

World Cup: Accident at work



Following World Cup hype in the office, the team of engineers at ABC Ltd, decide to re-enact famous World Cup goals in the company car park during their lunch break. One of the lads has a football so the game begins... Following a truly sensational re-enactment of Michael Owen's 1998 solo goal against Argentina and the team effort of Brazil climaxing in Alberto's goal against Italy in 1970, as one of the employees jumps to perform Maradona's hand of God goal, he is pole axed by the oncoming Peter Shilton impressionist and is knocked unconscious. An innocent accident, but an ambulance is called and the employee is off sick for 4 weeks following a serious concussion and later discovered fractured collar bone.

Is this a problem for the employer?

Well, yes. Despite the inconvenience of the employee being away from the workplace for four weeks, this would also have to be treated as an accident at work. The employer would have a duty to inform Health and Safety Executive (HSE) under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) because the accident resulted in a serious injury and was off work for more than 3 consecutive days. You will need to record the accident in your accident book and conduct an investigation into the incident due to the seriousness.

The other question is what do you pay the employee for the time they are off? Refer to their contract of employment to see whether they are entitled to receive Company Sick Pay or just SSP for the period they are off. Under the circumstances it would be difficult to withhold sick pay if they were contractually obliged to receive it as it did happen on Company premises, not technically during a working period, but did involve another work colleague. Given the circumstances, it would not be clear if the Company could be blamed for the accident but remember there are a lot of no win no fee lawyers out there...

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