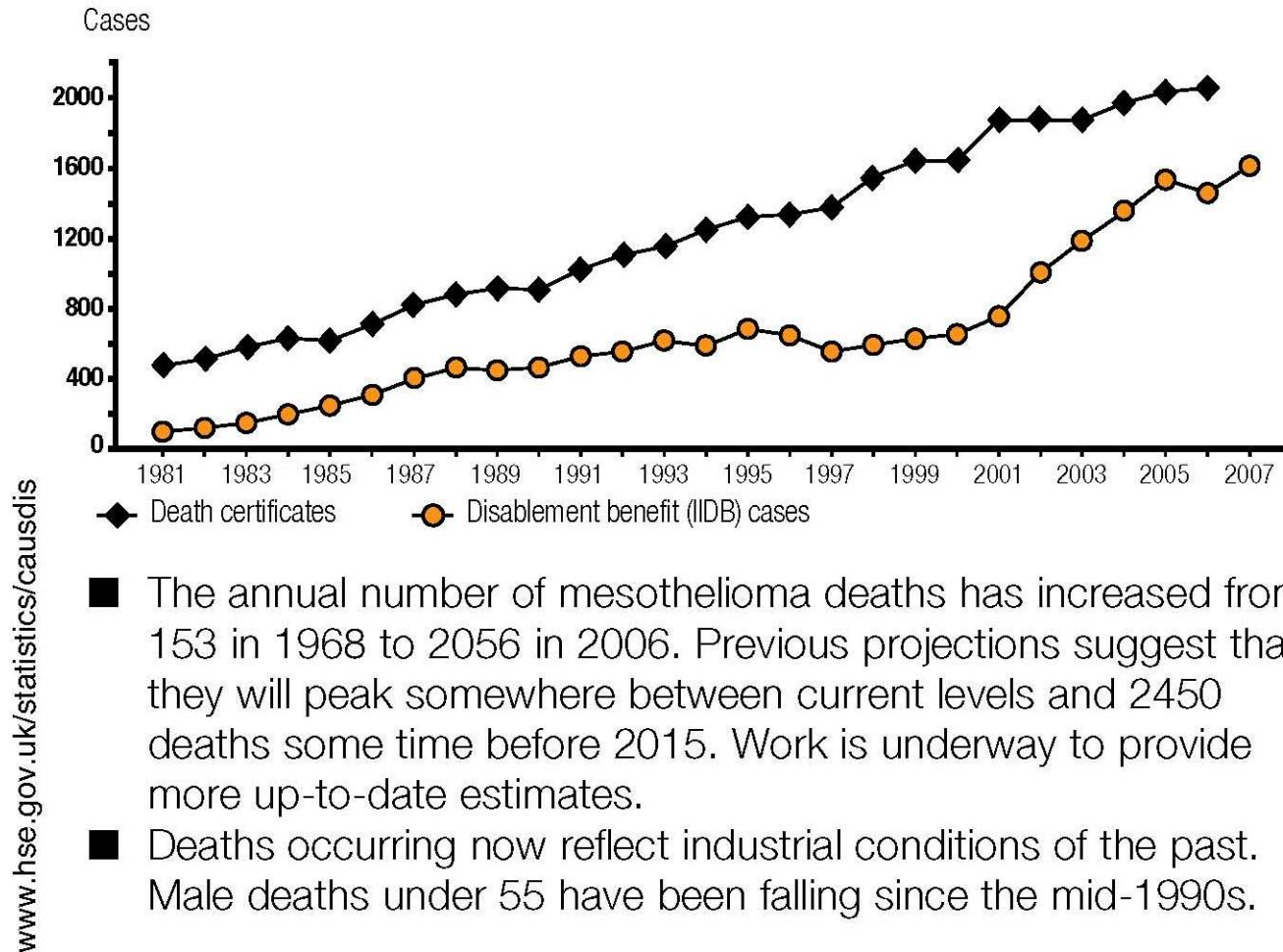


	Fatal injuries	Non-fatal injuries*
2000/01	444	20 836
2001/02	393	14 834
2002/03	396	12 793
2003/04	374	13 679
2004/05	370	14 316
2005/06	401	15 868
2006/07	415	17 773
2007/08p	358	18 163

