

Press release – 14 December, 2023

PIAB is changing to the Injuries Resolution Board
as New Mediation Service is launched

- The Personal Injuries Assessment Board's (PIAB's) name changes to the **Injuries Resolution Board** today in recognition of its enhanced role and the expansion of its services to include mediation.
- **New mediation service launches today**, starting with Employer Liability Claims.
- The **Injuries Resolution Board** also **publishes an Analysis of Employer Liability Claims & Awards from 2019 to 2022**. This report shows a 38% reduction in claims in this area since 2019, with the most significant decrease (63%) in Cafes, Hotels and Restaurants, and a 46% decrease in Shops and Stores.

New Mediation Service

- From today Claimants and Respondents can opt for mediation as a method of resolving claims arising from workplace accidents.
- The value of awards for employer liability over the last 4 years is €86 million and there is huge potential to reduce the costs and time and get quicker resolution to these claims through mediation.
- Mediation in the Injuries Resolution Board for the first time will allow parties to a claim to explore a broader range of issues such as liability, the nature of the injuries sustained, required future treatments and so on.
- The current Assessment of Compensation functions are paper based and do not allow for issues such as liability, injuries sustained, or other areas to be discussed which results in many cases entering into the litigation system, which can add stress and cost over €15,000 in legal fees on average for every claim -- this of no benefit to the Claimant, the insurer and to society.
- Mediation will be rolled out to all other categories of claims over the course of 2024, including public liability and motor liability.

Mediation is a voluntary and confidential service, which will be operated by our experienced impartial mediators. It will mostly be telephone based and where an agreement is reached, an Order will be issued by the Injuries Resolution Board which will be legally binding and have the same standing as a court order.

Analysis of Employer Liability Claims and Awards report

Today PIAB also published a comprehensive report on employer liability claims and awards analysing claims from 2019 to 2022. One of the other new enhanced functions the Injuries Resolution Board has is to conduct and commission research.

This report was prepared in collaboration with EY Economic Advisory and provides for the first-time detailed insight into the nature and causes of workplace accidents and injuries occurring. The results are important for industry, promoting competition in the insurance sector and also from a learnings perspective for accident prevention.

Key findings from the report:

- **18,792 workplace related personal injury claims were made to PIAB 2019 – 2022.**
- Application volumes have dropped by **38% since 2019, with cafes, hotels & restaurants experiencing a 63% drop, and shops & stores a 46% drop.**
- **Total compensation of over €86m** was assessed in the period.
- The 5 most common causes of accidents accounted for 75% of compensation value, with **slips, trips & falls accounting for nearly €20m.**
- **Average award in 2022** was €22,545 as against €30,576 in 2020 – **down 26%**
- Average award of general damages in 2022 was €16,788 against €27,051 in 2020 – down 38%
- 66% of claims in the period were in respect of males, 34% in respect of females.
- The volume of claims decreased across all age brackets, with the exception of the **19-24 - year age group among which the number of claims more than doubled between 2019-2022.**

The Report provides more detailed analysis of workplace personal injuries on two industries, the Food Manufacturing Setting and Health Care Services, found:

- A majority of injured workers in both settings were absent from work following an accident. **In health care settings the average length of absence from work was 5.5 months, while in the Food Manufacturing setting injured workers were absent from work for on average, 4.5 months.**

- Just under €3 million in personal injury compensation was awarded for workplace injuries sustained in **health care settings in 2022**. While over a third of accidents in this setting were caused by slips, trips and falls (35%), **the proportion of injuries sustained due to assault by bodily force (18%) and needle stick injuries (13%) were high**. Close to half of workers injured in Health Care Settings in 2022 were Health Care Assistants, Nurses or Social Care Workers.

New Name

The new name, Injuries Resolution Board underpins all of this change and reflects our expanded remit, including mediation, with the focus of the organisation being on resolving claims.

As an organisation through our valuable assessment service, we have assessed over 150,000 claims with accepted awards of over €1.5 billion since we were established in 2004.

Last year based on the number of accepted awards, we saved over €40 million in what would have been spent on litigation costs. Therefore, there is huge opportunity to have more cases consented to and accepted through this new way of resolving personal injury claims and huge opportunity to save more costs.

Minister Dara Calleary T.D., the Minister with responsibility for the Injuries Resolution Board, said:

“This time last year the Personal Injuries Resolution Board Act 2022 was enacted, and over the past year I have commenced on a phased basis, provisions that have expanded and enhanced the role and remit of the Personal Injuries Assessment Board (PIAB). The reforms introduced under the Act are a key part of this Government’s Insurance Reform programme which aims to lower the burden of insurance premiums on consumers and hard-pressed businesses.

