



**A Review of Public Liability
Awards 2007 & 2008**

June 2009

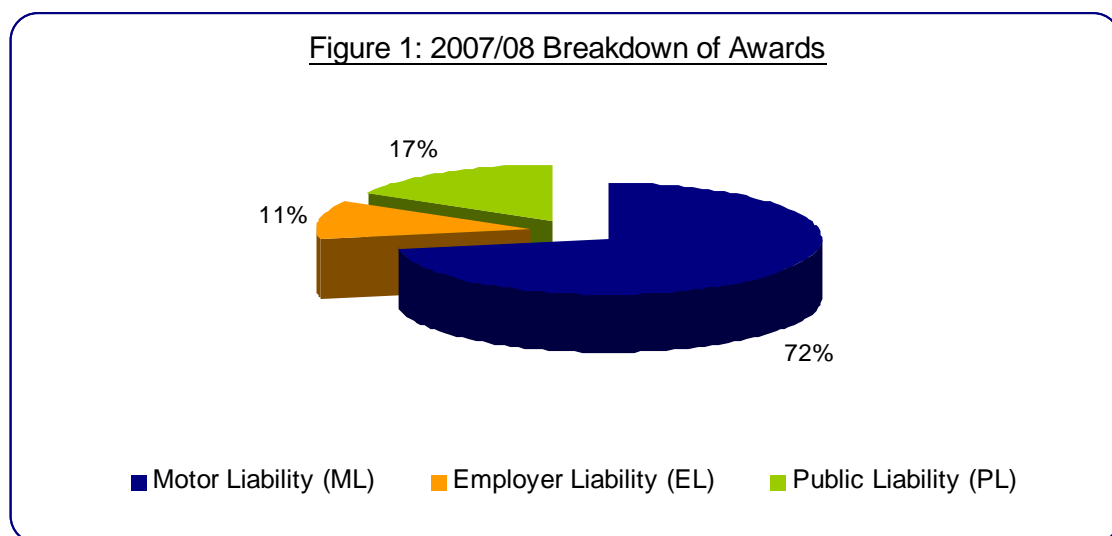
Introduction

During these tough economic times, some companies and organisations who admit the public to their facilities may be tempted to cut their investment in health and safety. That kind of approach can backfire, particularly, if you operate in a very competitive and accident-prone sphere such as retail.

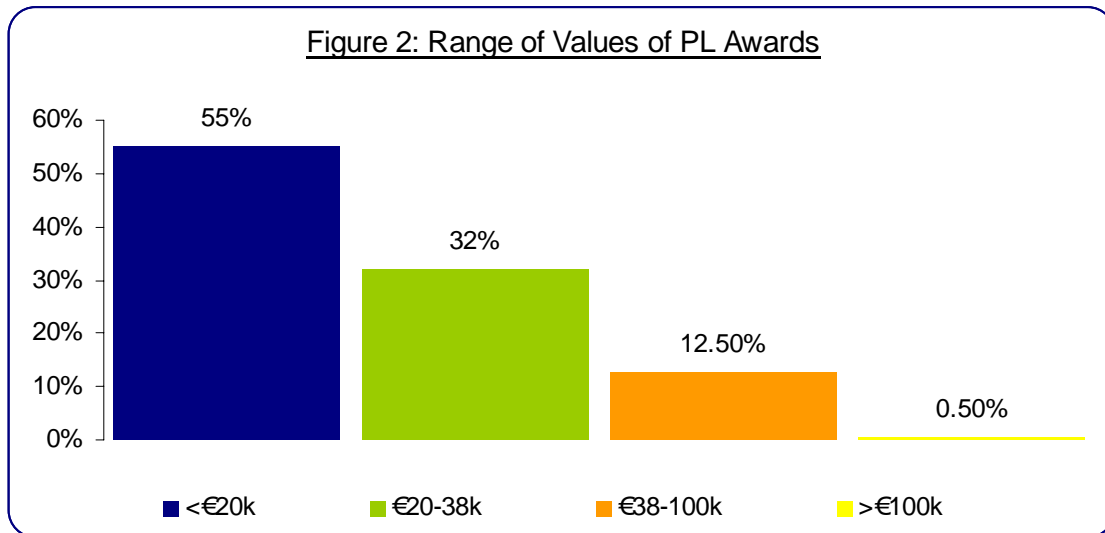
As this Review highlights, the factors which give rise to accidents in public places are many and varied. It is timely for public and private sector organisations alike to review the measures they have in place to prevent accidents across retail, hospitality, leisure and public spaces. Accident prevention is always important and ensuring your customers enjoy a safe environment can save money in the long run. Consumers must also take responsibility for accident prevention and be vigilant to the risks they face.

Overview

Since 2004, all personal injury claims in Ireland (excluding medical negligence) must be processed through InjuriesBoard.ie. Awards are made by the Board when the person/company against whom the claim is made consents to InjuriesBoard.ie completing an assessment of damages. One in six (17%) of all awards made by InjuriesBoard.ie in 2007 and 2008 related to public liability (Figure 1).



Total compensation of €65 million over the two years, 2007 and 2008 was awarded by InjuriesBoard.ie in respect of over 2,859 public liability awards.

