



# **A Review of Employer Liability Awards 2008**

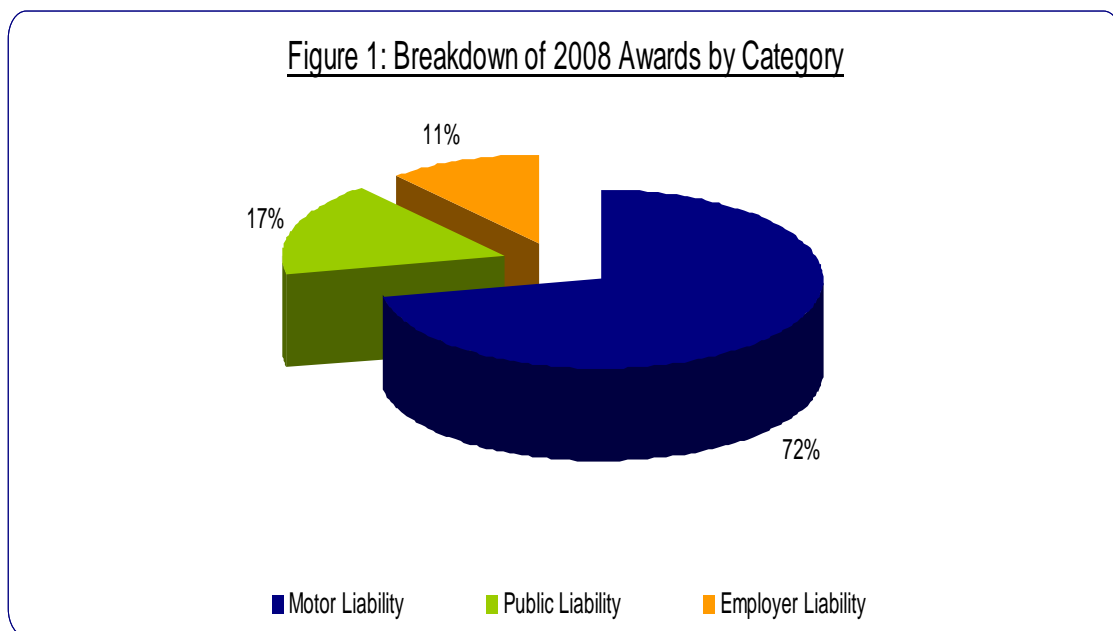
**November 2009**

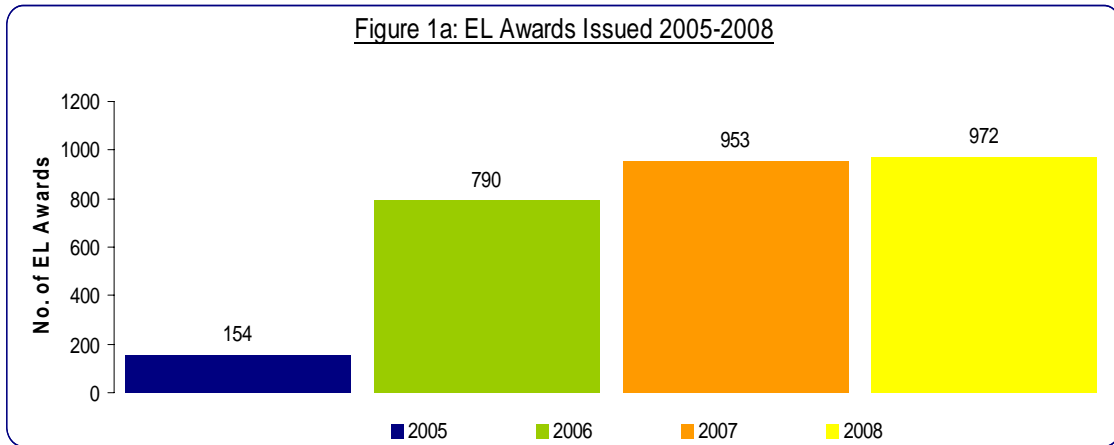
## Introduction

This Review of 2008 Employer Liability awards provides a valuable insight into workplace accidents in Ireland and specifically highlights the most significant causes of accidents and those sectors most at risk. This data will assist health and safety professionals in their risk assessment and enable them to focus scarce resources on the most critical areas. Accident prevention is always important and ensuring your employees enjoy a safe environment can save money in the long run. Employees must also take responsibility for accident prevention and be vigilant about the risks they face.

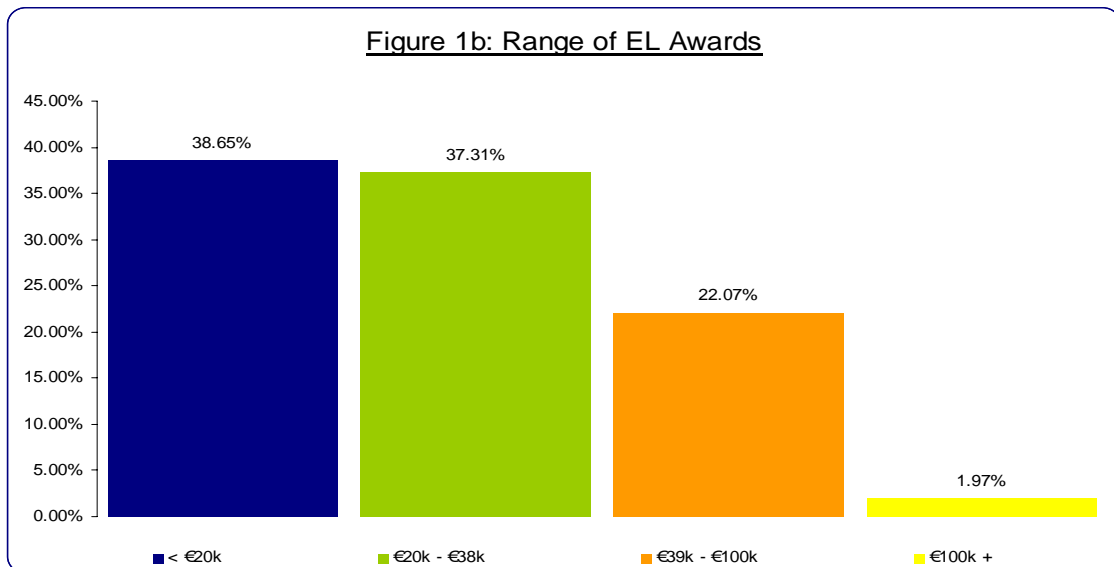
## Overview

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 making an assessment of damages. Over one in ten (11%) of all awards made by InjuriesBoard.ie in 2008 related to employer liability (Figure 1).