“Today, I have commenced the third and final phase of the Personal Injuries Resolution Board Act 2022. This will see the organisation introduce mediation as an alternative means of settling personal injury disputes. This is a hugely positive and significant change to the role of the Injuries Resolution Board which provides huge opportunities for less cases to enter into expensive and lengthy litigation and to allow for more cases to be resolved through it, and ultimately, to reduce the burden on insurance policy holders.”

As part of the Board's enhanced role in research and analysis of data, the findings today of the Employer Liability claims and awards provide invaluable insights into the profile of accidents in and around the workplace and how best these can be mitigated. It also clearly demonstrates the decrease in claims and costs since 2019 and I expect this should be reflected in business insurance premiums."

The Injuries Resolution Board's Chief Executive Rosalind Carroll said:

"Today represents a significant evolution in how personal injury claims can be resolved in Ireland and offers an opportunity for both sides to a claim to have their say far earlier, reach an agreement rather than have a decision made for them, and at the same time reduce the significant cost and time associated with litigation claims in Ireland."

"The introduction of mediation allows our independent, impartial mediators to engage directly with parties to discuss issues relating to the claim such as liability and the injuries sustained, as well as the value of the claim. By removing even more cases from costly litigation, this should create an environment which facilitates the growth of a healthy insurance market, that attracts competition and has insurance that is available and affordable for individuals, communities, and businesses to be able to function and thrive."

"Last week we reported on the significant drop in claims volumes since 2019 and the most significant drop in average award levels since 2020. Today's release on employer liability claims and awards also shows the significant decline in volumes and claim values in this area. The combined impact of all this is that the overall cost of claims has dropped significantly, it will continue to drop further, and ultimately should have a positive impact on insurance premiums."

Hilary McGouran, who heads up the new Injuries Resolution Board mediation service, stated:

"Mediation is a well-established and a very effective alternative dispute resolution mechanism that is used throughout the world. Today we are introducing mediation as a new means of resolving personal injuries claims. Mediation will facilitate the resolution of claims that currently end up in litigation in a speedier and lower cost manner."

“Our mediators will engage directly with parties where there may be a dispute over for example liability and where the mediator can facilitate a resolution of the issues. We will initially concentrate on employer liability claims arising from workplace accidents where there is already a relationship between the employee and the employer. We will extend this to public liability claims, motor claims, and Garda compensation claims in the coming months.”

ENDS

For more information, please contact Carr Communications (Aimee Millar) at 085 179 2469.

About the Injuries Resolution Board:

The **Injuries Resolution Board** is Ireland’s independent State Body which resolves personal injury claims. The organisation was originally established in 2004, as the Personal Injuries Assessment Board (PIAB) to support the fair, prompt, and transparent resolution of personal injuries claims without the need for unnecessary litigation. From the 14th of December 2023 the remit of the organisation was broadened, and its name changed to reflect the introduction of new services such as mediation. It is a self-funded public body and is a key pillar in contributing to reform of the insurance sector and the personal injuries environment. The state body generates millions of euro in savings which would otherwise be spent on processing claims, leading to higher costs for policy-holders.

About our Mediation Service:

Mediation is a voluntary and confidential process widely acknowledged as an effective way of resolving disputes. The Injuries Resolution Board mediation process will allow parties to discuss their personal injuries claim thoroughly with one of our mediators who will assist all parties reach a mutually acceptable agreement or outcome to a claim, which can also and often provide for the avoidance of participation in assessment or other third-party process.

In the mediation, those involved can talk about and explore issues of importance to them. This could include the claim value, extent of injury, liability, negligence, or future treatment requirements.

The ability for parties to discuss and explore issues relating to a claim is a significant change to the Injuries Resolution Board process of assessment where matters such as liability can’t be dealt with. Mediation is a significant addition to the service we provide. It will allow more personal injuries claims to be resolved in quick, flexible, and cost-effective way.

Once the Injuries Resolution Board receives consent from all parties to mediate, we will arrange a mediation appointment and will issue correspondence to the parties detailing the name of the mediator and the date and time of the mediation.

Mediation will typically be telephone based and parties to the claim will not need to talk directly to each other. The mediator, through a series of separate calls, will listen to all parties to gain a full understanding of the issue(s) and will help the parties to reach a mutually acceptable solution to resolve the claim.

If agreement is reached at mediation, this will then go to both parties to sign. Once signed, there is a ten-day cooling off period. If everyone is still happy after 10 days, the agreement becomes legally binding, and we will issue an Order to Pay. This order has the same standing as a court order.