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LEGAL LIABILITY OF WORKPLACE ACCIDENTS AND INJURIES

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Abstract:

Every employee is entitled to a safe and healthy work environment, and each state has established procedures to ensure workers' safety. Occupational safety measures are in place to create a protective workplace. However, many issues remain unresolved due to the complex nature of workers' compensation laws and workplace injury regulations. Recently, many organizations have established safety committees to support employees, educate them about their rights to report concerns, seek assistance, and file compensation claims. Although policies may change over time, employers have the fundamental duty to ensure the workplace remains free from health and safety hazards. Employers are responsible for compensating employees for any accidents or injuries that occur in the workplace during their working hours.

Key words: Compensation, workmen's safety, liability, Employer, and Employee.

Introduction:

Work-related injuries and accidents, often accompanied by significant suffering and pain, highlight the critical importance of ethics and responsibility in workplace safety. Both organizations and employees must actively prevent such incidents in their daily operations. From slips and falls to collisions and electrical hazards, workplaces are filled with potential risks that demand attention and proactive mitigation. When accidents do occur, it is essential to have support systems in place to aid affected individuals.

The consequences of workplace accidents are far-reaching—not only do they impact the health and well-being of employees, but they also pose serious challenges for employers. These include legal liabilities, operational disruptions, financial losses, compensation claims, and damage to the organization's reputation. Beyond these measurable effects, the emotional and psychological toll on injured workers and their families is often profound and challenging to quantify.

Fortunately, today's organizations have access to advanced tools, expert guidance, and regulatory support to bolster workplace safety. Many also establish in-house safety committees and implement regular safety and first-aid training programs. While leading organizations are integrating cutting-edge technologies such as AI and nanotechnology to enhance safety protocols, others still struggle with implementing even the most basic safety standards.

Review of literature:

According to Lowis and Morris (2012), social security benefits are limited in scope and inevitably not as high as any compensation awarded by a civil action for employers' liability. Therefore, an injured employee has the right to seek compensation through civil legal action for any losses not covered by the Social Security system. Damages in tort are the most frequently pursued remedy, typically provided in the form of monetary compensation. Compensation for the employer's civil liability will be awarded by a judge in a civil proceeding only if it can be

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proven that the employer has a duty to the injured employee, if he/she has failed to implement this duty, and if this failure causes the work injury.

According to Lindenbergh et al. (2009), from a comparative standpoint, both the law of tort, rooted in English common law, and the law of obligations derived from the Roman civil tradition share similar underlying mechanisms. Generally, once liability is established and causation proven, both systems aim to award damages that compensate the victim for both economic and non-economic losses resulting from the incident. Economic losses are related to the person's wealth, such as loss of earnings and medical expenses, so it is possible to calculate a straightforward monetary value. However, assessing non-economic losses is more challenging, as they do not involve financial loss or out-of-pocket expenses and cannot be measured against a market value.

According to Diez et al. (2001), in this respect, employers' civil liability for non-economic losses is a controversial area and represents a challenge for many countries. Common and civil law in this area have shown competing organizing and informing principles and non-standard ways about how non-economic losses should be assessed and understood (Karapanou and Visscher, 2010). Many countries still do not recognize or apply such principles, and even when they do, the task of assessing damages is abandoned, more or less entirely, and left to the exercise of discretion on the part of judges.

Objectives:

1. To ensure injured workers are fairly compensated for physical harm, emotional suffering, lost income, and lasting disabilities.

2. To encourage a proactive safety culture by integrating legal responsibilities into daily operations and decision-making.

3. To safeguard employee rights by ensuring access to compensation, medical care, and support after a workplace accident.

Body of the project:

Principles Governing Compensation - The purpose of the Employees' Compensation Act is not to provide for solatium to the employee or his dependents but to make good the actual losses suffered by him. Compensation is like insurance for the employee against certain risks of accidents. The rule, that to make the employer liable to pay compensation, death or injury must be the consequence of an accident arising out of and in the course of his employment, is dependent upon the following four conditions:

(1) A causal connection between the injury and the accident, and the accident and the work done in the course of employment, is essential.

(2) The onus lies upon the claimant to establish that the injury or its aggravation was the outcome of the work and resulting strain.

(3) It is not necessary that the employee must be working at the time of his death or that death must occur while he is working or has just ceased to work.

(4) If the evidence adduced shows greater probability which satisfies a reasonable man that the work contributed to the causing of personal injury, it would be sufficient ground for the employee to succeed in his claim.