Total compensation of €31.36 million in 2008 was awarded by InjuriesBoard.ie in respect of 972 employer liability awards.



In 2008 the average award for employer liability claims amounted to €32,266. Just under 39% of awards were for less than €20,000, and 76% were for less than €38k (the upper limit on cases dealt with in the Circuit Court) (Figure 1b).

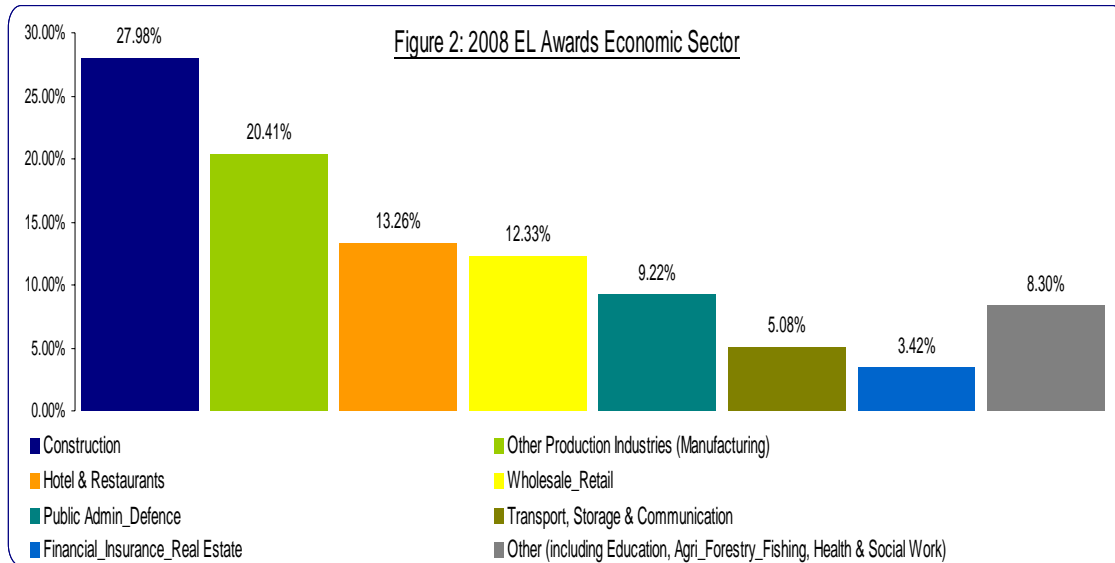
## Case Study

**Edward**, an engineer, fell from a height of 10ft when the scaffolding he was working on collapsed underneath him. He suffered a broken wrist and lacerations to his ear and eyelid when scaffold poles fell on him. His injury resulted in some reduction in his hand movement and strength, some mild hearing loss and he still has scarring on his ear. InjuriesBoard.ie awarded him just under €39,000 in compensation.

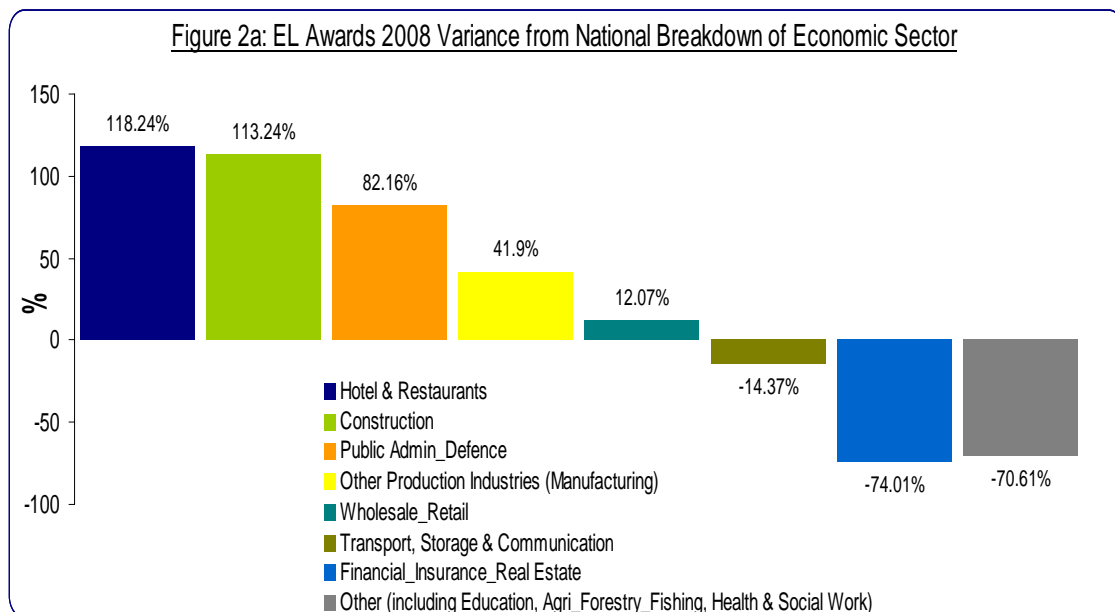


## Location of Accident

More than one quarter of the 972 accidents under review (27.98%) took place in the construction industry – with just over one in five (20.41%) in the manufacturing sector, 13% of awards were for employees in the hotel and restaurant sector and just over 12% were for employees of the retail and wholesale trade. (Figure 2)

