RIGHT SIDE OF THE LAW

All your legal questions answered by a professional

First aid box is giving me such a headache

Peter Kaye
of Linder Myers Solicitors, Manchester

Q UNTIL a few years ago our office first aid box included common everyday tablets like aspirin and paracetamol.

We were told this was no longer allowed and consequently removed them. A staff member suffering from a headache asked me for one of my own paracetamol tablets.

I refused, feeling that my company could be held responsible legally for any side effects the tablets might have. My employee was terribly put out.

A YOUR employer does have an obligation to provide minimum first aid equipment for example plasters or bandages.

Although there is no law preventing employers from providing paracetamol or aspirin to employees many employers have become reluctant to do so because of the risk that they may be sued.

The worry employers may have is that if they supply tablets to an employee this may have a detrimental effect on the employee and an employer could be held responsible if that employee became ill or suffers adverse side effects.

If an employer decides to keep tablets in the first aid kit and give them out at any employee's request, the employer does so at their own risk. I would advise an employer that it would be better not to give tablets out because of these risks.

Q WHAT liability does an owner have to a tradesman working on the outside of a property for injury.

If, for example, a roofer is injured by slipping while working on the roof, is the risk that of the house owner or the roofer himself?

Is it different to the tradesman slipping on a icy path on the property?

A A PERSON who occupies or has control over a property has a duty to take reasonable steps to ensure that the premises are safe for any visitor.

The standard of care owed to a tradesman is different to that owed to an ordinary member of the public.

If you employ a tradesman to carry out work on your premises, you are entitled to assume that they will be aware of any potential risks associated with their profession and for them to guard against such risks.

You would expect, for example, if a technician came to fix a satellite dish on your roof in gale force winds he would be aware of this particular danger and take the necessary precautions.

However, if the risk, associated with his job, is in fact caused by something done or not done by yourself then you must notify the individual about the potential risk.

For example, if you have been meaning to fix the lose tiles on your roof, but haven't got around to it, you must warn the tradesman who is about to repair your satellite dish.

If he still proceeds to work he willingly accepts the risk and you may not be liable for injury caused to him.

If the tradesman successfully finished his job without any injury, but on leaving your premises slipped on your driveway, he is not acting in his work capacity.

Therefore your duty is to take reasonable steps to ensure his safety against slipping on the ice when he is on your property.

In this instance you may be liable but, again, it would depend on the circumstances.

Q I AM an office-based sales rep working a four-day week from my employer's office.

Due to a reduction in staffing levels, I've been asked to work without extra pay from home for an additional half day each week — which I agreed to.

Since, on my days off I look after my young children, the only room I can operate from doesn't have a power or phone socket to use with my laptop.

I've explained this to my manager and asked that the company cover the cost of installing the sockets, but they claim 'for legal reasons' this isn't possible and I need to cover the cost.

Please could you explain why legally they can't cover the cost. It seems rather unfair.

A The use of electrical equipment is covered by EU and UK legislation, including the Electric at Work Regulations which states that there is no obligation on an employer to provide equipment.

Your employer is well within their rights to refuse to pay the costs of the new sockets.

A home-worker's domestic supply, including electric sockets, remains the responsibility of the home-worker/employee.

However, should your employer choose to provide equipment to be used at home, then they are responsible for the equipment which is used on a regular basis, for instance a computer or a telephone.

Your employer may agree to pay the costs to install sockets, but they may want to ensure that the amended terms of your contract of employment stipulates that even though they are covering the costs of installation, you are responsible for the maintenance and repair of the electric sockets.

You may wish to negotiate the cost of this with your employer and for it to be confirmed in your contract of employment.

This column will appear fortnightly and questions can be submitted anonymously if preferred to: asklawyer@jewishtelegraph.com or by post to Legal Column, Jewish Telegraph, 11 Park Hill, Bury Old Road, Prestwich, Manchester M25 0HH or fax to 0161 740 9325 marked clearly 'Legal Column'

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HOPES FOR PEACE: Matthew Lakenbach, right, with Israeli Arab Christian Elias Jabbour

HAMAS DOES NOT REPRESENT MAJORITY

Palestinians are so often misinterpreted

BY SIMON YAFFE

ACTIVIST Matthew Lakenbach is determined to see a lasting peace between Israelis and Palestinians.

The executive director of the Washington DC-based Middle East Peace Civic Forum told the *Jewish Telegraph*: "As a planet, we are more connected than we have ever been.

"It will take a lot of work, but I am optimistic that peace can be achieved between the Israelis and Palestinians."

And Connecticut-born Mr Lakenbach may be the man to make it happen.

With a strong background in international conflict resolution, he said: "It takes two wings to fly.

> I was so glad to make a difference

"Even though the new Israeli Prime Minister Benjamin Netanyhau is right-wing, if you look at the history of who agreed peace deals in the past, it was always a right-wing Israeli government."

The son of an Italian Holocaust survivor, Mr Lakenbach was raised in a Zionist family and first went to Israel as a youngster.

"I knew then that I wanted to make a career of trying to bring peace to the region," he recalled.

After reading political science and economics at Washington University, St Louis, he gained a master's degree from American University's School of International Service.

And it was studying at the school which opened his eyes to different points of view on the Middle East.

Mr Lakenbach explained: "One of my professors was Akbar Ahmed, a prominent academic.

"He, along with my other teachers, showed me that there were lots of aspects to this difficult issue."

After graduating he did an internship in the office of Jewish senator Joseph Lieberman and was managing editor for a Middle East newsletter.

He joined the peace forum, an alliance of Jews, Christians and Muslims, a year ago.

He said: "We are attempting to build bridges and establish more interfaith relations.

"We move away from blame and enmity and towards opportunity and co-operation and we are a voice in Washington for Israelis and Arabs who want peace."

One of the highlights of 32-year-old Mr Lakenbach's forum career was when he visited the town of Bethlehem.

He recalled: "I led a workshop at a school there.

"The pupils were children of refugees and one of them told me he had never met a Jew before and that when he did, he would want to kill him.

"But he saw what interaction could do and I was so glad to make a difference, however small it was."

Last summer, he spent time in Shef'Amer, in the Galilee, where he met up with an Israeli Arab Christian called Elias Jabbour.

Jabbour is the founder of the House of Hope International Peace Centre — and one of the world's foremost practitioners of Sulha, a Palestinian form of conflict resolution.

Mr Lakenbach said: "A lot of people misinterpret what the Palestinians want.

"There is no way that Hamas, for example, represent the majority of the Palestinians.

"Having said that, when peace is looking dicey and things look poor, people will choose violence — as many Palestinians did when they elected Hamas.

"The problem is that many people also associate Islam with terror."

Mr Lakenbach, whose wife Lara is due to give birth to their first child in June, also voiced his concerns over the Oslo Peace Accords of the early 1990s.

He said: "The points in it only referred to Palestinian and Israeli officials — it did not focus on the citizens."

> Forum is attempting to build bridges

But he is optimistic about US President Barack Obama's intentions in the Middle East, after the rather lacksidasical approach taken by his predecessor George W Bush.

Mr Lakenbach explained: "He has brought in George Mitchell as special envoy to the Middle East, which I think is a great move — and a pivotal one.

"Mitchell did a great job in securing peace in Northern Ireland."

Despite his job title, Mr Lakenbach describes himself as both an idealist and realist.

He added: "Luckily for me, there is not a conflict between them — they fit together nicely for me."

www.middleeastproject.org