



A Review of Public Liability Awards 2009

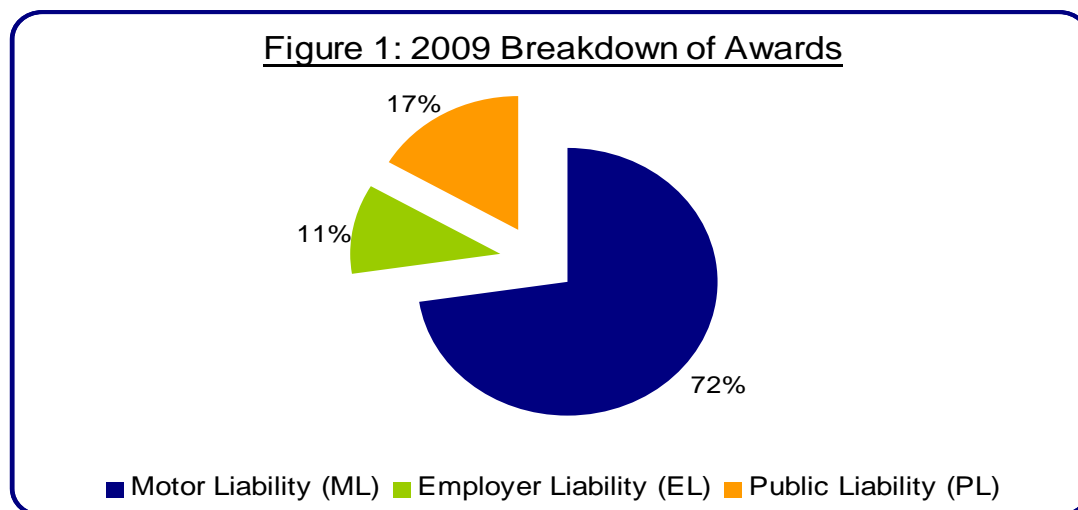
June 2010

Introduction

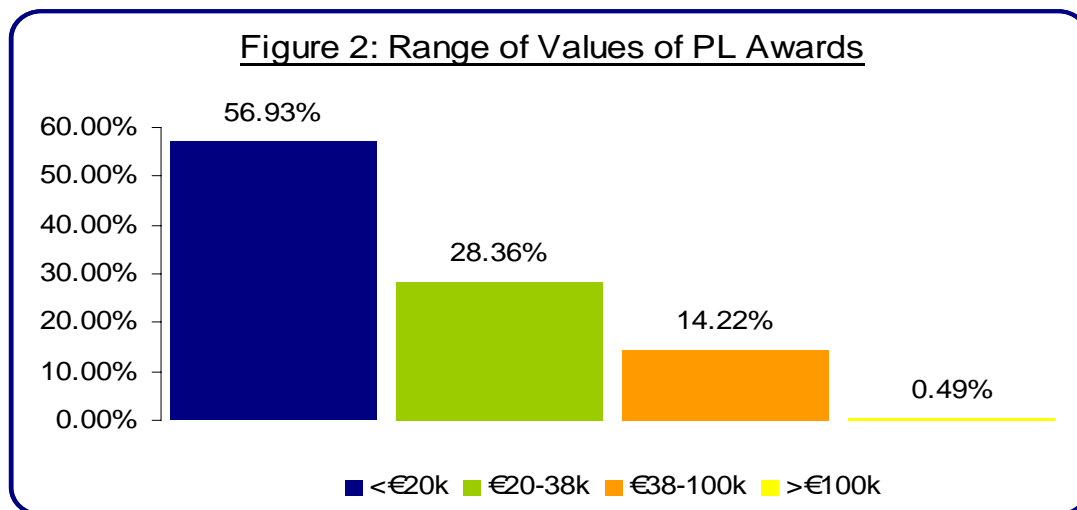
This is the second comprehensive Review of Awards published by InjuriesBoard.ie in relation to accidents which took place in public places. Together with the Board's Review of 2007/8 Awards it provides a significant insight into the causes of accidents and the sectors or locations which pose the greatest risk. These Reviews are especially valuable to Health and Safety professionals in their risk assessments and enable scarce resources to be focussed on the most critical areas. Even during difficult economic times, investing in accident prevention can save money for organisations who enjoy a significant public footfall on their property.

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 2009 related to public liability (Figure 1).



Compensation of €33 million was awarded by InjuriesBoard.ie in 2009 in respect of 1,443 public liability awards.