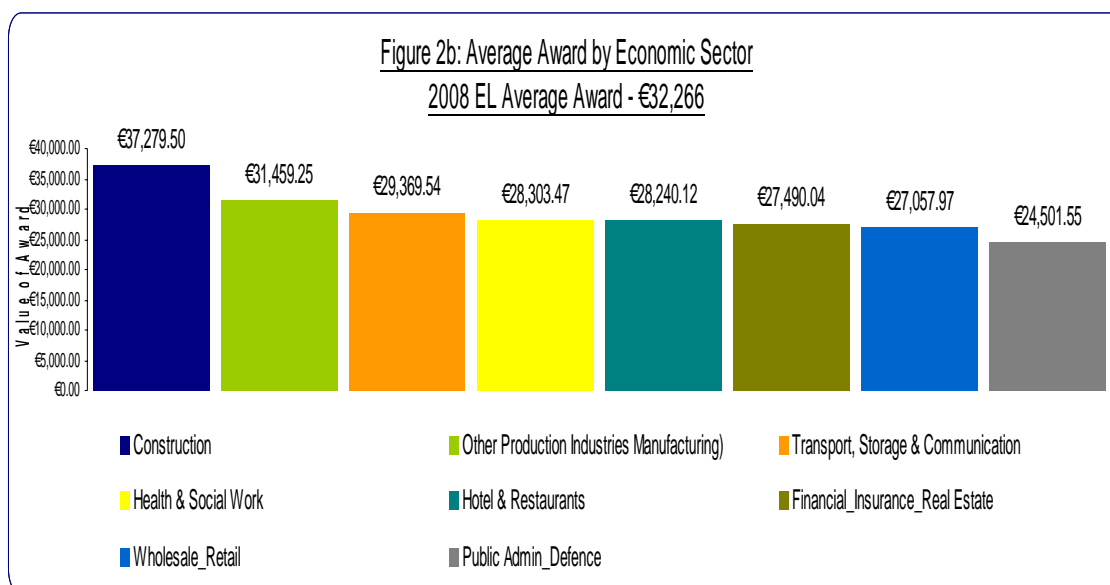


Just under one in ten (9.22%) were made against Public Sector Organisations and 5% of awards were for employees of the transport, storage & communication sector.



When the volume of awards for each sector is compared to the size of the economic sector the data suggests that the hotel & restaurant and construction sectors are significantly higher risk sectors for accidents in the workplace (Figure 2a).





The average employer liability award for 2008 was €32,266. The construction sector was the economic sector with the highest level of average award in 2008 at €37,279.50 (Figure 2b).

## Case Studies

**Paddy** had to have his left index finger amputated when it was severed due to a defective power saw he was working with on a construction site. The tool was not fitted with a safety guard. As a result of his injury, Paddy will have lifelong disability and loss of grip in his left hand. He avoids working with power tools on-site and often finds some social situations awkward. Paddy had his claim processed with InjuriesBoard.ie and he was awarded just over €59,500, part of this award was for loss of earnings.

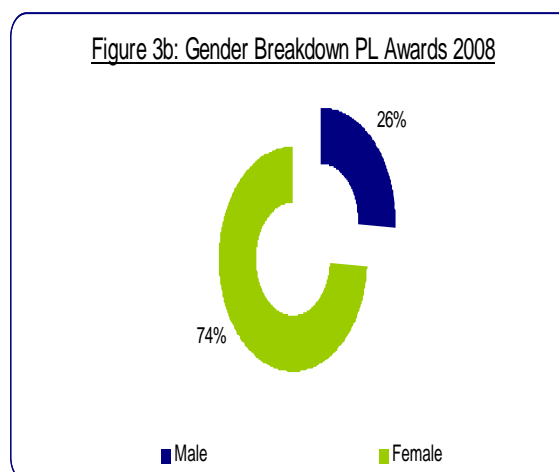
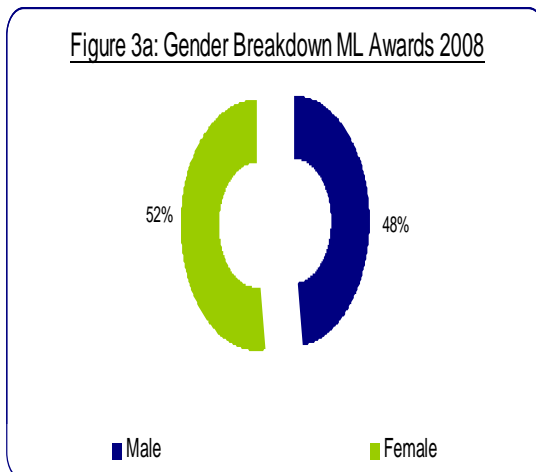
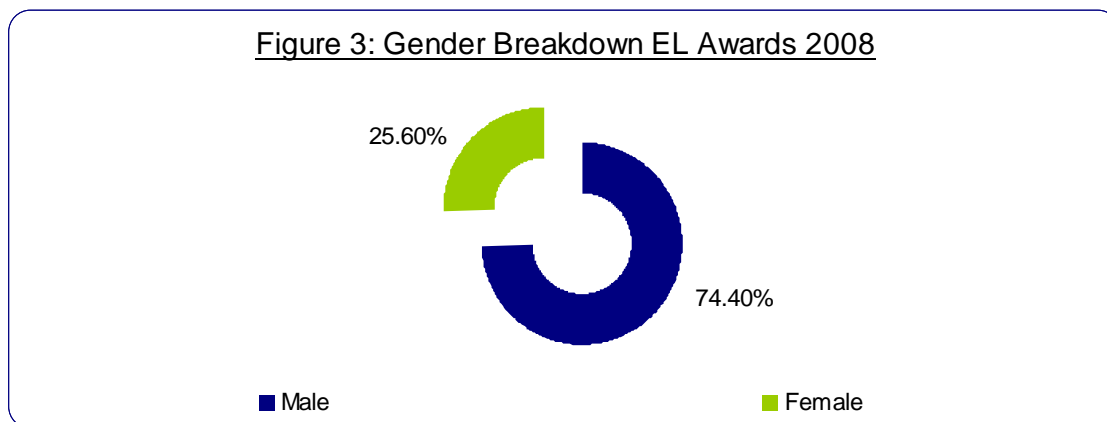
**Nuala**, a deli worker, was injured due to defective equipment when she was dismantling an advertising board in the restaurant where she worked. She suffered a crush injury with lacerations to her left index finger which required plastic surgery. In cold weather particularly, she still suffers from numbness and decreased function in the tip of her finger and finds sewing, previously a hobby of hers, most uncomfortable. Nuala's claim was processed via InjuriesBoard.ie and she was awarded just over €23,000.

