

Legal Action against an employer is not our action of choice.

If pursuing cases results in improved working conditions the Society will continue to support claims. During the '80s and '90s we were successful in raising awareness about the effects of toxic fumes in darkrooms. The many cases we supported resulted in improvements in working conditions and recognition by employers, manufacturers and the State that the working environment was injurious to health.

The SoR service is not a replacement for good working practice. It is a means to raise awareness and seek redress for suffering.

Any injury at work can be distressing especially if it is not your fault. The following information will guide and inform you of the service we provide to members who believe that they have been injured at work through no fault of their own. We stress that the following information is designed to help you understand the process. It is not comprehensive because each case will be different and will require full investigation. The SOR has provided this service for the last twenty years and has amassed considerable knowledge and experience of the types of claim we can expect. Cases range from injury arising from a trip, or a fall to more complex conditions arising from exposure to toxic substances or the stresses of work. In all cases the SOR will examine your case in detail and advise you of your options. Generally all action will be at no cost to you. Only in exceptional circumstances could you be expected to contribute to the claim.

We employ teams of solicitors who specialise in personal injury work who will guide you through the process and advise the SOR.

Not all cases can be supported. By law you have a duty to submit a claim within three years of the injury. Failure to do so could bar you from entering a claim. In some instances the effects of an injury are not known for some years. This can occur as a result of prolonged exposure to toxic substances or the exacerbation of an injury by poor working practices. In these instances the time limit may begin from the date it can be shown that you realised your injury or illness resulted from a previous incident. Cases of this type are rare and very difficult to prove because of the passage of time.

It is incumbent on you to enter a claim as soon as possible after your injury. If you do not you could compromise the success of any action.

Cases can take many years to conclude. It is important that you advise the Society and the solicitor of any change in your circumstances such as a change in employment or name or address as soon as possible. If you do not we may not be able to continue to support the claim.

You also need to advise us if you are eligible to claim any state benefits as a result of your injury. This is important because if your claim is successful, account will need to be taken of any income you receive from the state.

The role of the SOR is to provide support and assistance and to gain the best result for the member we can.

There follows a series of most common questions and answers that we hope will help you understand the process.

PERSONAL INJURY Q & As

Q.1 I have been injured at work – what do I do?

If the injury was caused by faulty machinery; poor working practice or the negligence of co-workers you may be entitled to claim against the employer. Each case is taken on merit. If you submit a claim the Society will assess the information you supply and will either ask for more information: advise you that the claim is out of time or not sufficiently robust to support: if we believe the claim is justified we will immediately refer the case to one of our solicitors.

Q.2 How do I make a claim?

You will need to complete a P1 form which is available from Society HQ by contacting Vicky Andrews (vickya@sor.org / 020 7740 7234) or by phoning the Society on 020 7740 7200. No action will be taken until this claim is received by us.

Q.3 When will I know that the SoR will support my claim?

The Society will contact you by phone, e-mail or in correspondence to advise you of the course of action we are prepared to support.

Q.4 If I am told that my claim is supported what happens next?

The solicitor acting for the Society will be in contact with you to establish the facts. They may also require access to your health records. At all stages they will advise the Society on progress. In exceptional circumstances they may contact you before we decide to support your claim or take further evidence.

At all times the Society has overall control of the claim and will be solely responsible for any progress.

Q.5 My claim is supported what must I do next?

Once the Society has instructed solicitors all further progress will be managed by them. The Society will be appraised by the solicitor of progress with your case and may if advised by the solicitor discontinue to support the claim or agree to initiate court proceedings.

Q.6 What if my claim is on-going but the Society decided that the case must be stopped?

The Society will advise you as soon as possible when a claim is no longer supported.

This course of action is rare but can occur if there is insufficient medical evidence or the risks of pursuing the claim to court are too great. Once a claim is supported it is assumed that this will include the possibility of court action and therefore only in exceptional cases would we abort a claim.

Q.7 What are my responsibilities to the Society?

At all times you must co-operate with the solicitor. If you fail to do so the Society reserves the right to claim payment from you for the work done up to the point where the claim ceases. Just as you have a duty to co-operate with us, we have an obligation to spend members money wisely. This is not a preferred course of action and has only been necessary once.

Q.8 What happens if my claim goes to court?

You will be advised by the solicitor and legal counsel. The latter will be engaged by the Society solicitor. The Society will continue to be advised of progress and may be present at the court to ensure that SoR and your interests are safeguarded.

Q. 9 If they make an offer can I refuse?

Because we underwrite the costs of the claim we are responsible for the management of your claim. If we are advised by our solicitor that an offer is reasonable and should be accepted we will discuss this with you. If you do not wish to accept the offer and wish to continue with court action the Society may decide that we can no longer support the claim and withdraw. All costs associated with your case from this point will not be paid by the Society. We stress that at all times we will discuss your case with you and advise you of your options before we make any final decisions.

Q. 10 Who pays for all this?

The Society will pay for all aspects of your claim including the preliminary assessment. The only time you may be expected to pay is explained in Q.7 above.

Q.11 My employer has told me that I do not have a claim, what should I do?

Ignore what they say and contact the SoR rep or HQ immediately.

Q.12 I have not heard from my solicitor for some time, what should I do?

Phone, e-mail or write to the SoR explaining when you last heard from the solicitor. We will contact the Solicitor on your behalf or advise them to contact you direct. You will be advised at all times of the results of our investigation.

Q.13 What do I do if I do not want to continue with the claim?

You must advise the SoR and the solicitor immediately. Failure to do so may result in further action by us to reclaim our costs. We will discuss your request and your concerns and advise you of your options.

Remember, you must contact us immediately to avoid recovery of costs incurred on your behalf.

Q.14 How long will this take?

It can take some years to conclude a claim. How long may depend on many factors. We always try to conclude cases as swiftly as possible and this can happen where cases are not contested. More often than not the defendant (the employer) will contest the claim or there is conflicting medical evidence. When this happens cases can take some time to conclude. On average a contested claim can take three years or more to resolve.

Q.15 If I take action against my employer will I be victimised?

Any employer who contemplates deliberate victimisation against members who have entered a claim is not only foolish but could find that they will have to defend their action in the Courts. Summary dismissal or victimisation could result in a larger settlement and escalating legal costs. It is ultimately in the employers interest to find ways to re-employ or re-train an employee who is injured. To do so will limit the employers liability and ultimately this will reduce the amount of money they may have to pay in compensation and legal costs.