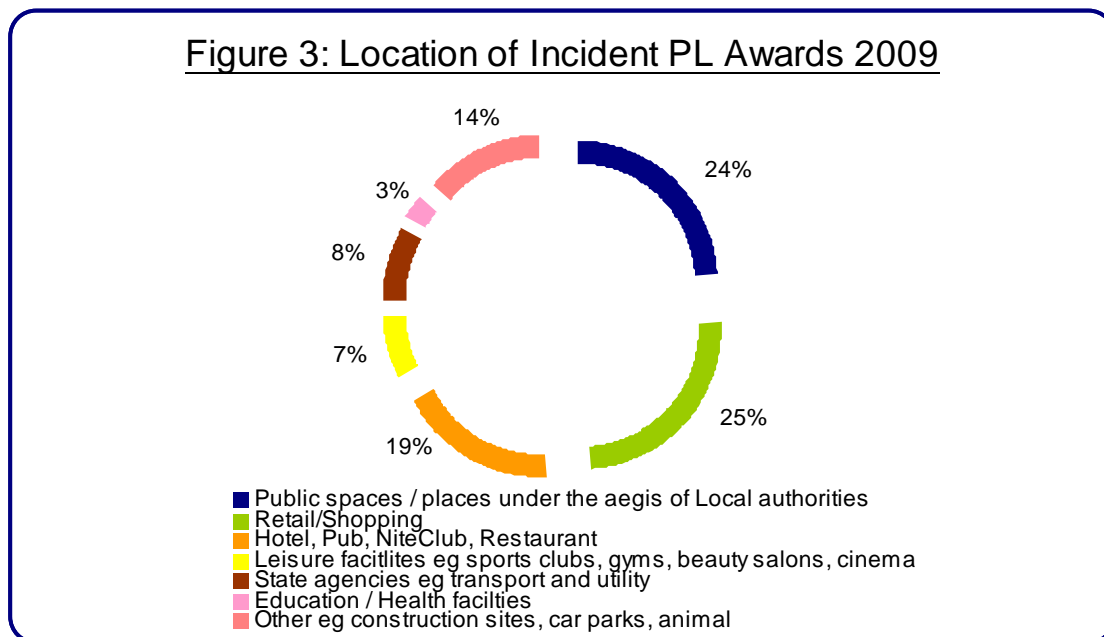


In 2009 the average award for public liability claims amounted to €23,143. Over 56% of awards were for less than €20,000, and 85% were for less than €38k (the upper limit on cases dealt with in the Circuit Court) (Figure 2).



Location of Accident

More than half of the 1,443 accidents under review (51%) took place in privately owned establishments – with one in four (25%) in a retail/shopping outlet and one in five (19%) in a pub/nightclub or restaurant these figures are in line with the 2007 and 2008 PL Review. 7% of PL Awards in 2009 arose from accidents in leisure facilities like sports clubs/gyms and cinemas; a substantial drop from the same sector reviewed in the 2007 & 2008 Review (13%) (Figure 3).



A quarter of PL awards (24%) were made against Local Authorities and a further 8% involved public transport/utility services.

Case Studies

Edward, a retired bank official fell on a badly broken footpath in the car park of his local shop. He lost consciousness at the scene and suffered a broken arm and also abrasions and bruising to his face and head. The fracture took quite a long time to heal and Edward required over 15 physiotherapy sessions. He still has some difficulty when raising his arm and finds lifting still quite painful. InjuriesBoard.ie assessed Edward's claim and he was awarded €35,000 for pain and suffering.

Natalie, a travel agent in her mid twenties was enjoying a meal out in a restaurant with her family when a waiter spilled boiling water on her legs. She suffered burns to her upper legs and this has resulted in permanent scarring. These scars cause her much discomfort as the skin has become very sensitive and are intermittently painful.

Natalie's claim was assessed by InjuriesBoard.ie and she was awarded just over €17,000 in General and Special Damages.



Gender of Claimant

The analysis indicates that women have significantly more accidents involving public liability claims than men. 72% of all awards were made to women with just under 28% to men. In 2008, the most recent statistics available show that, employer liability awards reverses this trend with just under 75% of EL awards going to men. In the case of motor accident awards made in 2008, women account for just over half of all awards (52%) (Figures 4, 4a & 4b).

Figure 4: Gender Breakdown Public Liability

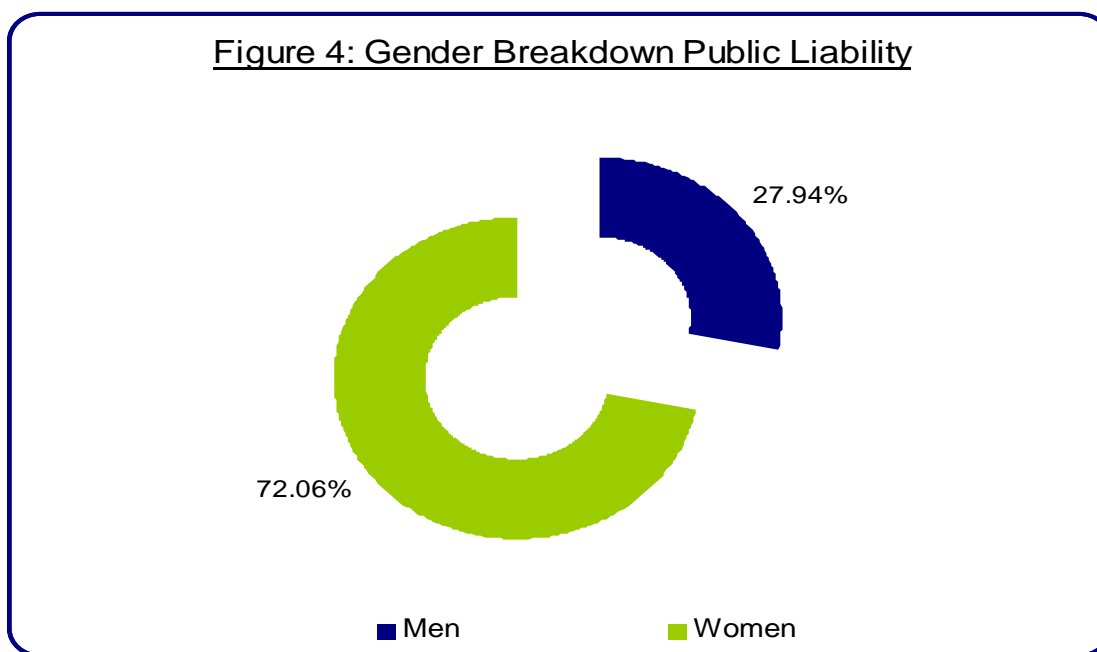


Figure 4a: Gender Breakdown EL Awards 2008

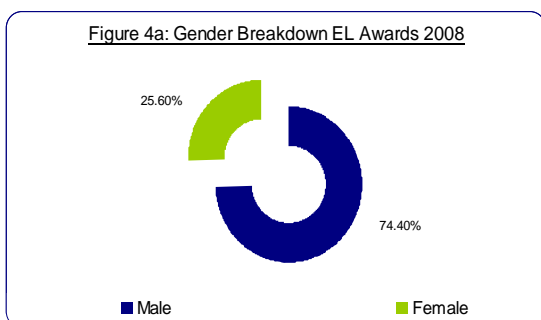
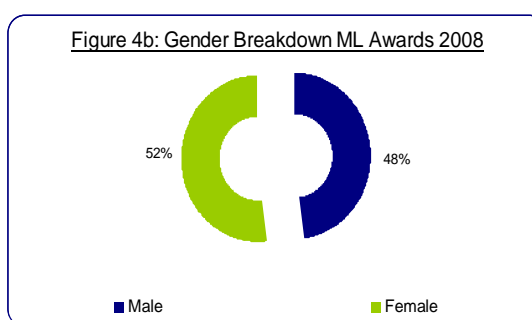