**William** sustained a chemical burn to his lower legs whilst working in a pharmaceutical plant. He had not been provided with the correct protective uniform. These burns required corrective plastic surgery and some scarring still remains. William must now be extra vigilant regarding day to day sun exposure. William's claim was processed via InjuriesBoard.ie and he was awarded over €28,000 in compensation.



## Gender of Claimant

The analysis indicates that men have significantly more accidents in the workplace than women. Over 74% of awards were made to men with 25% of awards to women. This is a reversal of the data for injuries in public places where men receive 30% of awards. In the case of motor accidents, women account for just over half (52.5%) of all awards (Figures 3, 3a & 3b).



## Case Studies

**Claire**, a factory worker, was operating a rotation machine when it suddenly jammed. A broken part of the machine was then released and struck her in the face causing injury and lacerations to her face and mouth and also causing damage to her teeth. This injury required extensive reconstructive work and will require additional treatment in the future. Claire's claim was processed via InjuriesBoard.ie and she was awarded €53,000 in General and Special Damages, this allows for costs incurred for future dental work.

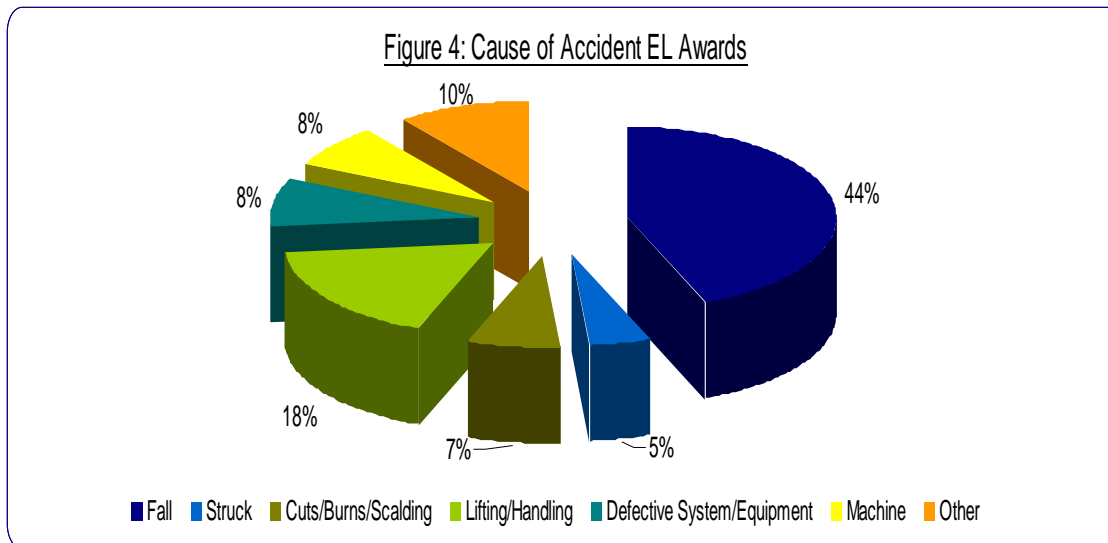


As a member of the restaurant service staff, **Cormac** a student, slipped on a wet floor that had just been mopped but there was no warning sign displayed. The tray of crockery that he was carrying broke and he suffered deep lacerations to his left hand. This injury required three separate surgical operations to fully repair the damaged tendons and Cormac was unable to work for several months. He still has reduced movement in his hand but regularly attends for physiotherapy to aid this. His claim was processed through InjuriesBoard.ie and he was awarded just over €40,000 in compensation.



## Cause of Accident

The overwhelming causes of the accidents were slips, trips and falls (44%). Other causes included lifting/handling (18%), defective system/equipments and machine accidents (16%), and cut/burn and scalding injuries account for just 5% (Figure 4).



## Case Studies

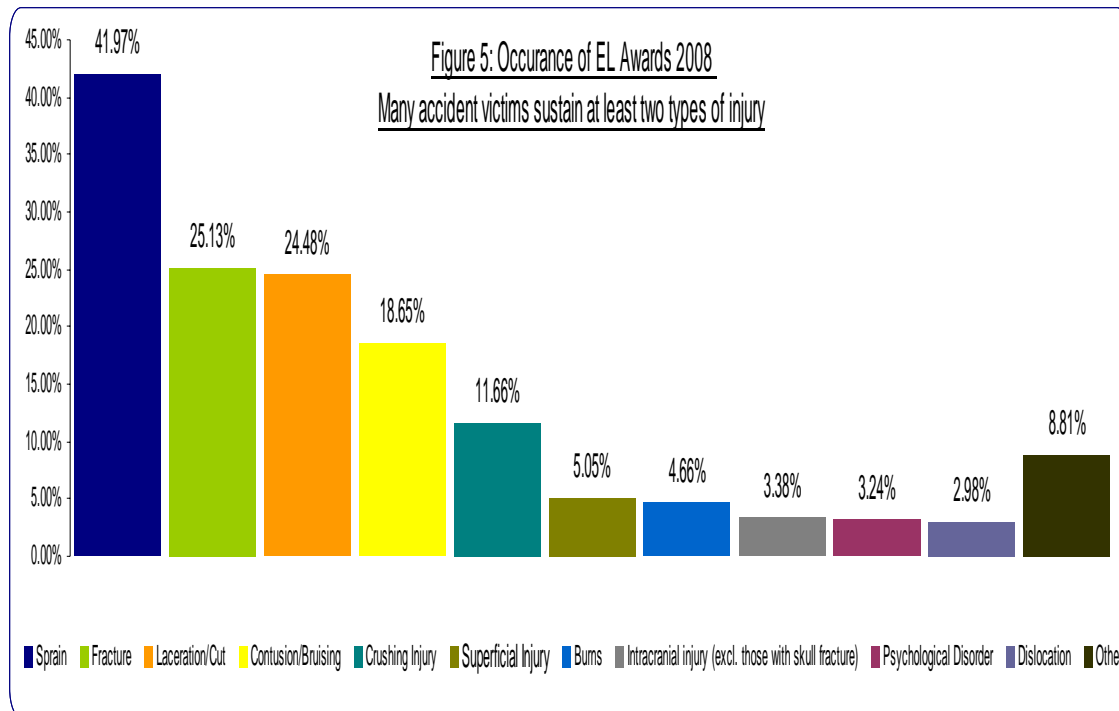
**Joe** sustained a twisting, sprain injury when he slipped and fell while descending a defective staircase in the office. Due to the severity of his ligament injury and the nature of his job. Joe was unable to work for approximately four months as he was on crutches. His claim was processed by InjuriesBoard.ie and he was awarded just over €20,000 in Damages, this includes a figure for Loss of earnings