Nature of Liability - The Employees' Compensation Act creates a new type of liability. This type of liability does not strictly arise from tort, but rather stems from the employer-employee relationship. Under this Act, an employer is obligated to provide compensation, at a rate specified within the Act itself, to any employee who becomes incapacitated due to an accident occurring in the course of, and arising out of, their employment. The key principle guiding compensation is not based on the employee's suffering or the medical expenses incurred, but rather on the reduction in the

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employee's wage-earning capacity before and after the accident. Importantly, the employer's liability to pay compensation does not depend on any negligence or wrongful act on their part.

Doctrine of added peril - The principle of added peril means that if an employee while doing his employer's work, trade or business engages himself in some other work which he is not ordinarily required to do under the contract of his employment and which act involves extra danger, he cannot hold his master liable for the risk arising therefrom. The doctrine of added peril comes into play only when the employee is at the time of meeting the accident performing his duty.

Lancashire and Yorkshire Railway Co. v. Highley[1324] - The court laid down the doctrine of added peril as an exception to the imperative of injury arising out of employment.

Adjudication of Compensation - Compensation for a workplace injury can be determined either through mutual agreement or by a formal award. Once the compensation amount is set, it cannot be altered simply because a permanent disability later worsens. The established compensation remains in effect indefinitely, except in circumstances covered under Section 6 of the Act. This section permits adjustments only when there is a change in circumstances, and even then, it applies solely to half-monthly payments granted for temporary disablement. Consequently, any revision of compensation due to the aggravation of a permanent disability is not allowed, even under Sections 17, 19, or 22 of the Act.

Self-Inflicted Injury

A self-inflicted injury refers to harm that a worker causes to themselves, either intentionally or accidentally. In these instances, the employer is typically not held responsible for the injury. Certain occupations, such as those in law enforcement, healthcare, agriculture, education, and sales, are considered more prone to self-inflicted injuries due to the inherent nature and demands of the work.

Contributory Negligence

Employees are obligated to carry out their tasks with reasonable care to avoid accidents and injuries. Although employers are vicariously liable for their employees' actions, they may seek contribution or indemnity from an employee whose negligence played a role in the incident.

When both the employer and employee are found to be negligent, the employer is liable only for the portion of the compensation that reflects their share of the fault. As a result, the total compensation awarded may be reduced to account for the employee's contributory negligence.

Legal Provisions:

Under Section 3(1) of the Employees' Compensation Act, 1923, if an employee suffers personal injury due to an accident arising out of and in the course of their employment, the employer is required to provide compensation. This provision entitles an employee to compensation if they either die, experience partial or total disablement for more than three days, or suffer permanent total disablement as a result of the accident.

To successfully claim compensation under Section 3(1), the employee must demonstrate the following:

1. The occurrence of an accident,
2. A causal connection between the accident and the employment, and
3. The accident occurred in the course of employment.

Employer Liability for Occupational Diseases: Certain jobs inherently expose workers to specific diseases. Examples of such conditions include:

[1324] 55 SLR 509

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- Diseases resulting from work in compressed air,
- Effects of infrared radiation,
- Skin diseases from chemical or leather processing industries,
- Hearing impairment due to exposure to noise,
- Lung cancer from asbestos dust, and
- Diseases caused by extreme environmental conditions.

For instance, miners are at risk of developing silicosis, a disease caused by exposure to dust. Agricultural workers can develop health issues from pesticide exposure, as these chemicals are toxic and pose significant health risks. There are countless workplaces where the nature of the occupation itself leads to these hazardous conditions.

Part A of Schedule III

Section 3(2) of the Act provides that if an employee employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease, or if an employee, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than 6 months (which shall not include a period of service under any other employer in the same kind of employment). It shall be deemed to be an injury by accident unless the contrary is proved. Thus, the employer would be liable to pay compensation.

Part B of Schedule III

In any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, it shall be deemed to be an injury by accident arising out of or in the course of the employment, making the employer liable to pay compensation.

Part C of Schedule III

Where in any employment specified in Part C of Schedule III, an employee contracts any disease, an employer shall be liable:

- If an employee was in the service of one or more employers for such a continuous period as the Central Government may specify in respect of each such employment, and
- If an employee contracts any disease specified therein as an occupational disease peculiar to that employment,

If the above conditions are fulfilled, the contracting of the disease shall be deemed to be an injury by accident within the meaning of Section 3 and, unless the contrary is proved, shall be deemed to have arisen out of, and in the course of the employment and employer shall be liable to pay compensation under Section 3(1) of the Act.

Employer's Nonliability for Payment of Compensation

According to Section 3(1) of the Employees' Compensation Act, 1923, the employer is not obligated to pay compensation in the following circumstances:

1. If the injury does not result in total or partial disablement of the employee for more than three days.
2. If the injury, which does not lead to death or permanent total disablement, is caused by an accident that is directly attributable to:
   - The employee being under the influence of alcohol or drugs at the time of the accident,
   - The employee's willful disobedience of a safety rule that was explicitly stated to protect employees, or
   - The employee's intentional removal or disregard of a safety guard or device provided to ensure the safety of employees.

