

Community wins six-figure sums for members

Here, we look at two Community members who were helped by Community's legal team. Both members were involved in horrific industrial accidents, but with the determined help of Community's solicitors, they both received six-figure sums in compensation money.

David Cassidy

David Cassidy was working in the Bar Mill at the Corus Thrybergh steelworks in Yorkshire when, on 9 May 2001, he tripped over a bar adjusting lever and fell into a bar straightening machine. David suffered a severe crush injury to his left leg before he managed to pull himself out of the machine. Following repeated medical assessments, in January 2003, doctors decided that he needed to have his leg amputated at the knee.

For David, who was a fit and active 28 year old when it happened, the accident had a devastating impact. David's injuries were so severe, that except for hospital appointments, he spent the first two years virtually trapped in his bedroom. As well as the physical injuries he suffered, he also suffered from severe post-traumatic shock and depression, for which he is still receiving therapy.

Speaking after the compensation settlement David said, 'after the accident I wished I was dead. I was fit and healthy and used to go the gym a lot before the accident: it wrecked my life.'

David was not the only one to suffer, his wife, Debbie, and their three children, Katy (13), Tyler (10) and Courtney (8) also suffered. Looking back, Debbie said that David 'felt like he was a burden on the family. Before the accident we used to go out as a family a lot but that stopped after the accident, we became recluses.' However Debbie also says that the accident 'pulled us together as a family. David's mum helped me a lot.'



David Cassidy with his wife, Debbie

Community's team of legal advisers are on hand to provide legal advice and support to members whenever it is needed.

David didn't only receive support from his family. As he says himself, 'the Union was fantastic.'

Local and Regional Community officials provided constant support to the family and the union provided free legal support to seek compensation for the devastating injuries he suffered.

Commenting on the legal fight to get an appropriate compensation award, Simon Allen, of Russell Jones and Walkers (RJW) solicitors Sheffield Office, said:

'Everything was an issue in this case - both in terms of liability and the value of the claim. It would have been easy to agree the first offer from the defendants which was less than half the true value, but this would have badly let down David financially. We rejected four offers in settlement before reaching the right amount. I believe that David's case demonstrates why having the support of Community and using lawyers very experienced in accidents at work best protects the injured person from being drastically under-compensated. David now has the comfort of knowing that he and his young family have some financial security for the future.'

David and his family are now trying to get their lives back on track. Following the compensation award they have been able to move into a bungalow and David has been fitted with a tailored prosthetic limb which allows him greater mobility. He is now qualified as a joiner following a course at Dearne Valley College and Debbie, who previously looked after David and the children full-time, has recently qualified as a beauty therapist.

Praise for Organiser following a year's salary compensation award

A Community member, Tina Leader, was left unemployed and out of pocket after she lost her job at a company in Region 6. However, with the backing of Community, Tina has been awarded the equivalent of a whole year's salary for unfair dismissal in an out of court settlement.

'I want to express my thanks to Martin Rutter, senior organiser, for his help in my

unfair dismissal case which he took on for me,' Tina said. 'Martin worked very hard to secure my compensation, and without Community I wouldn't have got anything from my previous employer.'

'I would encourage all employees to join Community to receive the help that is offered by the union.'

Legal Services



General Secretary Michael Leahy highlights how Community's legal and representation services have made a difference to members lives.

Spencer Youens

On 17 July 2003 Spencer Youens had only just returned to work at Johnson Matthey's Brimsdown smelting plant in Enfield, north London, after enjoying his honeymoon with his new bride, Jenny. Spencer was attempting to take a sample from the higher of two vats of molten copper oxide (which is produced during the process of smelting platinum, gold and silver) when the vats toppled over. Spencer suffered 38% burns to his lower limbs, burning his right foot so badly that he had to have all the toes on his right foot amputated.

Spencer spent six months in Stoke Mandeville hospital and underwent numerous operations, an experience he describes now as 'like going to hell and back'. During this period and afterwards, Jenny, who worked full time for Group 4 as a section manager, was granted seven months time off. After this time, until the recent compensation settlement she has had to juggle working full time with, as she described herself, acting, 'more like a nurse than a wife. I had no time to think of myself all I could think of was looking after Spencer.'

Community appointed solicitor Steve Barke of Whittles Solicitors to represent Spencer and Jenny. One of the earliest battles was to get interim payments to help finish the DIY work at their house which Spencer had been doing before the accident. Jenny explained that 'the downstairs had no plaster on the walls and the bathroom wasn't finished. We only had a shower and, because of his injuries, Spencer couldn't stand up so we needed to have a bath fitted.'

Commenting on the case, Steve said:

'Spencer's case was extremely complicated and we needed to identify and interview a number of expert witnesses to provide information on the physical and psychological injuries Spencer suffered as a result of the accident. It would have been impossible to do this without the financial support from Community. This shows the benefit of being a member of union which provides such comprehensive free legal support to its members.'

Johnson Matthey were prosecuted and fined by the Health and Safety Executive as a result of Spencer's injury.

Spencer and Jenny are now trying to get their lives back on track, but say that none of this would have been possible without the support Community officials locally, regionally and nationally. They also paid special tribute to Steve Barke, who Spencer said they now regarded as 'like a friend, like a member of the family.'

Community can help with personal injury claims, employment matters, wills, and many other legal issues.

To find out more contact Tina Winslow, Community, Region 6, Freepost, Leicester LE1 7ZZ. Tel: 0116 255 6703. Email: twinslow@community-tu.org



Spencer and Jenny Youens