Figure 4b: Gender Breakdown ML Awards 2008



Case Studies

Cathy a midwife in her early fifties tripped and fell over a badly damaged kerb in the town centre. The kerb had not been repaired, was unmarked and uneven. Cathy broke her shoulder in the fall and it was placed in a sling for over two months. Cathy required extensive physiotherapy and despite attending for over a year; she still finds overhead activities difficult and unfortunately will have permanent restriction in her shoulder.

Cathy's claim was assessed by the Board and she was awarded just over €40,000 in General and Special Damages.



Claire, a drama teacher in her late twenties tripped and fell over a badly damaged and un-repaired floor in a shopping centre. There were no warning signs indicating the damaged area. She suffered a twisting injury to her knee, causing significant cartilage damage. Claire had enjoyed competitive dance as a hobby and after the incident was unable to return to this activity.

Claire's recovery was slow and her mobility was reduced for some time because of the fall.

The Board assessed her claim and she received just over €27,000 in General and Special Damages.

Mark, a block layer in his thirties was enjoying a night out with some friends in a pub when he was struck on the head by a falling wall hanging that had not been properly secured to the wall. He suffered soft tissue injuries to his head and neck which resulted in frequent dizzy spells and headaches.

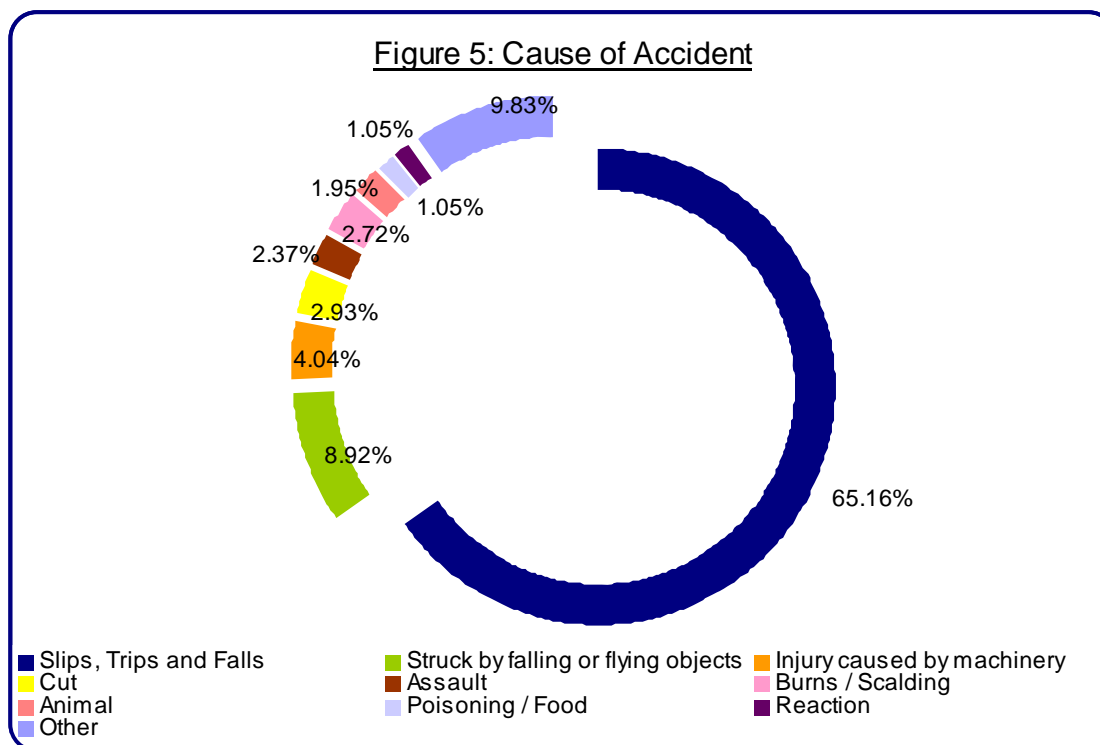
He has since made a full recovery.

The Board assessed Mark's claim and he was awarded just under €9,000 in General and Special Damages.



Cause of Accident

The overwhelming cause of the accidents was slips, trips and falls (65%). Other cause included being struck by a falling or flying object (9%), injured by machinery (4%), burns/scalding (2.72%) and food poisoning (1%) (Figure 5).



Case Studies

Eileen, a secretary in her mid forties was leaving her local supermarket with her weekly shopping when she suddenly slipped and fell on unmarked wet tiles by the door. There were no warning signs erected. Eileen fell heavily and awkwardly on her side and suffered a fracture to her left shoulder. As a result of this fall she was out of work for almost 3 months and had to attend regular physiotherapy sessions.

The Board assessed her claim and she received just under €21,000 in General and Special Damages.

Tom, a driver in his early thirties was out in a local bar when he caught his finger in a faulty door. The incident resulted in a partial amputation of the tip of Tom's finger and an overall loss of sensation and grip. The Board assessed his claim and he received just under €24,000 in compensation in General and Special Damages.