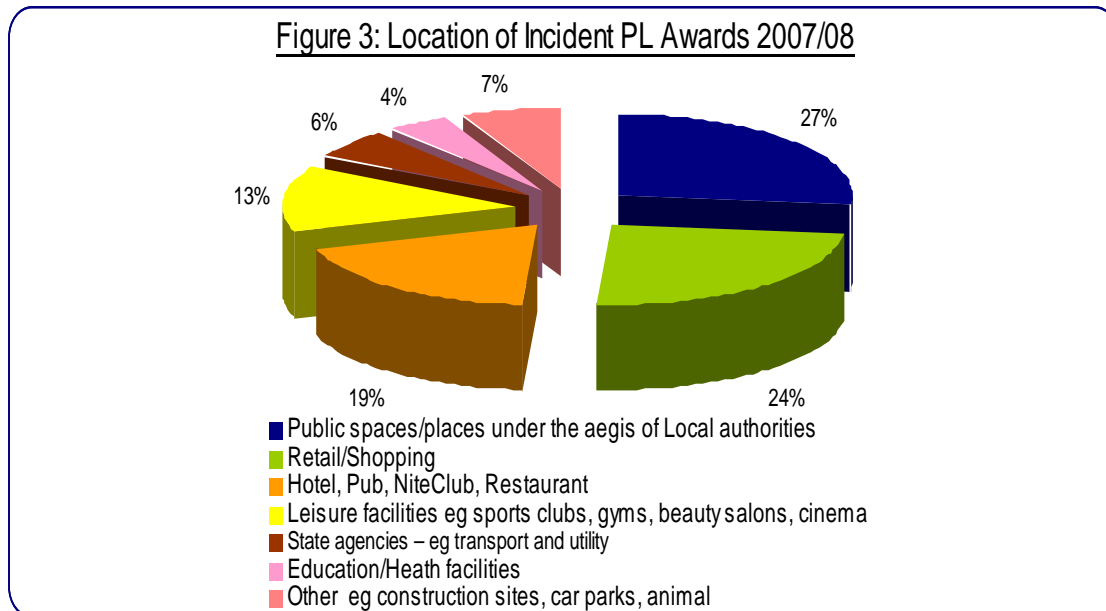


Over the two years the average award for public liability claims amounted to €22,865. 55% of awards were for less than €20,000, and 87% were for less than €38k (the upper limit on cases dealt with in the Circuit Court) (Figure 2).



Location of Accident

More than half of the 2,859 accidents under review (56%) took place in privately owned establishments – with almost one in four (23%) in a retail/shopping outlet, one in five (19%) in a pub/nightclub or restaurant and 13% in leisure facilities like sports clubs/gyms and cinemas (Figure 3).



A quarter of PL awards (27%) were made against Local Authorities and a further 6% involved public transport/utility services.

Case Studies

While enjoying a night out socialising in a bar with friends, **Joan**, a journalist in her mid 30's, was suddenly pushed to the floor by another patron and fell on broken glass. This fall resulted in cuts to her right thumb. The injury required stitches and has healed well with only minor scarring, although she does still experience some discomfort when playing golf and the injured area is quite sensitive in cold weather also. Joan submitted her claim application to InjuriesBoard.ie and an assessment was made within 9 months. Joan was awarded a total of approx. €12,500 including Special Damages and further necessary fees and expenses.

Michael, a 38 year old office worker, sustained a sprain injury and a laceration to his right leg when he slipped and fell on wet liquid on stairs while shopping in a large retail complex. The spillage was unmarked. The injury resulted in permanent scarring and he was off work for a total of 3 weeks due to pain and suffering. Michael had his claim processed through InjuriesBoard.ie within a 9 month timeframe and was awarded €10,000 in General Damages with a further €1,000 awarded for Special Damages and other fees and expenses.



Gender of Claimant

The analysis indicates that women have significantly more accidents involving public liability claims than men. 70% of all awards were made to women with 30% to men. This is a reversal of the data for injuries in the workplace where men receive 70% of awards. In the case of motor accidents, women account for just over half (52.5%) of all awards (Figures 4, 4a & 4b).

Figure 4: Gender Breakdown Public Liability

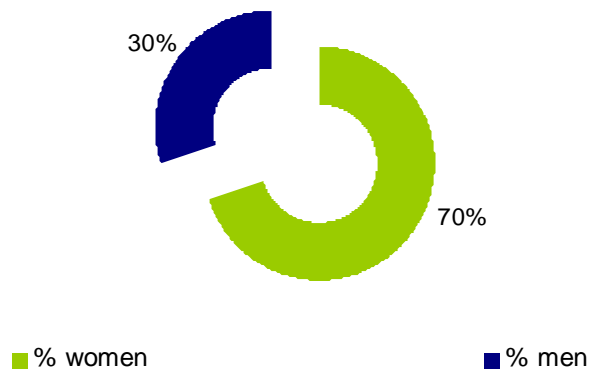


Figure 4a: Gender Breakdown Employer Liability

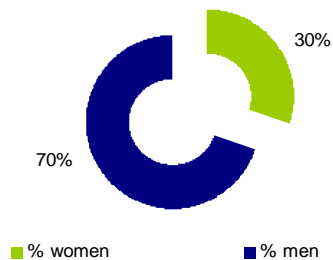
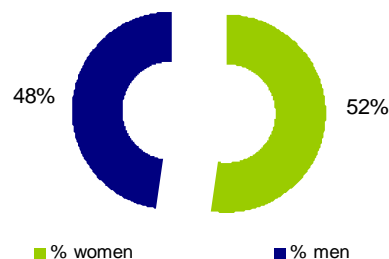


Figure 4b: Gender Breakdown Motor Liability



Case Studies

While out shopping one morning, **Theresa**, a retired lady in her 60's, tripped over an uneven footpath and fell heavily onto the ground. X-Rays revealed that she had broken her elbow in two places. Theresa suffered nerve damage complications and unfortunately will not make a full recovery from her injuries and will not recover full movement of her dominant arm. This has had an adverse affect on her home and social life. Theresa submitted a compensation claim through InjuriesBoard.ie and her claim was dealt with within the 9 month timeframe. In light of the severity of her injuries, the Board awarded Theresa €70,000 in General Damages for her pain and suffering.