Concept of 'Arising out of Employment'

The term "arising out of employment" goes beyond just the nature of the work itself. It

also applies to the conditions, obligations, and incidents associated with the employment. If these factors put the worker in a dangerous situation leading to injury, the injury can be considered as arising "out of employment."

In the case of **Oriental Fire and General Insurance Company Limited v. Sunderbai Ramji**,[1325] the Gujarat High Court examined the meaning of "accident arising out of employment" under Section 3 of the Employees' Compensation Act. In this case, a laborer who had been performing physically strenuous work collapsed after three hours of labor and suffered chest pain. He later died at the hospital.

The Commissioner concluded that the laborer's work, which involved heavy physical exertion, likely impacted his health and physical well-being, and inferred that the cause of death was related to the nature of his job. This meant the death resulted from an accident arising out of employment, which is covered under Section 3 of the Act.

Upon appeal, the High Court upheld the Commissioner's decision, agreeing that the laborer's death was caused by an accidental injury that was directly and closely linked to his employment.

Concept of 'in the course of employment'

The phrase "in the course of employment" refers to the work that a worker is hired to perform and activities related to it. The Doctrine of Notional Extension helps define the scope of this phrase. Generally, a worker's employment starts when they arrive at the workplace and ends when they leave. Travel to and from work is usually excluded. However, the Notional Extension theory suggests that the scope of "in the course of employment" can be extended in terms of time and place. This means that a worker may still be considered to be in the course of employment even if they haven't yet reached or have already left their employer's premises.

This extension applies both when entering and exiting the workplace, in terms of time and space. The exact scope of this extension depends on the specific circumstances of each case. Employment can begin or end not only when a worker starts or stops their duties but also when they use the means of access to and from the workplace.

In General Manager, B. E. S. T. Undertaking, Bombay v. Mrs. Agnes,[1326] the Bombay Municipal Corporation ran a public transport service and employed drivers for the buses. One day, a driver, after completing his work, boarded another bus to go home. The bus collided with a parked lorry, causing the driver to be thrown off and injured. He later died in the hospital, and his widow sought compensation from the Court of the Commissioner.

The Supreme Court noted that, because of the long distances employees had to travel, the Corporation provided a bus service to transport drivers to and from their homes as a condition of employment. The service was necessary for the efficiency of the business and was considered a right for employees. The Court observed that employment doesn't necessarily end when a worker finishes their tasks or leaves their workplace. The employment relationship is notionally extended both in terms of time and space. In this case, the bus service was considered an extension of the workplace, as it helped employees reach their job on time and return home without added strain.

The Court concluded that any accident occurring while an employee is using the bus service, whether going to or returning from work, is considered an accident in the course of their employment.

National Steel and Iron Co. v. Manorama[1327] – The employee suffered an injury while working

[1325] 1999 ACJ 907

[1326] 1964 AIR 193

[1327] AIR 1953 CAL 143

at the employer's premises, and the dispute centered around whether the injury occurred "in the course of employment." The employer argued that the injury was not a result of an accident arising out of and in the course of employment, and hence, compensation should not be awarded.

However, the Court ruled in favor of the employee, emphasizing that the injury sustained by the employee occurred within the context of their employment, and thus, the employer was liable to pay compensation. The Court applied the principles of the Employees' Compensation Act, particularly focusing on whether the injury occurred during the period of employment and whether it was directly related to the work being carried out by the employee.

Conclusion:

Judicial judgments have considered factors such as the time and place of work, as well as the worker's duty to establish whether an accident occurred "in the course of employment." Typically, if a worker is injured while performing tasks in a designated area, there is no issue. However, problems arise when factors like time, place, and duty do not align. It has been suggested that the worker's duty should not be treated as a strict determining factor for the following reasons: First, the Workers' Compensation Act of 1923 was the first piece of social legislation designed to assist injured workers. If the duty requirement were a deciding factor, it could leave millions of workers without support, undermining the legislative intent. Second, the Act's provisions emphasize a liberal interpretation of the defining clause, which is necessary to prevent workers from facing increased difficulties and risks. Third, the two Acts in question aim to provide a broad range of benefits, including compensation for injury, illness, disability, medical expenses, funeral costs, and accidental compensation. The Act also distinguishes between various levels of disability, such as partial, temporary, and permanent. Focusing too narrowly on duty would distort the purpose and importance of this social welfare system.

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