While out shopping **Maura**, a housewife in her sixties tripped and fell over a collapsed steel clothes rail in a large retail outlet. The rail had been badly constructed, unguarded and not marked as a health and safety risk. She suffered cuts to her hand, leg and foot and the fall aggravated a previous tendon problem in Maura's foot, which subsequently required surgery. She experienced difficulty walking for any period of time and suffered frequent pain in her foot.

The Board assessed Maura's claim and she was awarded just over €27,000 in General and Special Damages, this figure also allowed for Hospital Expenses.

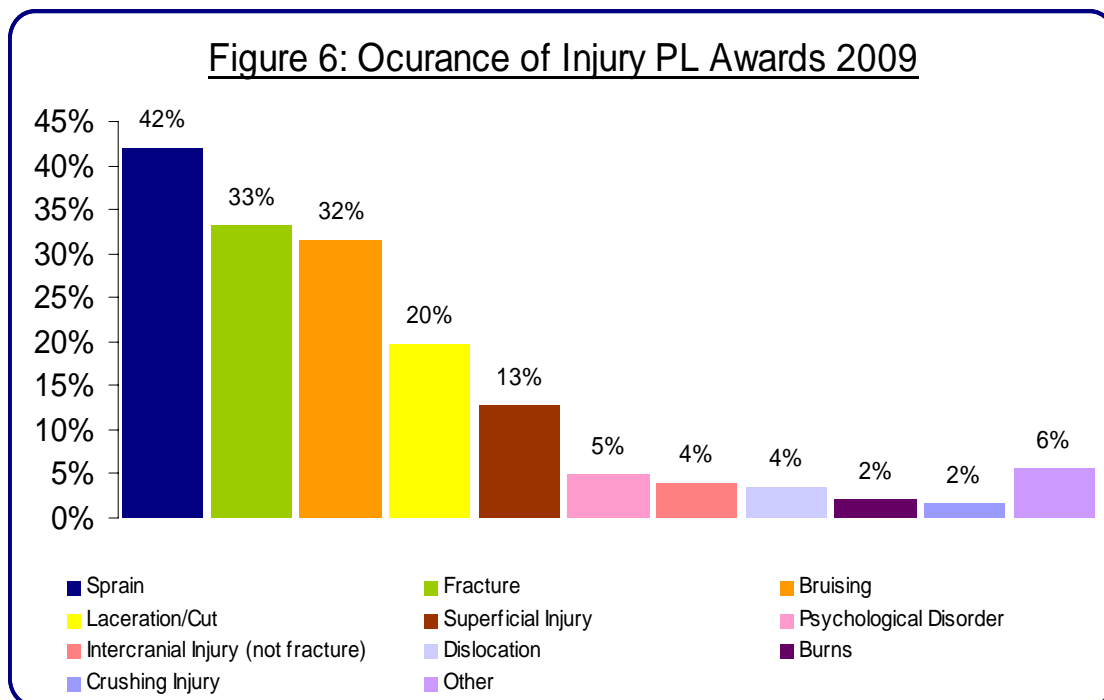
Adam, a 10 year-old schoolboy was visiting his friends' house one afternoon when he was set upon by their dog in an unprovoked attack. The dog had been left unrestrained for the duration of Adam's stay. He suffered deep lacerations to his arm which required several stitches and resulted in scarring to the area. These scars can cause Adam some discomfort and he is quite self conscious about them.

The Board assessed his claim and awarded Adam just over €19,000 in General and Special Damages.



Type of Injury

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



Sprains (42%) are the most common injury, followed by fracture (33%), bruising (32%) and lacerations (20%) (Figure 6).

Case Studies

Tess, a child minder in her fifties tripped and fell over a faulty and badly repaired part of the footpath, which had remained uneven and irregular after road works had completed and all work warning signs had been removed. She suffered a very serious fracture to her right shoulder and was left with considerable stiffness and lack of movement in her shoulder.

As a result, Tess has been unable to return to work and requires part-time home help with her daily chores. Also, she had to undertake major renovations to her home to make it more suitable to her needs.

The Board assessed Tess's claim and she was awarded just over €95,000 in General and Special Damages, over €50,000 of this figure allowed for future medical treatment and necessary property renovations.

Fiona, a chef, in her late thirties was in her local grocery store when she walked into the unmarked glass entrance door. There were no safety markings on the door and she did not see it. She suffered lacerations around her eyes with bruising to her face and nose and still suffers from intermittent nosebleeds.

InjuriesBoard.ie assessed Fiona's claim and awarded her €4,200 in General and Special Damages, this amount also included a sum to replace her spectacles which were damaged in the incident.



After attending the cinema with friends, **Barry** an office executive in his twenties, slipped on spilled ice cream on the tiled area of the foyer. It had not been cleaned away by staff and there were no warning signs to indicate that the area was a health and safety hazard.