While working as a warehouse operative, **Julia** was required to engage in repetitive bending and lifting of heavy boxes. Her employer had not enlisted her on a Safety Manual Handling course and subsequently she suffered acute lower back pain. Julia was unable to work and could not socialise with friends for several weeks. InjuriesBoard.ie made an assessment of Julia's claim and she was awarded just over €30,000.



## Type of Injury

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



Sprains (41.97%) are the most common injury, followed by fractures (25.13%), lacerations/cuts (24.48%) and contusion/bruising injuries (18.65%) (Figure 5).

## Case Studies

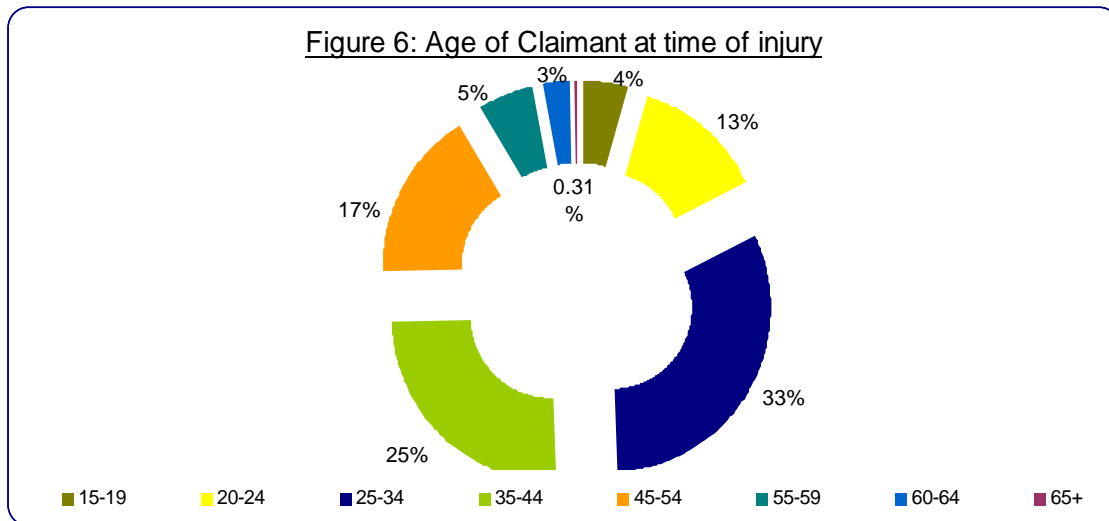
While working as a bar tender in her local hotel, **Siobhán** suffered lacerations to her left wrist due to broken glass that had not been cleared. This transpired to be quite a serious injury as the nerves and tendons in Siobhán's wrist had been damaged. This damage was subsequently repaired with surgery. She was out of work for approximately four weeks and has regular physiotherapy sessions to restore the strength, dexterity and sensation in her fingers. InjuriesBoard.ie awarded just over €37,000 in compensation to Siobhán.

While delivering stock, **Tim**, a driver was temporarily blinded when a defective electrical heater in the depot exploded, releasing debris which had to be removed from his eyes. Tim now has slight blurring of vision in his left eye and suffers regular discomfort to his eyes. Tim received just under €11,000 in compensation via InjuriesBoard.ie process.

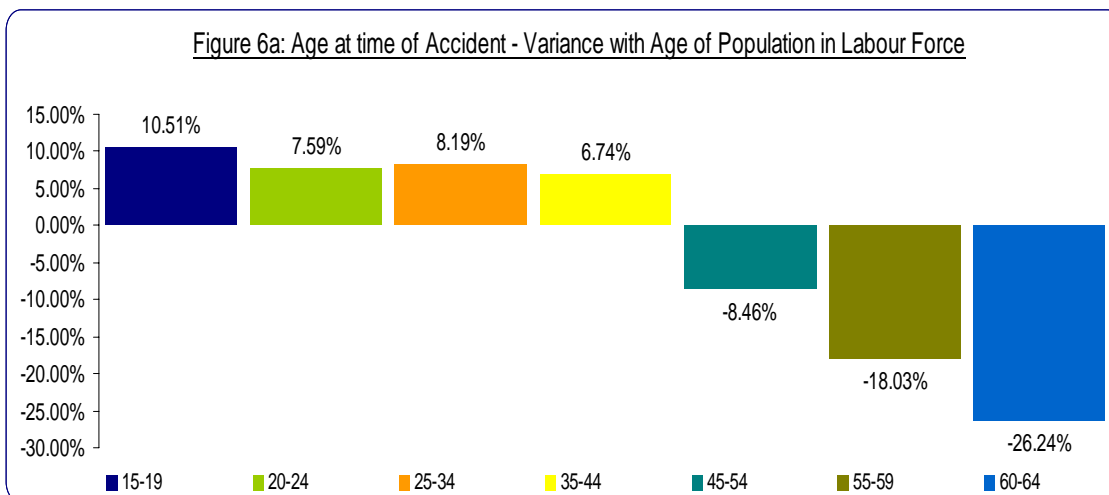


## Age of Claimant

Seven out of ten of all employer liability awards in 2008 went to employees aged 20-44; this age group accounts for 65.13% of the labour force.