When doing her weekly grocery shopping, **Catherine**, a 75 year old pensioner slipped and fell on grapes in the fruit and veg. department. Catherine suffered a fractured pelvis and a fractured left wrist and also several facial lacerations which required suturing. She was hospitalised for 4 days. Due to her injuries, she required home help and will need physiotherapy in the future. Catherine was a very independent lady and her daily activities were adversely affected by her injuries. Catherine sent her claim into InjuriesBoard.ie and it was assessed within 9 months. She was awarded approx. €66,000 in General Damages and additional costs for Special Damages and other fees necessarily incurred.

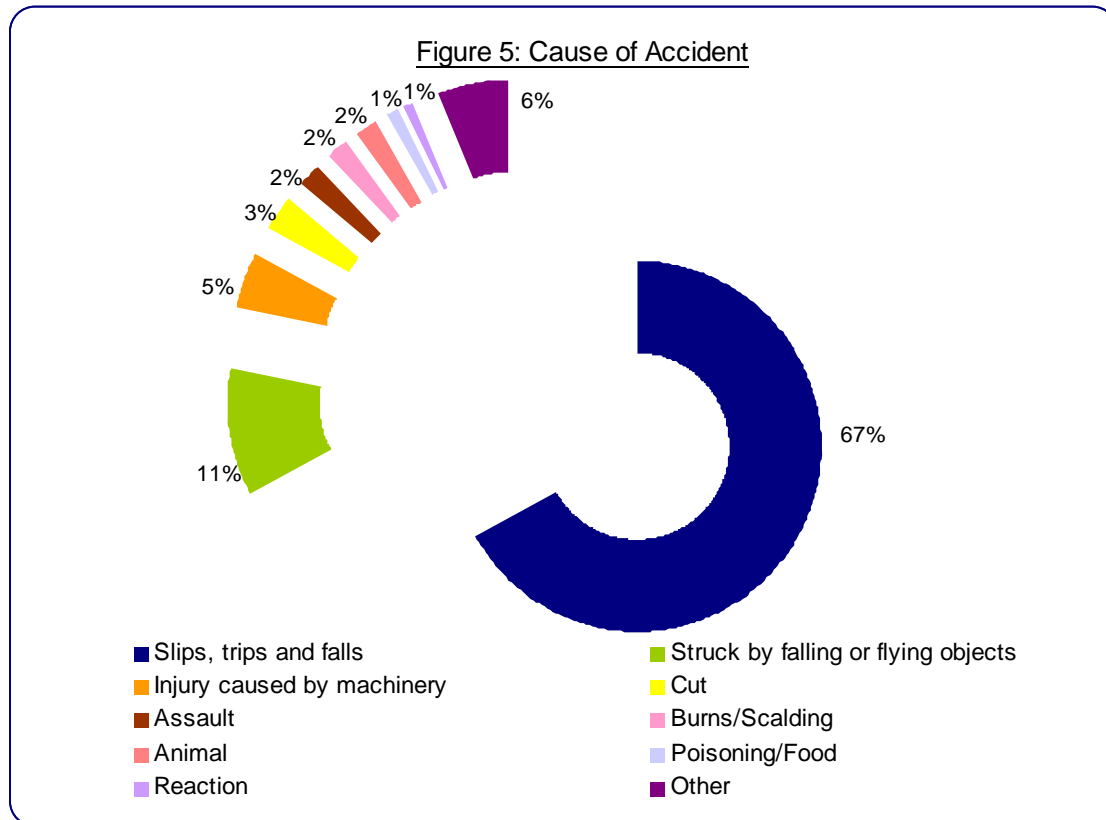
Colette, a housewife in her late 40's had a new gas back boiler installed in her home. Some days later the boiler suddenly exploded and Colette sustained burns to her legs and feet. This injury required 6 weeks of treatment and caused Colette considerable distress. Her claim was processed by InjuriesBoard.ie within the 9 month statutory timeframe. Colette was awarded just over €20,000.

In class one day, **Katie** an 11 year old student, was sitting at her desk when a light fitting fell from the ceiling and struck her on her head. As a result of this incident, Katie suffered soft tissue injuries to her head, back and neck. She made a complete recovery from her injuries. Katie's claim was sent to InjuriesBoard.ie and it was assessed within the 9 month timeframe. She was awarded a sum of €5,000 in General Damages.



Cause of Accident

The overwhelming cause of the accidents were slips, trips and falls (67%). Other cause included being struck by a falling or flying object (11%), injured by machinery (5%), burns/scalding (2%) and food poisoning (1%) (Figure 5).



Case Studies

Mary, a 45 year old office administrator, was attending a relative's wedding reception and whilst dancing on the temporary dancefloor provided by the hotel, the heel of her shoe became wedged in a ridge of the floor and she tripped and fell. The fall caused Mary to fracture her left wrist. She underwent a number of physiotherapy treatments and the movement and strength of her wrist is still limited. Mary's claim was processed within the 9 month timeframe and Mary was awarded almost €37,000. As she was unable to work for 12 weeks, this amount included Loss of Earnings and other fees and expenses necessarily incurred.