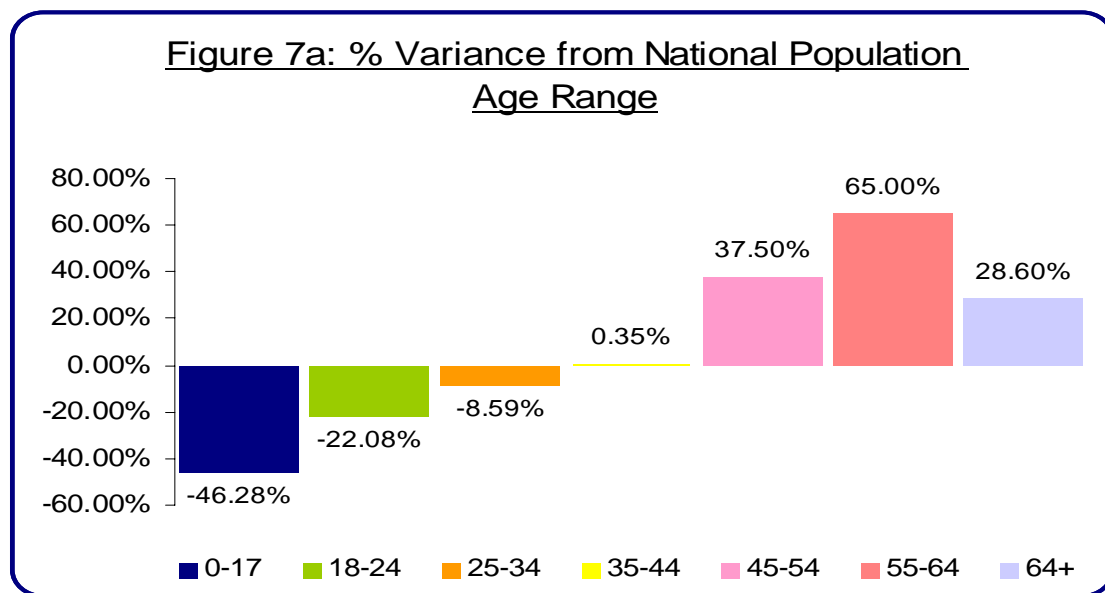
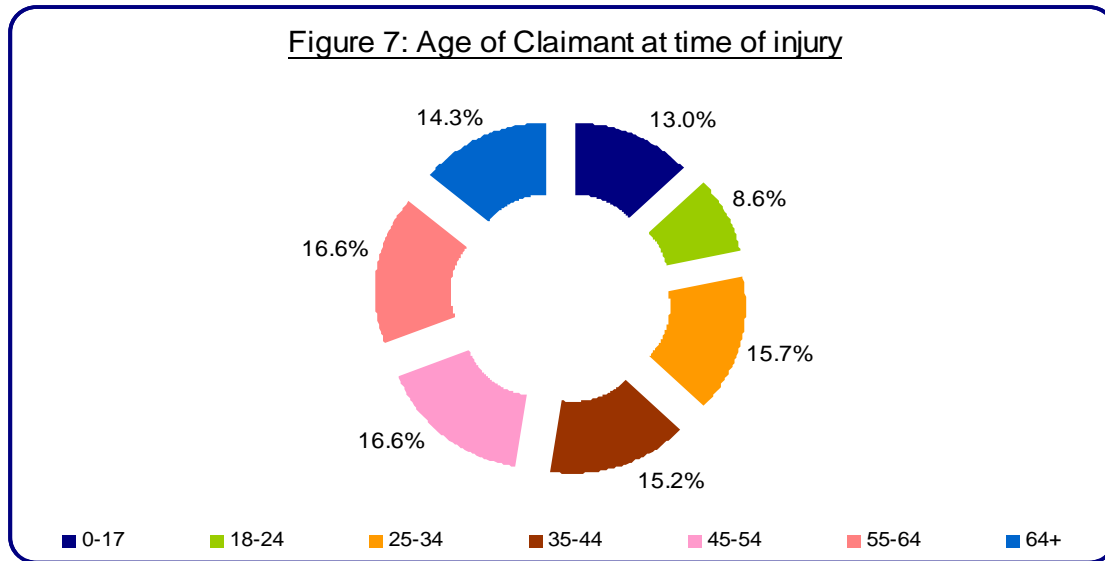
He fell heavily on his outstretched hands and also on his hip.

Barry suffered ligament damage to his wrist and also a broken finger. He was unable to work for six weeks and found driving and computer work difficult in the period directly after his injury. The Board made an assessment of Barry's claim and awarded him just under €30,000 in General and Special Damages, this figure also allows for Loss of Earnings by the claimant.



Age of Claimant

People of all ages can be the victim of an accident, but in general, as you get older the risk rises. Just under half of all awards went to persons over 45, even though they account for just one third of the population (Figures 7 & 7a). This is in line with the data produced in the 2007 & 2008 Review.



Case Studies

While out celebrating a work colleague's retirement dinner, **Joseph**, an accountant in his late forties, slipped and fell on wet stairs in the restaurant. There were no warnings signs erected and the area had not been marked as a health and safety hazard.

As a result of his fall, Joseph fractured fingers on his dominant (right) hand and also sprained his foot. He was unable to return to work for over a month. InjuriesBoard.ie assessed Joseph's claim and he was awarded over €29,000 in General and Special Damages.



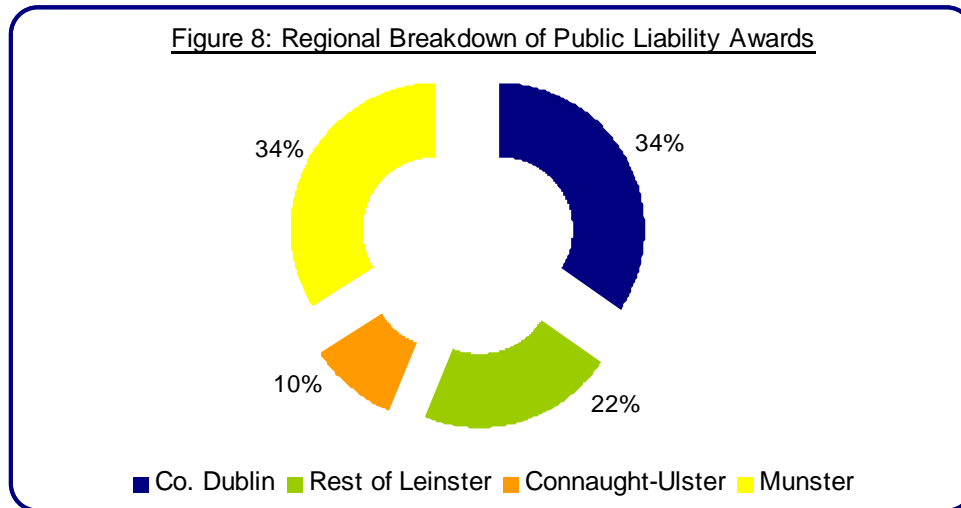
Saoirse, a four year-old schoolgirl was playing in the play-area of a restaurant. She suffered cuts and abrasions and some bruising to her back when she was struck by a protruding bolt on a play-slide. The slide had not been constructed properly and was defective. Saoirse made a full recovery from her injuries. The Board assessed her claim and she received just over €4,000 in General and Special Damages.

