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## Checklist for Employees:

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- Payslips for year before accident (all employments)
- Payslips following accident (all employments)
- Actual past promotions and possible future promotions
- Benefits in kind – copies of P11D forms
  - company car
  - private medical insurance scheme
  - life assurance / health insurance
  - subsidised mortgage, accommodation assistance, etc
- Any other employment related bonuses?
- Similar details for a comparable worker, if necessary and available
- Contract of employment, if available
- Past employment history
- Employment record/Personnel File
- Career forecast
- Are career breaks a possibility?
- Job security
- Future residual earning capacity i.e. any handicap in labour market
- Retirement age – is this compulsory?
- Pension scheme details (ill health pension details)
- Standard salary scales for professions e.g. teaching, police, army
- New Earnings Survey (Northern Ireland or England)
- Any statistics available?

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## Checklist for Self-Employed:

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- Copies of last three years accounts and tax returns
- NIC record

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## Checklist for Minors and Students:

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- School reports and exam results
  - Siblings achievements
  - Parental careers
  - General family background
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Commercial litigation, money laundering and fraud cases, contact  
**Jeremy Harbinson**      **Paul Mulholland**      **Brendan Dwyer**

Personal injury, employment rights and matrimonial cases contact  
**Jeremy Harbinson**      **Dearbhail Beatty**      **Nora Tallon**

IBM House, 4 Bruce Street, Belfast, BT2 7JD. Tel: 028 9044 5100 Website: [www.harbinson-mulholland.com](http://www.harbinson-mulholland.com)

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## Future Loss of Earnings Claims:

- **EMPLOYEE**
- **SELF EMPLOYED**
- **CHECKLISTS FOR:**

- Employees
- Self-employed
- Minors and Students



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# Insight

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## Future Loss of Earnings Claim – Employee

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### Consider:

- Is information provided gross or net of tax? Deductions can vary greatly between individuals.
- Does it include overtime?
- Are there bonuses or benefits in kind?
- Were there any periods of unemployment in the past?
- Is there a promotion record in the past?
- Is there a company pension scheme?
- Does the employer contribute to a personal pension scheme?
- Economics and prospects of the industry concerned.

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### Best sources of information:

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- Weekly/monthly payslips and P60 for at least a year where work may be seasonal.
- Details of actual pay reviews since the accident.
- Information on comparable workers.
- Past employment history.

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### Is the “comparable worker” really comparable?

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- Obtain pre-accident payslips for the alleged comparable worker so direct comparison may be made.
- Obtain post-accident payslips to see how earnings have continued.
- Gather information on comparable workers age, employment history, promotional record, educational background.
- Did the comparable worker work the same amount of overtime as the Plaintiff pre-accident?

**Make sure the comparable worker is actually comparable!**

# Insight

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## Future Loss of Earnings Claim – Self-employed

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### Consider:

- Earnings history.
- Economics and prospects of the industry concerned.
- Obtain details of what the job actually involved to help in determining skills held for purposes of assessing residual earnings.
- Any pre-existing medical problems?

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### Best sources of information:

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- Accounts for three years prior to the accident.
- Copies of tax returns for three years prior to the accident.
- Detailed earnings history (NIC record can be helpful and will indicate where there have been significant periods of unemployment).

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### Issues affecting both employed and self-employed:

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### Impact of the Overall Economic Environment:

Consider the reality of the situation:

- Might the Plaintiff have retired early even without the injury?
- Any job security, “jobs for life” no longer exist.
- Is the profession/trade over/under supplied?
- Other businesses in same industry.
- Published information about earnings – New Earnings Survey (Northern Ireland or England figures as appropriate).