When the volume of awards by age is compared with the age bracket of the labour force, the trend is that younger people are more likely to suffer an accident in the workplace where compensation would be awarded. However, we see that this drops off when employees reach the age range 45-54.



## Case Studies

**Laura**, an office administrator slipped and fell on a wet surface in the office cafeteria that had not been properly cleaned. She sustained a soft tissue sprain to her right ankle. She was unable to work or enjoy her hobby of swimming for approximately six weeks she still has difficulty when walking on uneven ground but with physiotherapy she improved significantly. InjuriesBoard.ie assessed Laura's claim at just over €18,000 and this includes a figure for Loss of Earnings.

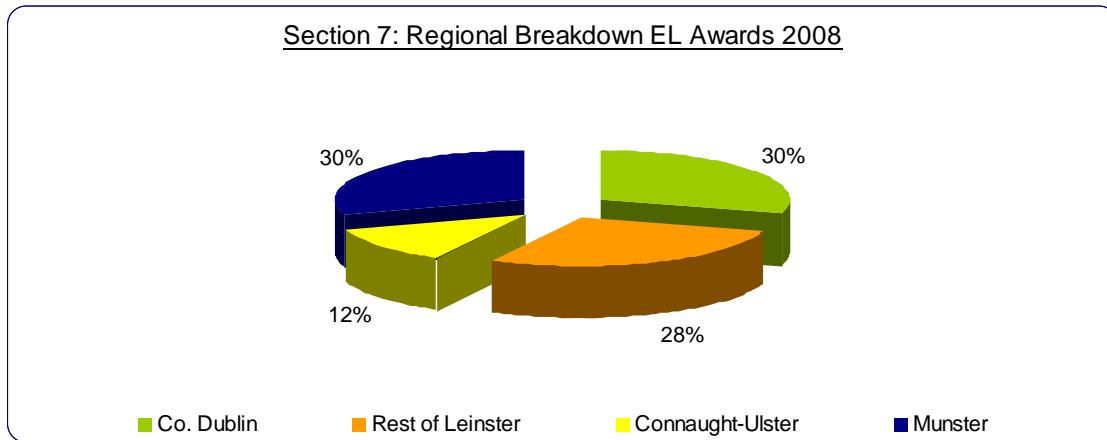


**Donal**, a general labourer was lifting heavy bags of calf feed when suddenly his back gave way and pain radiated down his legs. His mobility was restricted for a prolonged period and he was unable to work at full capacity for a number of months. With the assistance of regular physiotherapy, Donal made a gradual recovery. His claim was processed through InjuriesBoard.ie and he was awarded just under €30,000 in General and Special Damages.

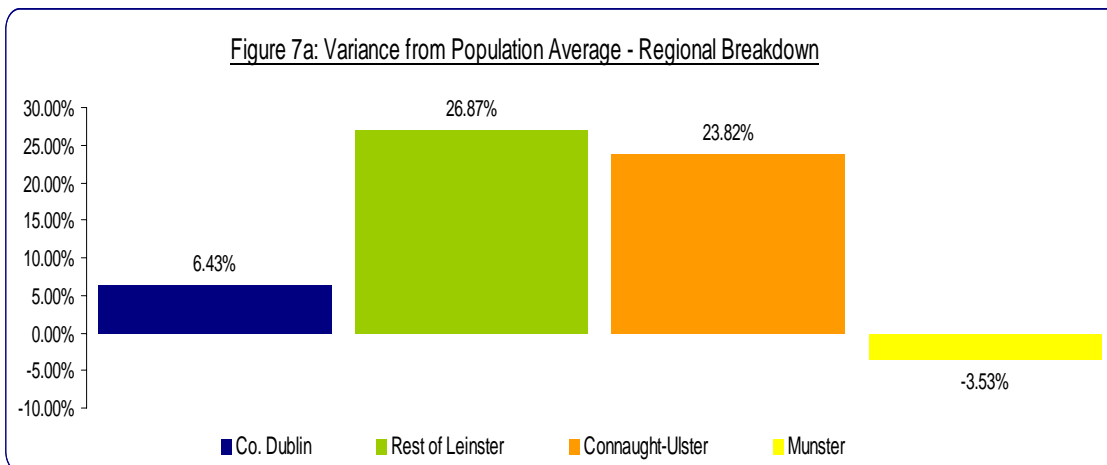


## Awards by Region

The geographic spread of employer liability claimants across the country shows that the highest percentage of awards went equally to Dublin and Munster at 30%, the Rest of Leinster at 28% and Connaught/Ulster at 12% (Figure 7).

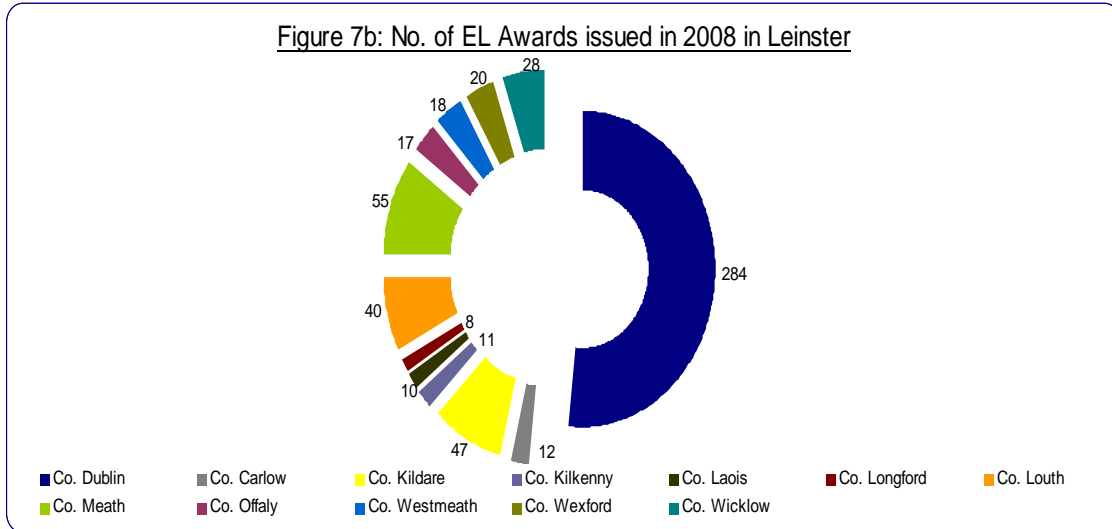


On a per head of population basis, residents in Leinster are 27% more likely to receive an award for compensation after an injury in the workplace than in other regions (Figure 7a).