While attending a family function in her local sports club, **Anna** a 17 year-old student was caused to slip and fall on a wet part of the dance floor, spraining her ankle. She also landed on some broken glass that had not been cleared away or cordoned off. As some shards of glass had become embedded in the palm of her hand it required surgery and resulted in some scarring. The Board assessed Anna's claim and she was awarded just over €11,000 in General and Special Damages. This figure also allowed for medical and legal fees.

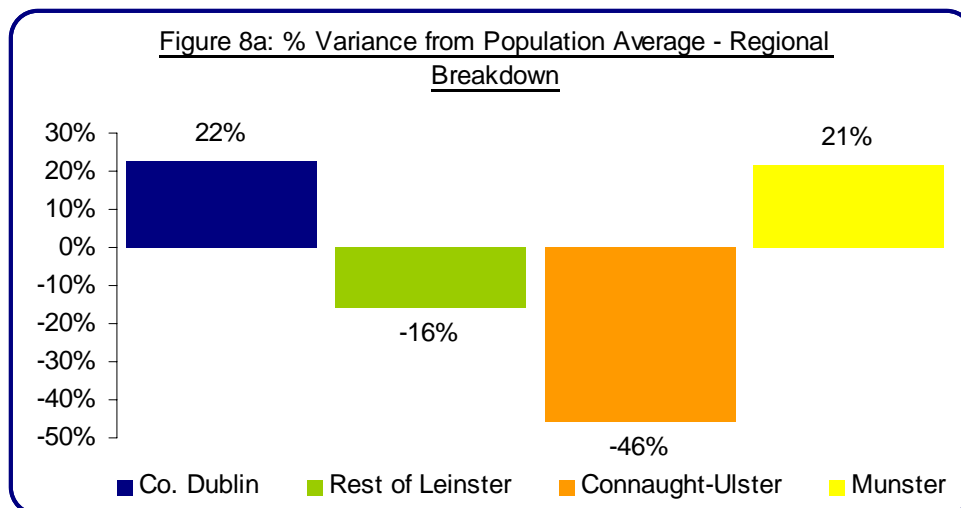


Awards by Region

The geographic spread of claimants across the country shows that an equal percentage of awards went to Dublin and Munster (34% each). The Rest of Leinster accounted for 22% followed by Connaught/Ulster at 10% (Figure 8).

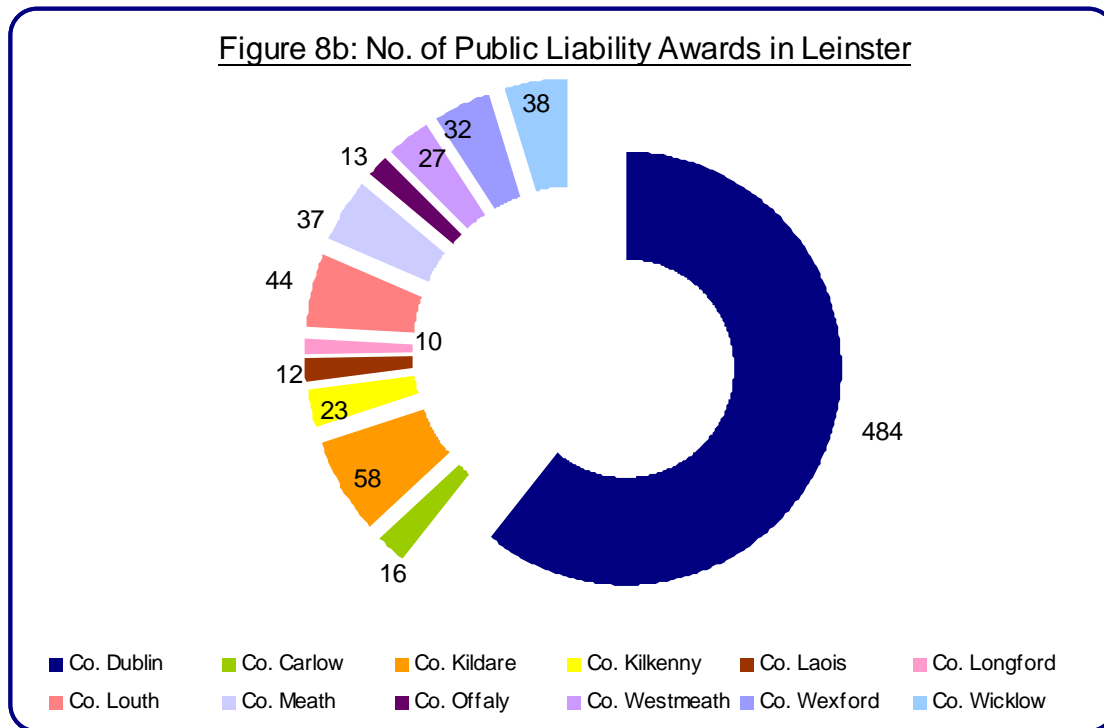


On a per head of population basis, residents in Dublin are 22% more likely to receive an award than in other regions (Figure 8a). This is a 10% drop on the figure seen in the 2007 & 2008 PL Award Review.



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).