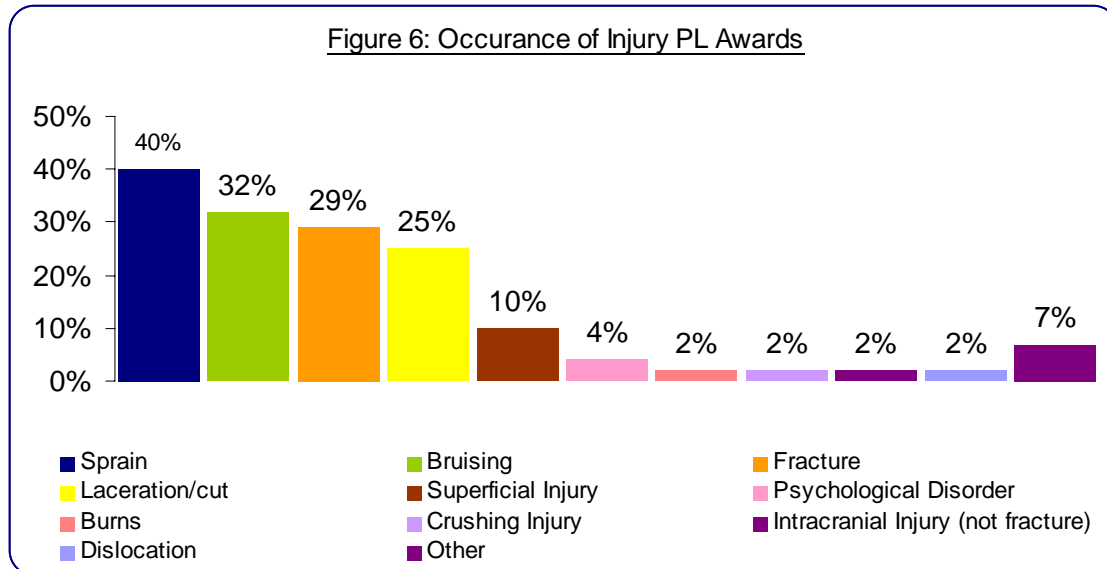
John, an apprentice mechanic in his early 20's, was a passenger on a bus when it stopped suddenly, the vehicle jolted and he was thrown across the bus. He sustained soft tissue injuries to his lower back, causing a degree of pain on an intermittent basis. The Board assessed John's claim within a 9 month period and awarded an amount of €8,500 in General Damages and an additional sum in necessary fees and expenses.

Emma, a 5 year old schoolgirl was playing with her friends in the playground of her school, when a brick came loose from the wall striking her across her head and shoulder. She suffered a concussion and was hospitalised for 2 days. Emma's claim was submitted to InjuriesBoard.ie and she was awarded a total of €8,000 in General Damages, Special Damages and necessarily incurred fees and expenses allowed by the Board.



Type of Injury

A review of the types of injuries sustained indicates that many accident victims sustain at least two injuries.



Sprains (40%) are the most common injury, followed by bruising (32%), fractures (29%) and lacerations (25%) (Figure 6).

Case Studies

Jack, a teacher in his mid 30's was attacked by a large dog and sustained a fractured finger and also serious abrasions and deep cuts to his left arm and chest area. After the attack he became very wary of dogs and of generally going outside; the incident affected his lifestyle in an adverse manner for a significant period of time. Jack submitted his claim for compensation via the Board's process and this was processed within a 9 month period. The Board assessed his claim and he was awarded a total of €35,000 for General and Special Damages and also for fees and expenses necessarily incurred and allowed by the Board.

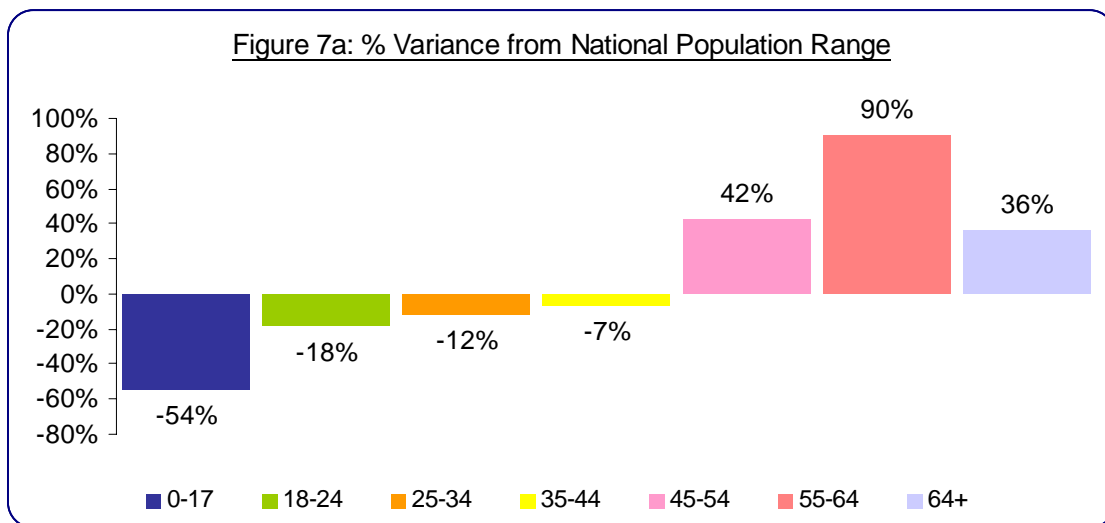
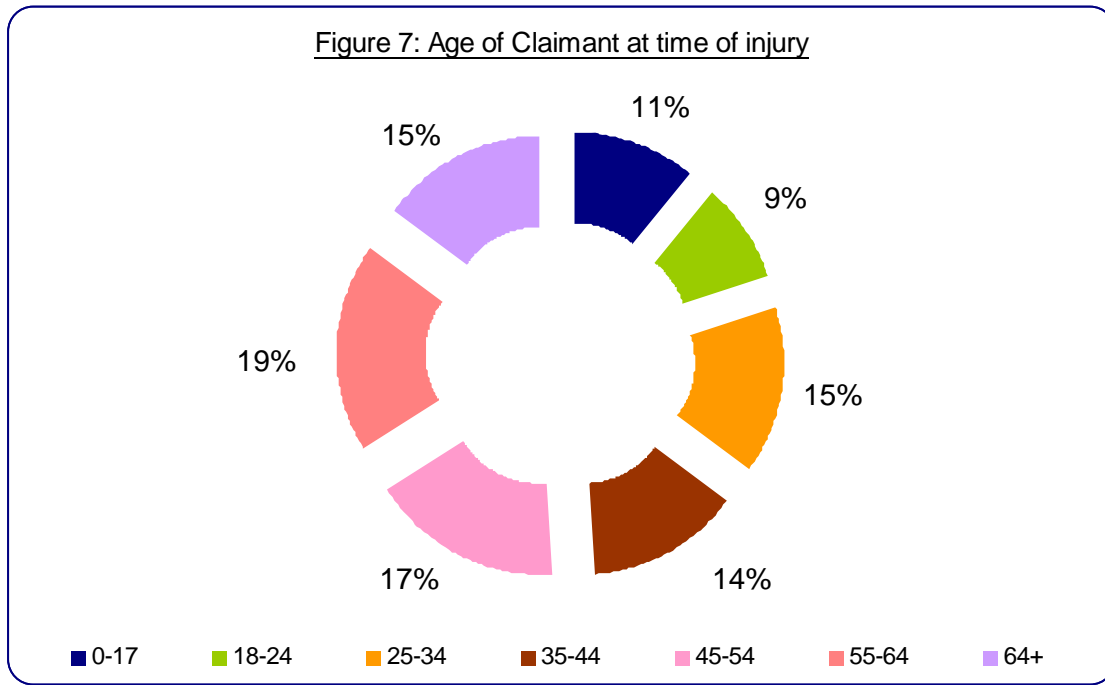
Kevin a 54 year old manager was shopping in his local grocery store when he suffered a deep cut to his hand when he injured himself with broken glass on the shelf. His injuries have now completely healed and he has no scarring. InjuriesBoard.ie assessed his claim and awarded Kevin a total of €3,800 in General and Special Damages and also includes necessarily incurred fees and expenses.