## Awards by County

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



Employees living in Co. Carlow are 60.31% more likely to be awarded compensation for an accident at work when compared to its' share of national population (Figure 7c).

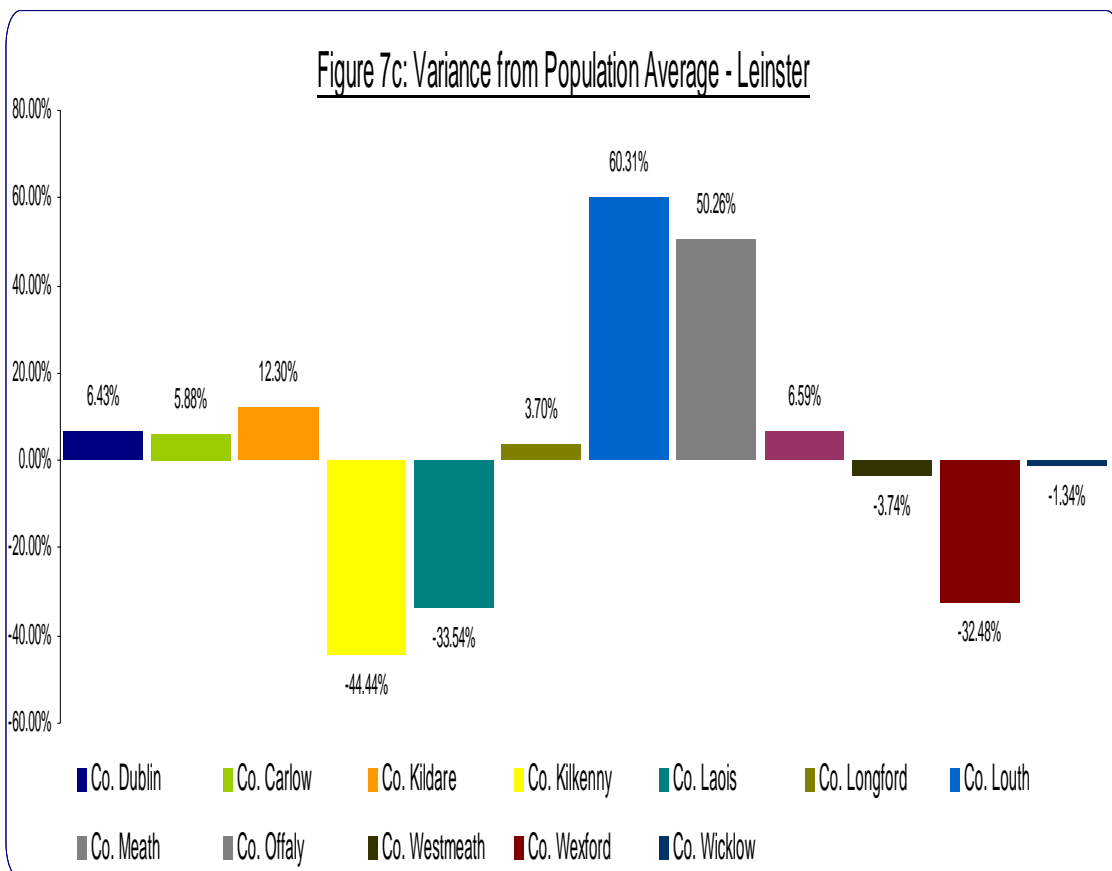
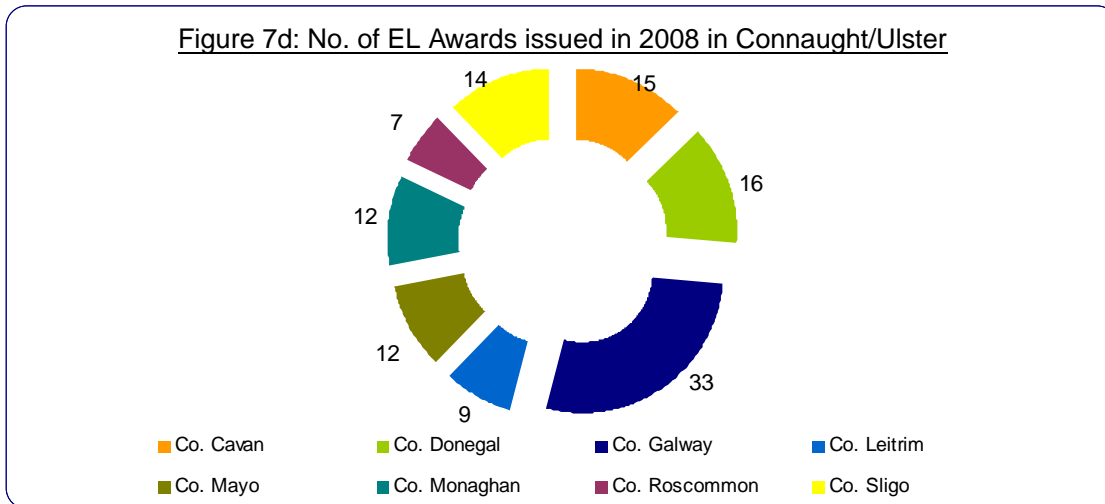


Figure 7d: No. of EL Awards issued in 2008 in Connaught/Ulster



Connaught/Ulster is the only region in Ireland where the eight counties are evenly split between a positive and negative variance when analysed on a per head of population basis (Figure 7e).