All counties show a variation between the number of awards received and its share of national population (Figure 8c).

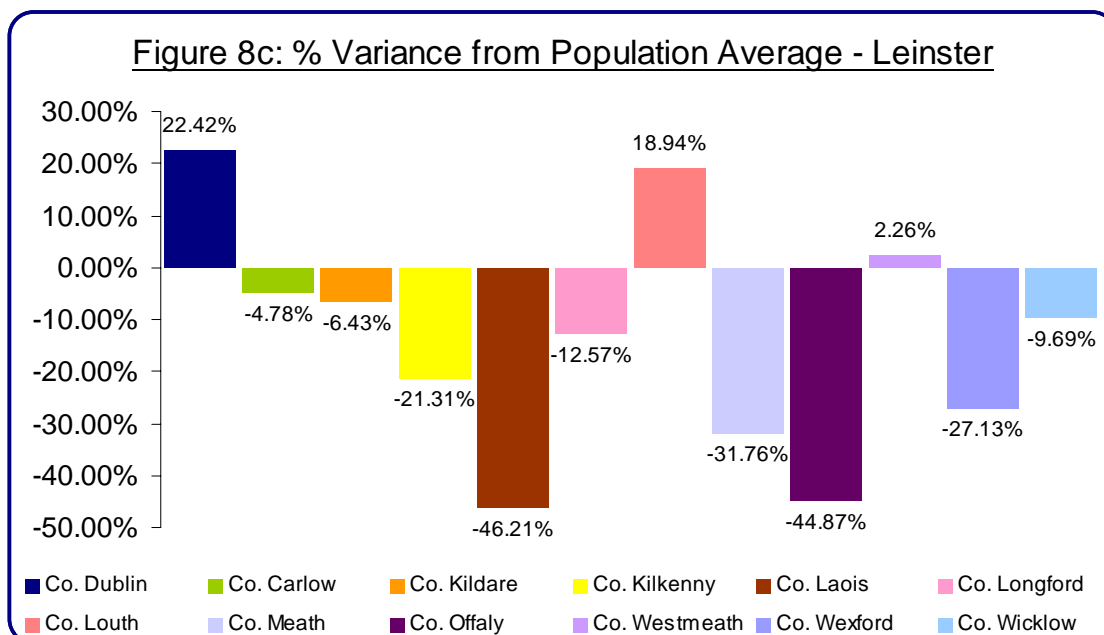
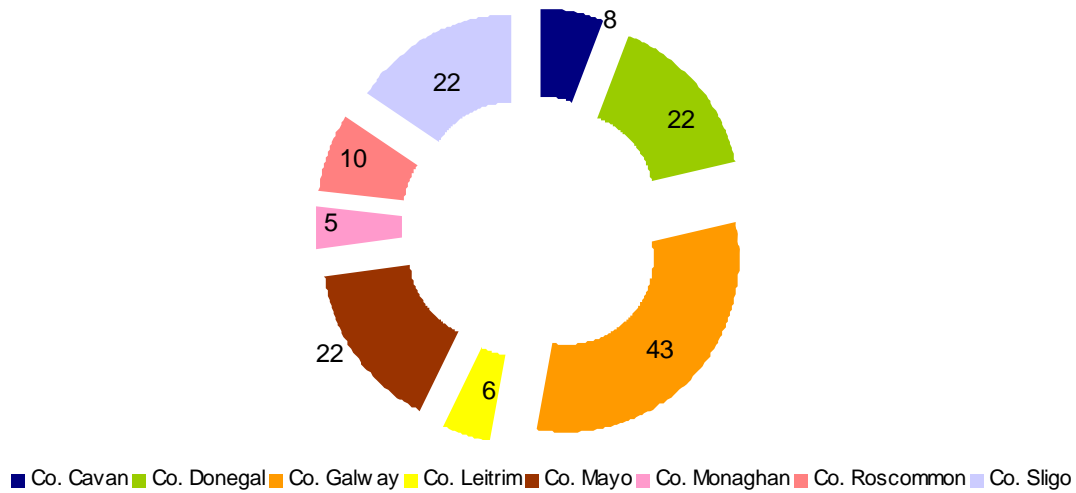


Figure 8d: No. of Public Liability Awards in Connaught/Ulster



As Figure 8e below shows only one county (Sligo) in the Connaught/Ulster region shows a positive variance when analysed on a per head of population basis (Figure 8e).