Chris, a painter and decorator in his mid twenties was leaning against the wall outside the front of his rented house, when it collapsed and trapped his leg underneath the debris. Chris suffered multiple cuts and abrasions and sprained his right knee and ankle. Prior to the incident Chris was a keen footballer but this has been curtailed as he now suffers ongoing stiffness in his joints. Chris' application was processed by InjuriesBoard.ie and he was awarded a sum of just over €10,000 in damages with additional costs of €200 for necessarily incurred fees and expenses also allowed by the Board.



Age of Claimant

People of all ages can be the victim of an accident, but in general, as you get older the risk rises. Half of all awards went to persons over 45, even though they account for just one third of the population (Figures 7 & 7a).



Case Studies

As **Caroline**, a care assistant in her late 30's, waited at the terminal to board a ferry, she went to sit on a seat and it collapsed from under her causing her injury. As a result of this accident, she sustained soft tissue injuries to her lower lumbar spine, ribs and left wrist. Caroline has difficulty sleeping and standing for prolonged periods of time. Caroline's claim was submitted to InjuriesBoard.ie and it was processed within the 9 month statutory timeframe. She was awarded just under €14,500 including General and Special Damages and also further fees and expenses necessarily incurred.



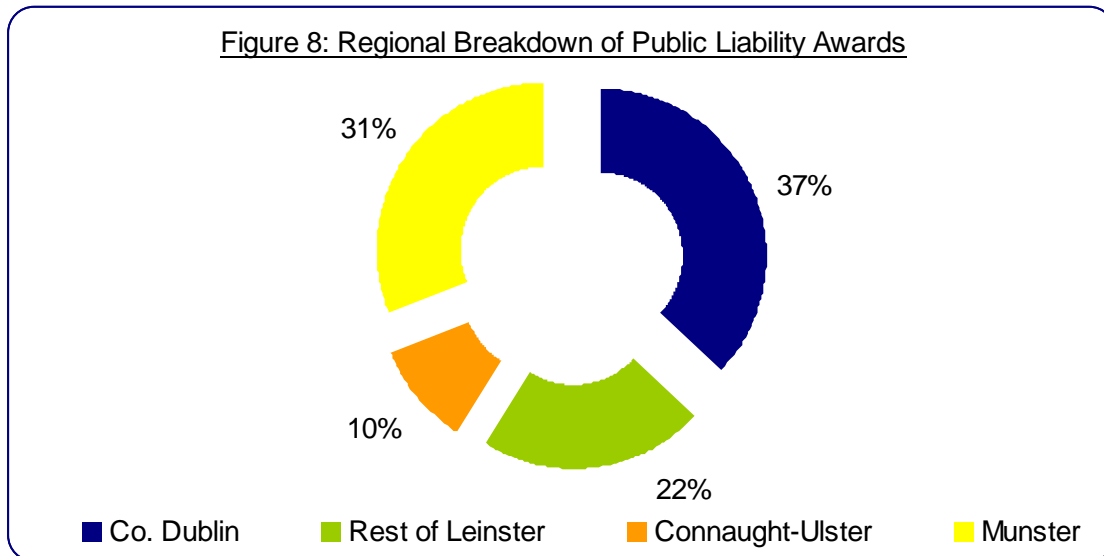
Tom a caretaker in his late 40's was out walking his dog when he was suddenly struck and attacked by a herd of cattle that had escaped. He suffered injuries to his chest, arms, wrists, back and shoulders. After the incident he could not resume some of his leisure activities such as football and gardening. Tom made an application through InjuriesBoard.ie website and his claim was processed within 9 months. His claim was assessed and he was awarded a total of €19,000 by the Board in both General and Special Damages.

Daniel, a dentist in late 50's was exiting the Jacuzzi in a leisure centre where the floor and steps were covered in water. He slipped and fell, twisting his left ankle and left knee. The effects of his injuries lasted for 4 weeks and he couldn't walk at all for 2 weeks. Prior to the injury Daniel enjoyed swimming and hill-walking regularly and he has not resumed these activities since his fall. Daniel's claim was assessed within the 9 month timeframe and he was awarded €28,000 in General Damages plus an additional sum in fees and other necessary expenses.

