

Clean bill of health

What happens if you get injured at work and have to seek compensation? **Caroline Allen** investigates the work of the Personal Injuries Assessment Board

SINCE 1 June last, those seeking compensation for workplace injuries must now go through the Personal Injuries Assessment Board (PIAB) rather than rush into litigation. However, CEO of the board, Patricia Byron, recommends the first step in the process should be raising the matter with your employer.

"Where you feel someone did you a wrong or there was negligence, tell them you've been injured and you're out of pocket," advises Byron.

She says PIAB, which was set up to reduce the costs associated with delivering personal injury compensation, knew from historical data that 90pc of cases didn't involve dispute. "Parties were thrown into a litigation channel and an adversarial position was taken by both parties. Yet in 90pc of cases, the claim was settled beforehand, often on the steps of the courthouse," she recalls.

PIAB aims to demystify the process of making a claim. Agents at its service centre (which is open six days a week from 8am to 8pm, LoCall 1890 829121), advise on filling out the PIAB application form and general queries.

"PIAB is about getting both parties to communicate effectively at the beginning and, when a wrong has been done, that the injured person will get due wages or a doctor's bill paid. The majority of people when injured due to the negligence of someone else, just want it acknowledged and resolved so they can get on with their lives," says Byron.

Smooth investigators

When contacted by an injured employee, PIAB sends out a formal notice to the employer, giving them a maximum of 90 days to complete their investigation. The employer pays a €850 fee. PIAB is obliged to make its awards within nine months. However, according to Byron, many are settled within six or seven months.

Awards are based on medical facts, says Byron. "When a person sends in his or her claim, he or she has to include a medical report from a

doctor. If we feel it's not a straightforward injury, we will have an independent medical examination at a later stage by one of our panel of 300 doctors."

Amounts paid out are based on awards made through the courts system. The Book of Quantum, which is on PIAB's website, www.piab.ie, is a guide to compensation levels and reflects awards made by the courts.

Speaking at the launch of PIAB's first annual report in September, the CEO outlined that 13,000 applications had been received from accident victims. Some 5,000 of these claims had been either settled up front between parties following PIAB's intervention or claim papers were submitted. The remaining 8,000 were at various stages of the assessment process.

Both parties have the opportunity to reject the PIAB award and proceed into the court system but, according to Byron, 75pc of claimants and respondents are accepting the PIAB awards.

The claims environment has changed significantly, says Byron, pointing out that personal injury cases in the High Court have reduced from 15,293 in 2004 to 297 in this year to date.

The top priority should be to reduce the risk of accidents, says Byron. She stresses that not all accidents are due to the negligence of other people or warrant compensation. "However, for those who are badly injured, we are here to facilitate both sides getting together, rather than going into contentious, protracted legal issues," she concludes.



Patricia Byron says the PIAB was set up to demystify the process of making a personal injury claim