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

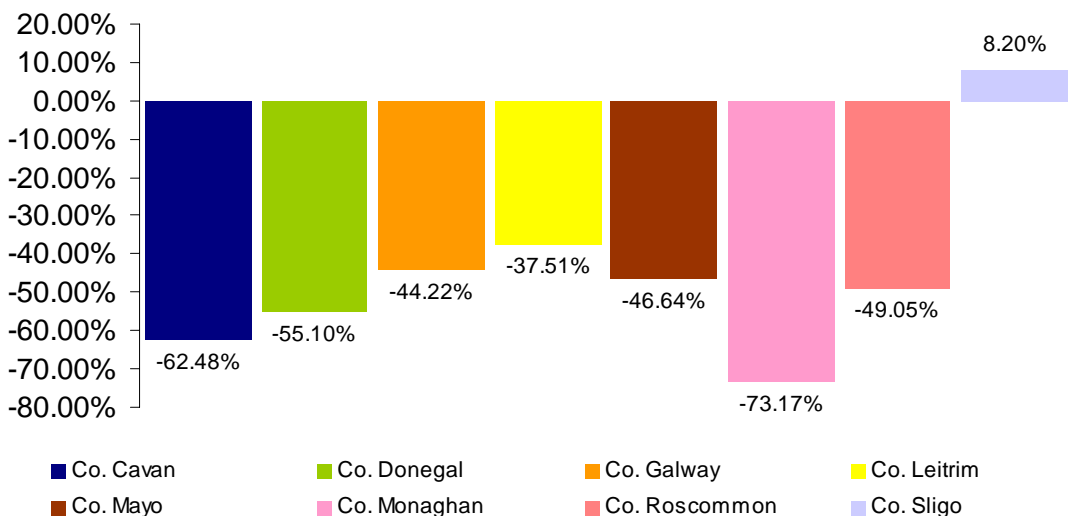
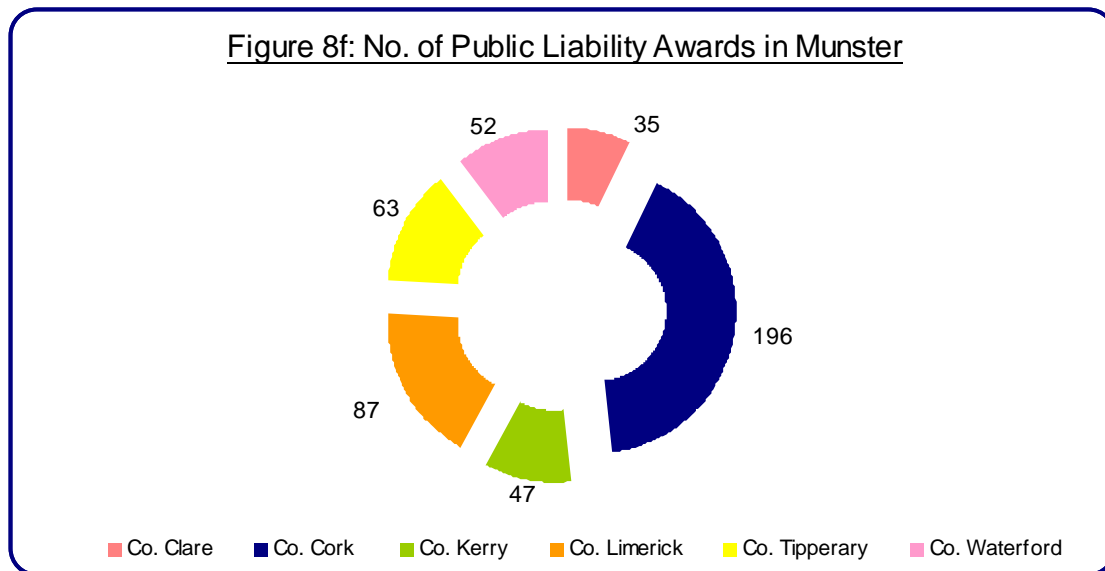
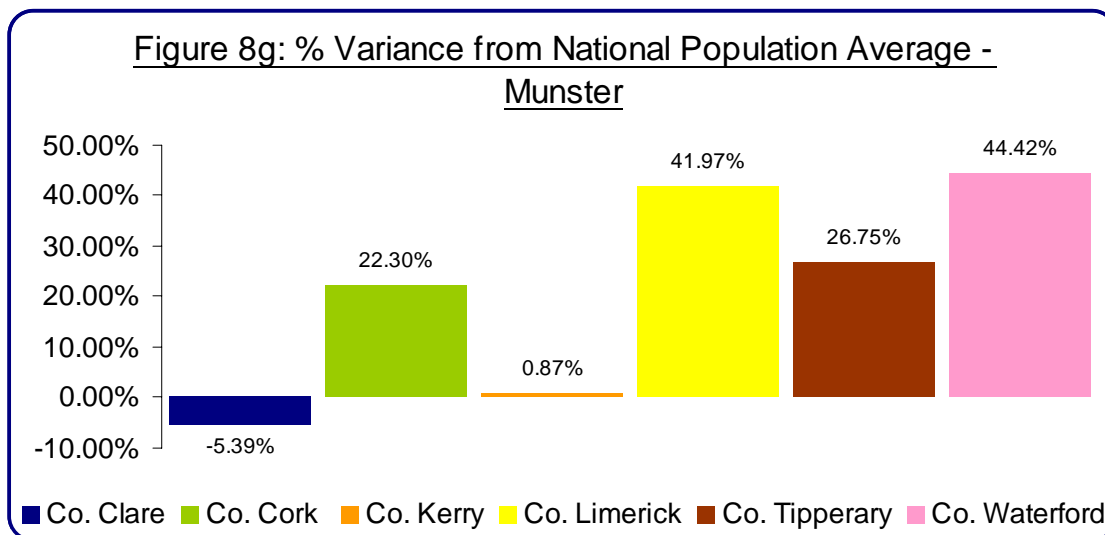


Figure 8f: No. of Public Liability Awards in Munster



On a per head of population basis, residents in Waterford are 44.42% 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 2009 by County

County	PI Awards Issued in 2009	Total PL Award 2009 €
Co. Dublin	484	10,991,640
Co. Carlow	16	337,632
Co. Kildare	58	1,599,756
Co. Kilkenny	23	585,603
Co. Laois	12	328,704
Co. Longford	10	102,670
Co. Louth	44	933,020
Co. Meath	37	891,404
Co. Offaly	13	185,809
Co. Westmeath	27	610,983
Co. Wexford	32	784,064
Co. Wicklow	38	949,164
Co. Cavan	8	206,744
Co. Donegal	22	527,186
Co. Galway	43	1,341,170
Co. Leitrim	6	176,940
Co. Mayo	22	565,312
Co. Monaghan	5	74,325
Co. Roscommon	10	232,820
Co. Sligo	22	438,240
Co. Clare	35	984,620
Co. Cork	196	4,160,688
Co. Kerry	47	1,157,751
Co. Limerick	87	1,846,749
Co. Tipperary	63	1,440,999
Co. Waterford	52	1,189,136
<i>Outside the State</i>	31	752,029