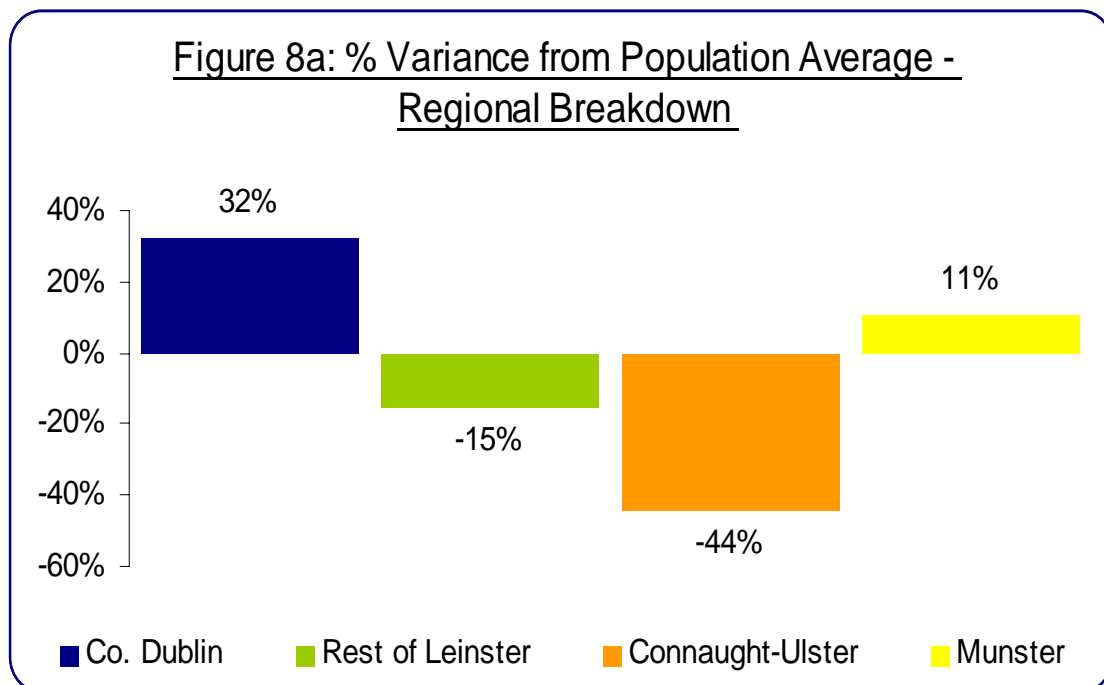


Awards by Region

The geographic spread of claimants across the country shows that the highest percentage of awards went to Dublin (37%), followed by Munster at 31%, the Rest of Leinster at 22% and Connaught/Ulster at 10% (Figure 8).

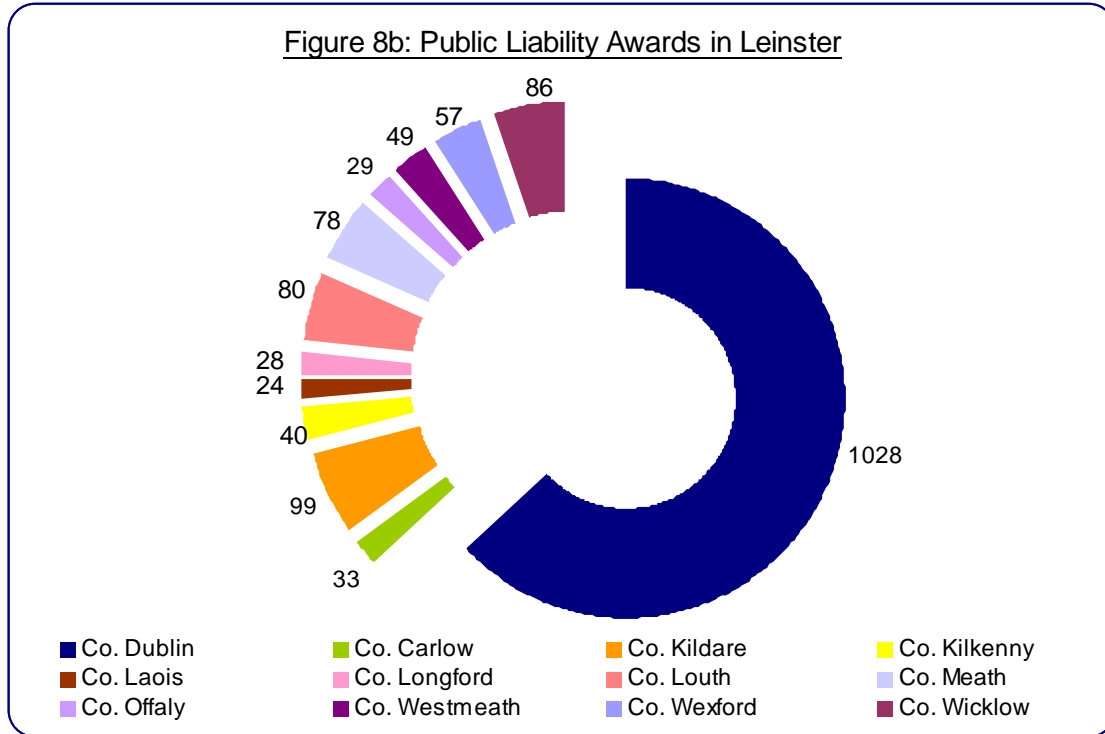


On a per head of population basis, residents in Dublin are 32% more likely to receive an award than in other regions (Figure 8a).



