

ASSAULT AT WORK

At Richard Grogan & Associates, we come across many cases involving employees who have suffered both physical and psychological injuries* as a result of an assault during the course of employment. Sometimes the assault can be caused by a rogue employee or a burglar in a retail setting. However, the majority of these cases affect employees working in healthcare who are dealing with patients suffering with significant physical and mental health difficulties and who can be volatile.

Simply because an employee's work exposes him/her to a risk on a daily basis or because there is a high risk associated with the type of work that they are doing does not mean that they cannot recover compensation for injuries* and losses if assaulted while carrying out their duties. An employer still has a legal duty to ensure an employee's health and safety at work and is obliged to limit, in so far as is reasonably practicable, an employee's exposure to a risk of injury*. This includes both physical and psychological injuries*. This should involve providing employees with appropriate task specific training, having proper policies and procedures in place to deal with any exposure to violence in the workplace as well as control measures to keep these exposures to an absolute minimum.

An employee who has been assaulted at work should:

- **Remove** oneself from the danger immediately;
- Seek **medical treatment** from a GP or A & E Department immediately;
- **Report** the assault to a line manager;
- Complete an **incident report form**;
- Record the names of all **witnesses** to the assault;
- Speak to a solicitor with a specialism in both employment law and personal injuries* litigation and **seek legal advice**.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

****In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**