

Subject: Public consultation on the operation and implementation of the Personal Injuries Assessment Board Acts, 2003 and 2007

Dear colleagues,

I refer to your recent correspondence regarding the legislative review of the Personal Injuries Assessment Board (PIAB) and am responding on behalf of the Irish Congress of Trade Unions.

The PIAB was established in response to the ever increasing costs to the insurance industry and to claimants in dealing with matters of redress arising from citizens injured in accidents.

Prior to the establishment of PIAB the avenue for redress was by way of the law courts. That was considered to be a very costly way of dealing with claims for compensation by injured parties. The costs of responding before the courts to claims for redress/compensation added significantly to the costs of insurance premiums to the detriment of business and competitiveness. The costs to claimants, citizens of the State, were such as to impair access to legal representation.

The annual reports of PIAB show that it has been very effective at providing an alternative system for claimants and that there is a growing level of acceptance of the awards being determined by PIAB.

In addition to the substantial savings to the insurance industry and to the cost of insurance cover, PIAB provides its service on a 'break even' basis. Its annual financial reports show clearly that the organisation is run cost effectively and is a good example of how a public service, established by statute, with its own independence but reporting to the Minister, can be of significant benefit to business and to the citizen.

Therefore, Congress believes

- that PIAB as currently constituted as determined by the principal Act, should continue in its important role;
- that while reporting to the Minister, PIAB would continue as an independent body and determine its own systems of operation and procedures;
- that it would be permitted by the Minister to engage the necessary levels of professional staff to enable it to meet its statutory time line in the determination of awards;
- that it would be permitted by the Minister to charge a level of fees to claimants and respondents that would enable it to discharge its responsibilities as required by the Acts of 2003 and 2007 and on a break-even basis.

Congress believes that the success of PIAB in operational terms and in meeting its aim of providing a cost effective alternative to court based litigation should be extended to other areas to which it does not currently have a remit. Claims arising from medical negligence are currently outside the scope of PIAB and are subject to the legal costs and time lines associated with the Irish courts system. Congress believes that consideration should be given to amending the Acts 2003-2007 to bring medical negligence within the remit of PIAB and by so doing reduce very significantly the costs to the State and to injured parties in this major sector of social and economic life of the country. This would not prevent access to the Courts but would simply provide a choice of alternatives to the parties involved.

Congress is also of the view that consideration should be given to the inclusion of psycho-social injuries within the scope of the Book of Quantum. We acknowledge that good research would be needed to underpin this and would be happy to support any such initiatives.

Yours sincerely,

Frank Vaughan

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