Awards by County

The following graphs give an analysis on a provincial basis of the number of awards in each county and the variance by county on a per head of population basis (Population data taken from CSO 2006 data).



Carlow is the only county in the country where there is no variation between the number of awards received and its share of national population (Figure 8c).

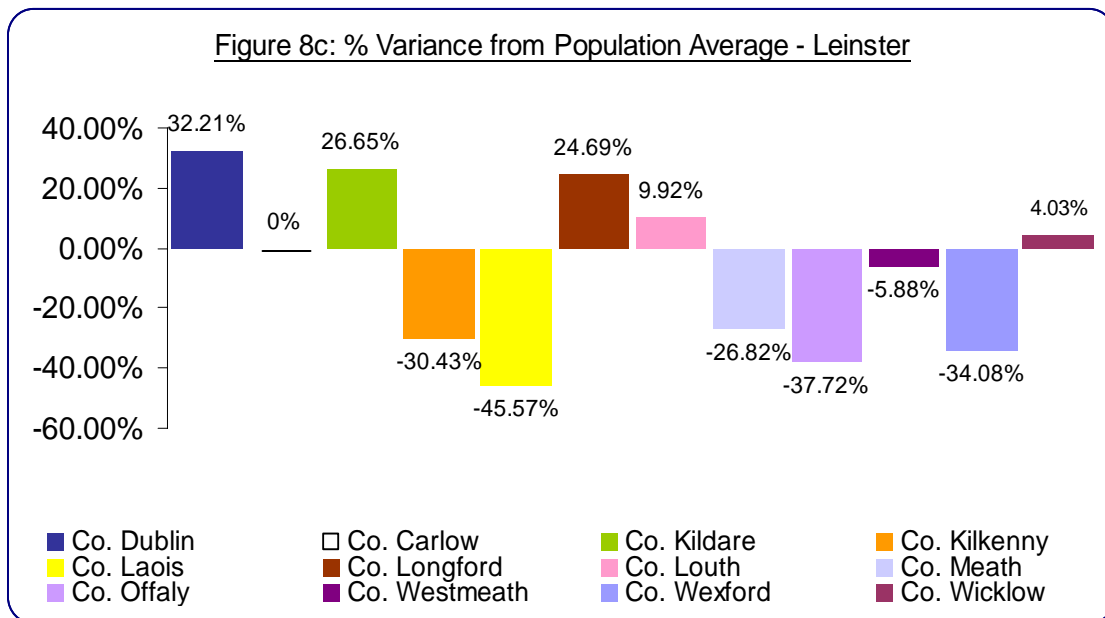
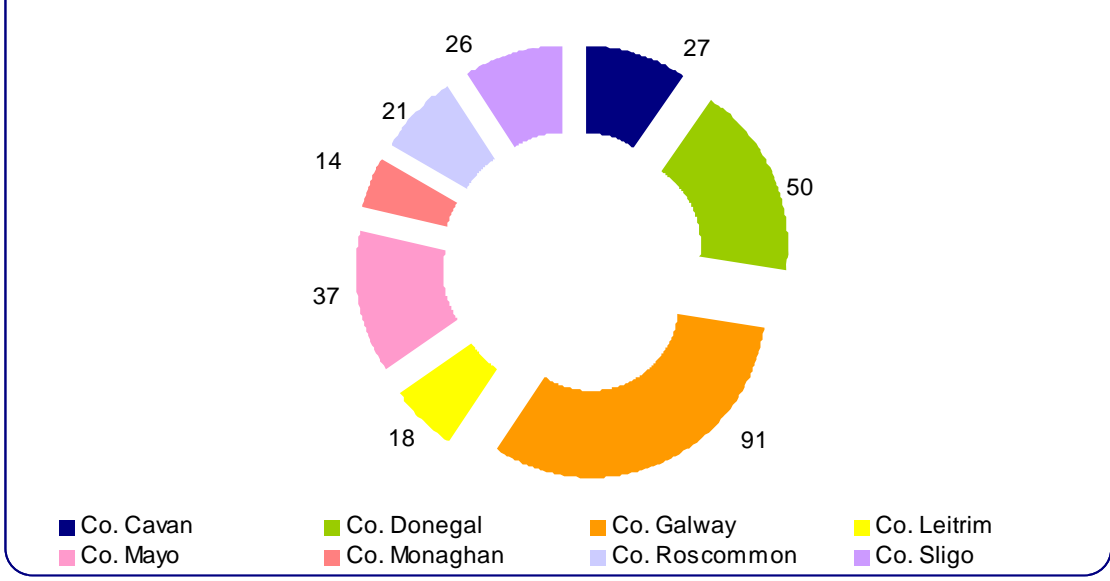


Figure 8d: Public Liability Awards in Connaught/Ulster



Connaught/Ulster is the only region in Ireland where all counties demonstrate a negative variance when analysed on a per head of population basis (Figure 8e).