Figure 7e: Variance from Population Average - Connaught/Ulster

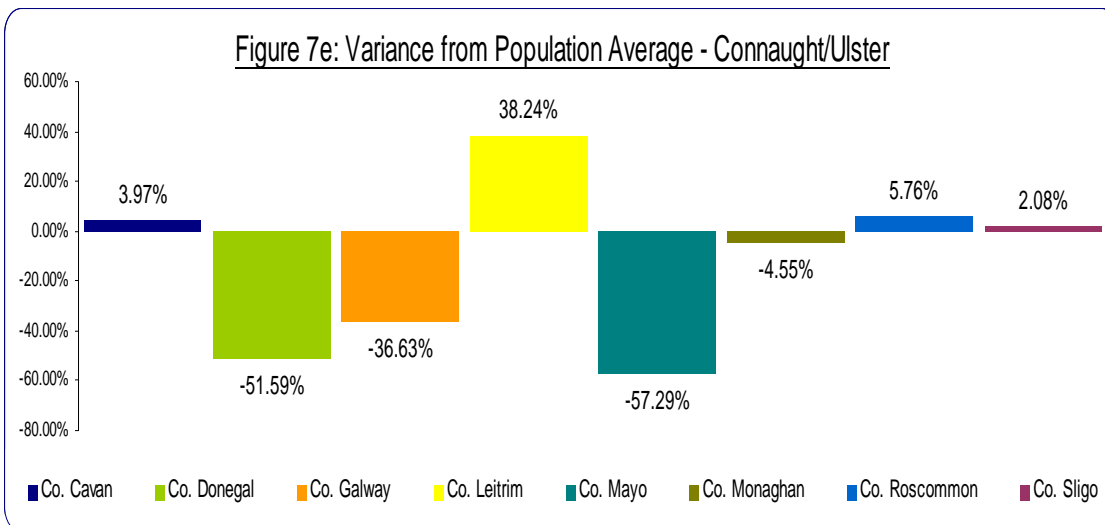
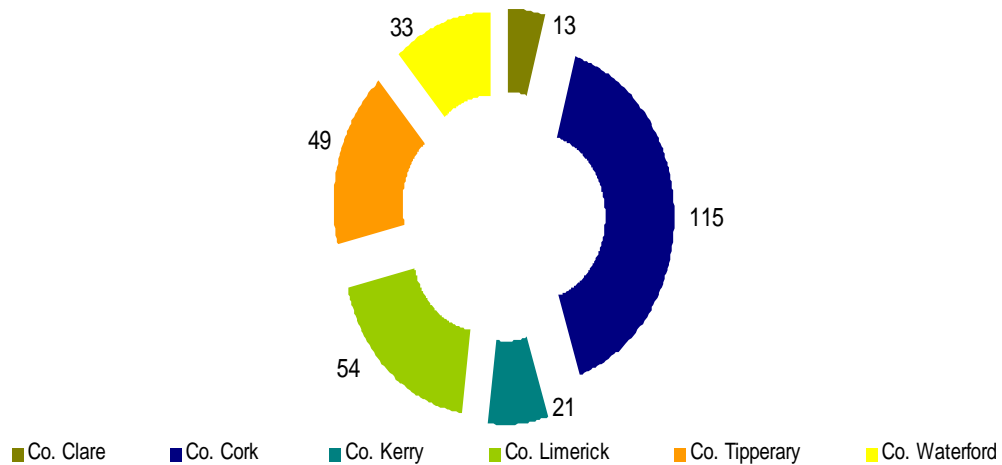
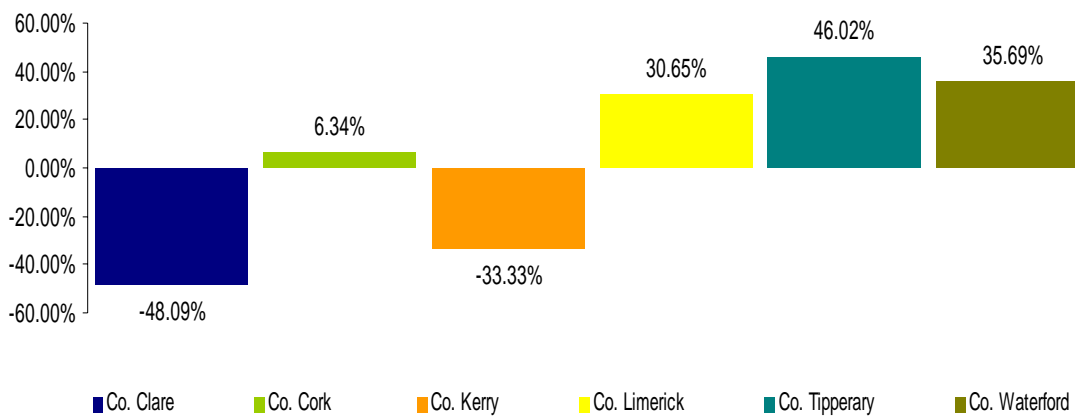


Figure 7f: No. of EL Awards Issued in 2008 in in Munster



On a per head of population basis, residents in Clare are nearly 50% less likely to receive an award than in other Munster counties (Figure 7g).

Figure 7g: Variance from National Population Average - Munster



## Value of Employer Liability Awards Issued in 2008 by County

County	No. of EL Awards 2008	Total EL Award 2008
Co. Dublin	284	€8,610,880
Co. Carlow	12	€329,580
Co. Kildare	47	€1,245,218
Co. Kilkenny	11	€453,761
Co. Laois	10	€272,210
Co. Longford	8	€224,608
Co. Louth	40	€1,433,200
Co. Meath	55	€2,440,735
Co. Offaly	17	€613,734
Co. Westmeath	18	€526,410
Co. Wexford	20	€581,140
Co. Wicklow	28	€758,072
Co. Cavan	15	€392,250
Co. Donegal	16	€705,984
Co. Galway	33	€1,074,810
Co. Leitrim	9	€432,540
Co. Mayo	12	€376,200
Co. Monaghan	12	€562,584
Co. Roscommon	7	€220,535
Co. Sligo	14	€407,358
Co. Clare	13	€360,932
Co. Cork	115	€3,313,495
Co. Kerry	21	€671,580
Co. Limerick	54	€1,511,946
Co. Tipperary	49	€1,601,663
Co. Waterford	33	€1,212,915
Outside the State	19	€1,028,489

