



## The GMB and UnionLine Scotland Campaign for Safety in the Scottish Ambulance Service

Following a recent Freedom of Information request the GMB and UnionLine Scotland have identified a serious and continuing risk of injury to Paramedics and Technicians within the Scottish Ambulance Service.



As part of their duties ambulance workers are required to remove defibrillators (defibs) from the ambulance and carry these to every job. New defibs were installed in 2010 and their placement was altered from being on a table at waist height, to being fixed to the ambulance wall by a clip at above chest or shoulder height. Ambulance workers need to use one hand to release the clip and the other to hold the defib that weigh 10kg. Smart Shockboxes were also to be installed weighing around 3kg to avoid having to lift the heavier defib however, these have not been provided. Since then there have been 21 official reports of shoulder injuries by staff lifting down the defib, the GMB understands the number of workers affected are much higher. The service is aware of the risks and injuries to staff with the issue being raised through accident reports, verbal reporting and health and safety committee meetings, and as a result there is a continuing risk as nothing is currently being done to make the task safer.

The GMB has now launched a campaign, in conjunction with UnionLine Scotland, to obtain compensation for all those workers affected.

The campaign also aims to bring about change and to hold the Scottish Ambulance Service to account. The Manual Handling Operations Regulations 2002, compels employers to avoid the need for employees to undertake manual handling operations which involve a risk of injury. Where this is not practicable they are compelled to undertake a suitable and sufficient risk assessment and reduce the risk to the lowest possible level. In this case, the new defibs are actually lighter than their predecessors. This was a step in the right direction for Ambulance workers who are subjected to high levels of unavoidable manual handling on every shift. Unfortunately the new placement presented a new and greater risk as lifting 10kg at chest height or above with extended arms, is known to be unsafe and carries with it a risk of injury.

**Tracy McKenzie, UnionLine Scotland says;** "The GMB and UnionLine Scotland encourage members to report the issue and any injuries arising from it via the service's DATIX system. This is not only important in terms of evidence in a claim for compensation but also to show the employers that the issue is continuing and that the matter needs serious attention immediately.

Members should also report the issue to their local health and safety representatives.

The GMB also encourages members to seek medical assistance where necessary from their GP, hospital or Occupational Health. Physiotherapy treatment can often be arranged through Occupational Health if required."

In order to make a claim for compensation for injuries ambulance workers must be aware that there are strict timescales within which to do so. If workers are continuing to be exposed to harm and their injury has been caused by repetitive use of the defib and they are still lifting it then the time clock has not started running. If they are no longer exposed however, then they have three years from the date when they suffered injury or first attributed their injury to their work. If their injury has been caused by a one-off incident then they have three years from that date within which to pursue a claim.

**Any member of the GMB who has suffered injury as a result of lifting the defib from its new wall fixings should contact UnionLine Scotland directly on: 0300 333 0303.**

To register a new claim or for any legal advice call UnionLine on:

**0300 333 0303**



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# Shielding Our Members From Court Costs

**In July this year the Scottish Parliament introduced a proposed piece of legislation that could have potentially far reaching effects for members of the GMB and CWU, and for the trade union movement in Scotland in General.**

The introduction of the proposed Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill was born following a Review undertaken by Sheriff Principal Taylor into the funding of civil court cases in Scotland. The purpose of that Review, and indeed of the proposed Bill currently in Parliament, is to increase access to justice in Scotland by providing a court system which is affordable, accessible and equitable for the Scottish people.

Access to justice is, and has always been, a core concern of the GMB and CWU. It's recognised that the right to obtain compensation from the Scottish courts in circumstances where members suffer accident, injury or disease, is essential in ensuring that the courts remain open to all people.

In a nutshell, the Bill aims to introduce a greater level of financial equality to the relationship between those bringing claims before the courts (pursuers) and those defending such claims (defenders). Largely, those defending court actions are backed by big-business insurers resulting in what Sheriff Taylor called a "David and Goliath" relationship whereby pursuers

were effectively prevented from bringing cases to court on grounds of being unable to meet the defenders costs should they fail to win the case. The Taylor Review rightly saw this as an inequality of arms. In order to counteract that inequality, a new regime of Qualified One-Way Costs Shifting is proposed (QOCS). In short the QOCS regime will shield pursuers, in most circumstances, from having to pay a defender's costs should their claim for compensation before the court be unsuccessful.

The devil, as ever, is in the detail. The new Bill proposes that the courts may make an award of expenses not against the pursuer themselves but against a Third Party funder, potentially creating a situation whereby trade unions, could be held liable for a defender's costs should a claim fail in court. Historically, trade unions have been at the forefront of bringing litigation before the courts which has sought to challenge unsafe working practices. The GMB in particular, has led the field in bringing industrially-related litigation, such as asbestos claims. The sole motivation for doing so has been the protection of member's rights. Trade union backed litigation accounts for a significant percentage of cases heard

in the Scottish Courts. If trade unions are subjected to the threat of significant defenders costs, which would effectively prohibit cases from being raised in court, then our members would be unable to exercise their right to seek legitimate compensation.

UnionLine Scotland, has made representations to parliament expressing our concern in respect of sections of the Bill and have made call that any case funded by way of a trade union legal assistance scheme, be exempt from the power of the court to make an award of expenses against them.

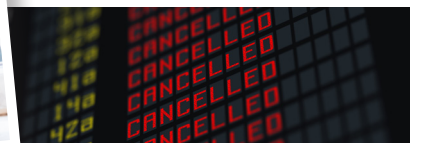
Access to justice is a fundamental civil right. We see the proposal of placing a potential burden of costs on trade unions as being an indirect attack on trade union members and the trade union movement. Placing the burden of potential costs on a trade union is in fact to place that burden on individual members of a union. Thus, the proposed Bill penalises the very people it seeks to protect, and the wide-reaching reform necessary – whereby all in society enjoy their legal rights – is denied. In our view, it is not in the public interest to bring litigation to court only in cases where its success is nearly certain. If that were the case then landmark personal injury cases ranging from occupational disease to work related stress would never have seen the light of day in court.

This is a significantly important issue for trade unions and their members. Access to justice reform cannot, and must not, be piecemeal. The GMB and CWU have at their core, the protection of member's interests. They are not, nor have ever been, concerned with financial gain arising from the bringing of court cases. Our joint interest lies with being a progressive force in ensuring members rights and interests, including legal rights and interests, are accessed. We will continue to lobby Parliament, to seek assurance that Trade Unions will be exempt, as funders of litigation, from any award of costs being against them and to ensure that the civil justice system in Scotland is both accessible and affordable for all our members.

**Gail Millar, UnionLine Scotland**

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