

MYTHBUSTERS GUIDE TO:

Employers Liability Claims



MYTH #1

You're automatically entitled to compensation if you've had an accident at work

No. The UK doesn't have a non fault scheme for work related accidents. So a claimant must show that their employer in some way caused or contributed to any injuries suffered as a result of a work accident. There are many circumstances and reasons why an employer may be liable including unsafe systems of work, unfit premises or damaged work equipment.

MYTH #2

Your employer has to pay you personally

No. Your employer is legally required to carry employers liability insurance which means they will be covered by an insurance policy to meet the costs of your claim. The insurer will be responsible for making any payment and not the employer direct.

MYTH #3

Making an employer's liability claim will affect your employment rights

No. Your employer cannot legally prevent you from bringing a claim. Bringing a claim does not affect your employment rights or status. If you are unable to undertake your role due to the extent of the injuries you have suffered, it may result in a change in your employment circumstances. Our team of employment lawyers can advise you in those instances.

MYTH #4

Your employer will react badly to a claim

It depends upon the employer but usually no. In most cases, a claim is passed onto the insurers who deal with the procedural day to day processes on the employer's behalf, so they have limited involvement. In most cases, employers are understanding of the need to bring a claim and try to be as cooperative as possible.

MYTH #5

You cannot make an employer's liability claim if you are self-employed

If you are self employed and contracted to another company who is responsible for organising how you undertake your work, or you undertake a role on behalf of a client and attend their premises, you may be able to make a claim. This type of scenario is typical of building developments but can equally apply in other circumstances.

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For more information and advice on this topic, contact Colin Cook, Partner and Personal Injury Specialist on 01603 214 210 or colincook@hatchbrenner.co.uk

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