Figure 8e: % Variance from National Population Average - Connaught / Ulster

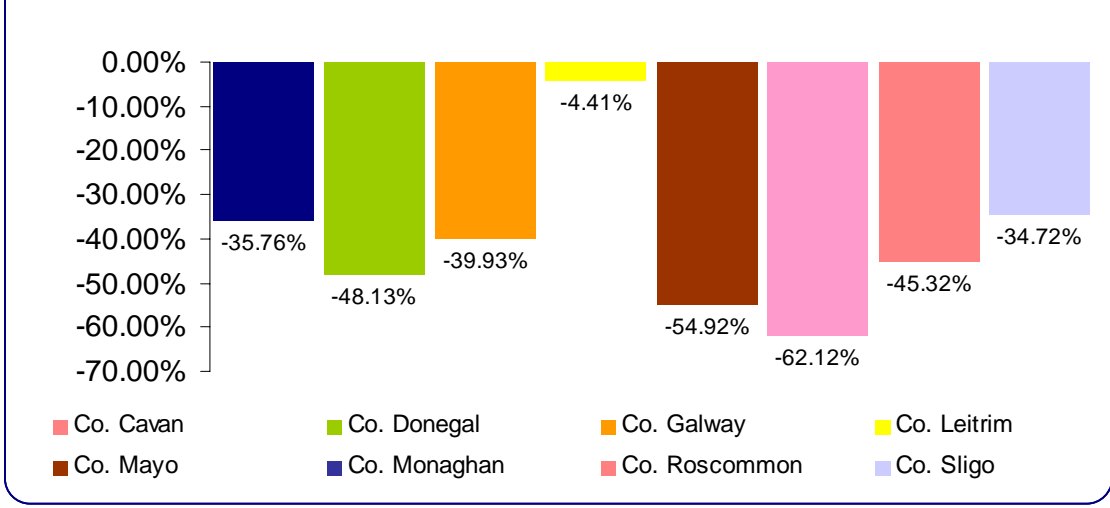
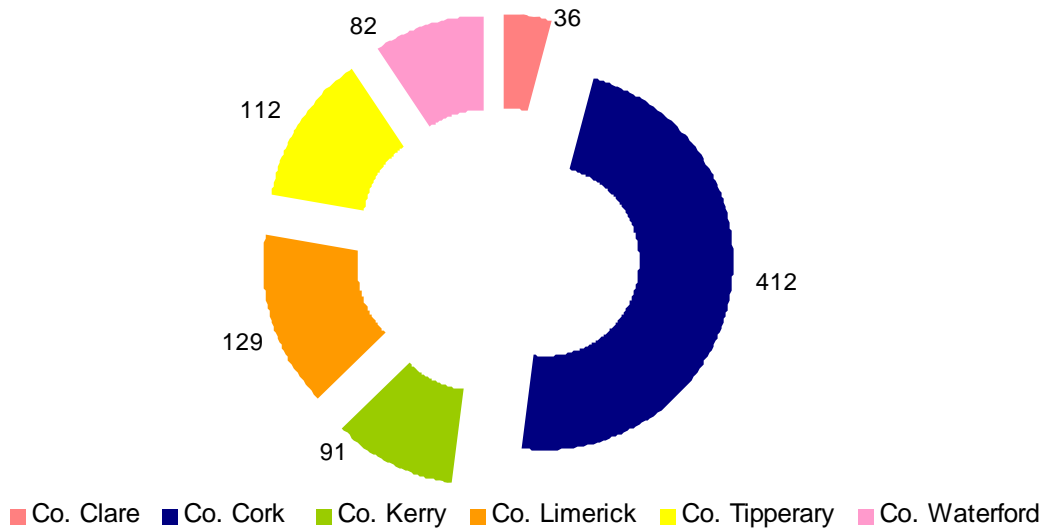
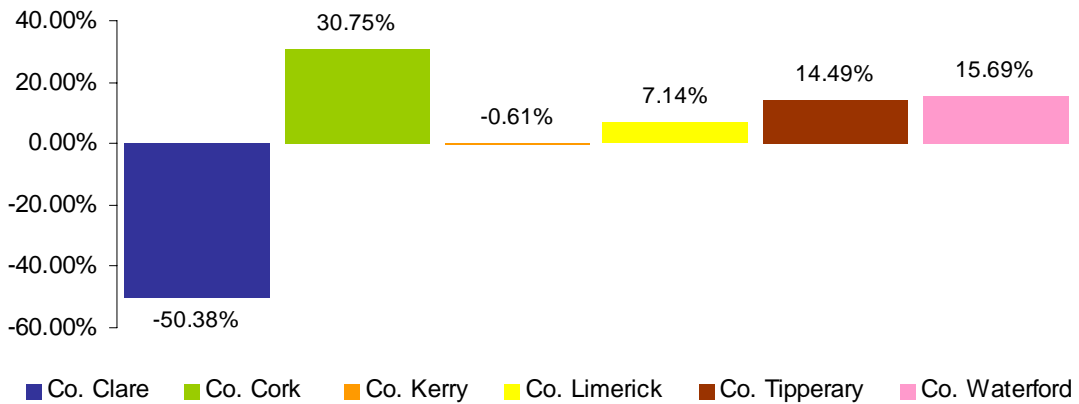


Figure 8f: Public Liability Awards in Munster



On a per head of population basis, residents in Cork are 30.75% more likely to receive an award than in other regions (Figure 8g).

Figure 8g: % Variance from National Population Average - Munster



Value of Public Liability Awards Issued in 2007/08 by County

County	PI Awards Issued in 2007&2008	Total PL Award 2007/08
Co. Dublin	1028	€23,468,780
Co. Carlow	33	€662,262
Co. Kildare	99	€2,142,000
Co. Kilkenny	40	€954,892
Co. Laois	24	€588,808
Co. Longford	28	€523,684
Co. Louth	80	€1,906,128
Co. Meath	78	€1,729,726
Co. Offaly	29	€511,324
Co. Westmeath	49	€1,053,829
Co. Wexford	57	€1,351,818
Co. Wicklow	86	€2,217,915
Co. Cavan	27	€667,245
Co. Donegal	50	€1,097,919
Co. Galway	91	€2,334,500
Co. Leitrim	18	€384,255
Co. Mayo	37	€931,834
Co. Monaghan	14	€490,341
Co. Roscommon	21	€410,442
Co. Sligo	26	€501,184
Co. Clare	36	€890,826
Co. Cork	412	€9,242,310
Co. Kerry	91	€2,059,358
Co. Limerick	129	€2,674,719
Co. Tipperary	112	€2,535,503
Co. Waterford	82	€1,874,836
<i>Outside the State</i>	82	€2,167,352