\* The definition of a non-fatal injury to a member of the public is different to that for workers (see page 28).

www.hse.gov.uk/statistics/overpic.htm

# GB Mesothelioma Cases



- The annual number of mesothelioma deaths has increased from 153 in 1968 to 2056 in 2006. Previous projections suggest that they will peak somewhere between current levels and 2450 deaths some time before 2015. Work is underway to provide more up-to-date estimates.
- Deaths occurring now reflect industrial conditions of the past. Male deaths under 55 have been falling since the mid-1990s.

# Are claims on increase?

RTAs injuries are on decrease; asbestos claims are increasing

## ***Claims cost more!!***

In 2007 Insurers paid out: £6.2m per day in liability claims.

£17.1m per day in private motor claims.

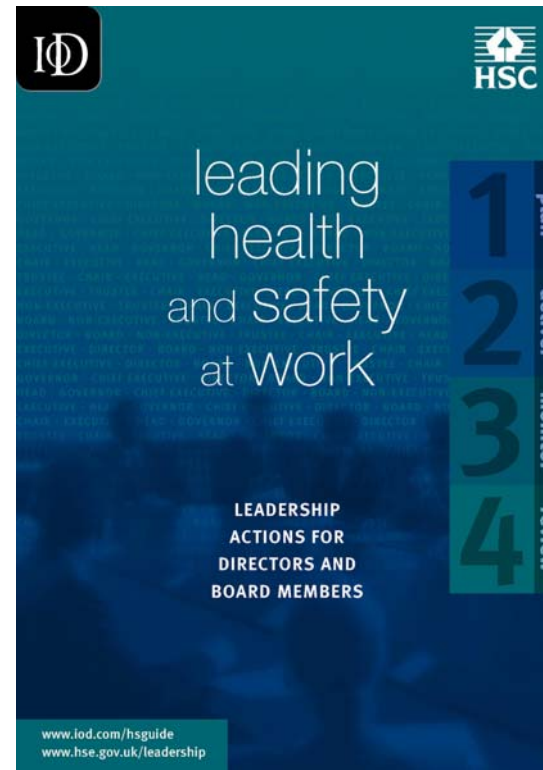
# What are claims?

- Civil claim for damages – Sheriff Court or Court of Session.
- Criminal prosecution – Sheriff Court or High Court.
- FAI or Public Inquiry (not a claim, but a cost).
- Accident could result in ALL 3 of these.

# How do you prepare/protect from claims?

- Make Health and Safety a top priority.

- IOD Guidance
- 4 action points



# How do you prepare/protect from claims?

- Plan
  - set out policy.
- Deliver
  - RAs; MS; train; adequately resource; competent H&S officer/consultant; “visibility”; suppliers/partners committed to health & safety.
- Monitor
  - reporting; audit of staff and contractors; sickness – underlying cause?
- Review
  - annual formal board room review; keep up to date / ahead of best practice.

# Occupational Road Risk

“It is anomalous that the vast majority of work-related deaths are not examined by the Health and Safety Executive, purely because they occur on the roads. The Government should review the role of the Health and Safety Executive with regard to road safety to ensure that it fulfils its unique role in the strategy beyond 2010.”

*The House of Commons Transport Committee*

# How do you prepare/protect from claims?

## EVIDENCE, EVIDENCE, EVIDENCE!

- Accident reports; risk assessments; method statements; witness details.

# How do you prepare/protect from claims?

- Serious incident – immediately build a team:
  - Solicitors
  - Experts
  - Internal investigation report

Remember, written documents are recoverable; all communications to be vetted by solicitor.

# How do you prepare/protect from claims?

- Insurance now and in the future.
- What are your company's risks? Are you covered?
- Deductibles?
- Long term claims (asbestos, VWF).
- Companies you have bought – insurance risks?

# Summary

- Accidents will happen.
- Costs to business increasing.
- Protect:
  - H&S priority – commit to it.
  - Evidence.
  - Insurance.

# Any Questions?

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