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### **Examples of Employment Tribunal/Workplace Injury Awards**

#### **Nurse with painful neck injury wins £79,000 damages**

A nurse who damaged her neck lifting a patient was awarded £79,094 damages by the Court of Session.

Margaret Laing (46), who worked as an auxiliary nurse for Tayside Health Board, visiting elderly and sick patients at home, suffered a disabling neck injury as she tried to lift a 10 stone stroke victim into his bed.

The pain she suffered was at times so bad that she had to be prescribed heroin to ease the pain. Mrs Lang said in evidence that the injury was so severe she could not lift more than a pot of vegetables and was sometimes unable to get out of bed due to the pain.

Lord Rodger said: *"It is plain that her life has been completely altered by the accident and that since August 1990, with the exception of a few months after an operation in 1991, she has suffered pain on a continuing basis. Her condition is likely to remain the same for the foreseeable future. Prior to the accident Mrs Laing was an active woman."*

He also said that the Health Board now recognised that in some cases two nurses were required to lift certain patients and that the patient involved in the incident fell into that category.

*"The health board was therefore in breach of its duty to take reasonable care to provide a safe system of working for Mrs Laing and she suffered injury as a result. I am satisfied that she would not have been injured if someone else had been*

#### **Council charged after fireman loses foot in fire**

Grampian Regional Council, the authority responsible for Grampian Fire Brigade have become the first in the UK to be fined for failing to provide suitable training for its fire fighters.

Fireman Francis Paterson's foot was amputated by machinery when he slipped whilst fighting a fire in a grain dryer in August 1994. Contrary to standard training no-one had attempted to stop Mr Paterson entering the dryer before the machinery's power source had been disconnected.

Sheriff McLerman said: "It seems to me that neither of the two leaders there were adequately trained. The risk did not seem to occur to either of them."

He also criticised the effectiveness of the brigades training and suggested that future training should include decision making skills for those in positions of leadership.

The Council were fined £2000 at Peterhead Sheriff court. Sheriff K. McLerman imposed only a nominal fine as steps had been taken rapidly to ensure better training of firefighters.

**'Poisoned mug' victim  
gets £55,000 damages**

*assisting and had been able to share the strain."*

#### New job and £27,000 for sacked NHS manager

An industrial tribunal found Fife Healthcare NHS Trust guilty of unfair dismissal after William Douglas was made redundant following a review by a newly appointed manager.

Mr Douglas had worked for the NHS for 24 years and was only two years away from being eligible for early retirement when he was made redundant despite the fact that his post did not come under the remit of the review and that he was willing to take another, lower paid position to enable him to stay with the trust.

The tribunal found the dismissal unfair concluding that the operations director had made up his mind that Mr Douglas 'had to go' and there was nothing Mr Douglas could have done to prevent this.

The tribunal ordered Mr Douglas to repay the redundancy money he had received but awarded him compensation and ordered the trust to re-instate him in his former position.

A woman successfully sued the landlords of a public house where she contracted lead poisoning after drinking from a painted cup.

She yesterday accepted £55,000 in damages from the landlords.

#### Sacked man gets £12,000

A driver for Loch Shin Game of Scotland who was sacked after a shoulder injury was awarded £12,537 by an Inverness industrial tribunal yesterday.

#### Garage worker wins unfair sacking case

A 21 year old garage worker who was forced to wear a hat to cover his 'skinhead' haircut and a plaster over his pierced nose was unfairly sacked for not coming in to work on his holiday.

Martin McDougall accepted the 'small minded' attitude of his employers to his appearance and made the concessions in order to placate his employers.

He was fired when he refused to return to work during his holiday to rectify a mistake he had made whilst working on a customers brake system.

The industrial tribunal in Glasgow found his employers, Wm Marshall & Son guilty of unfair dismissal.

