



Summary of Verdict

Gary Jones v Ballarat Health Services - S CI 2016 3331

18 October 2018

On 18 October 2018, a jury of six awarded a plaintiff approximately \$530,000 in damages, finding that an employer was liable for injuries to a worker that occurred when the back of the ergonomic chair on which he sat gave way causing him to fall backwards.

The plaintiff, for some years prior to the accident, had the use of an ergonomic chair set up to suit his particular requirements by his employer, having suffered from a previous back injury. The plaintiff had affixed a notice to the ergonomic chair identifying it as his, and stating "Please don't alter settings". The plaintiff alleged that the settings of the ergonomic chair had been altered, including that the backrest was not locked into place, and that those alterations were made by an employee of the defendant.

The plaintiff alleged that the accident, and his injuries suffered as a consequence, were caused by the negligence of his employer, or that his employer was vicariously liable for the actions of its employees, in either altering the settings of the ergonomic chair, allowing the settings of the ergonomic chair to be altered, or failing to notify the plaintiff of changes to the settings of the chair.

The defendant denied any breach of duty to the plaintiff, or that any of its employees, acting within the scope or course of employment, had altered the settings of the ergonomic chair, so as to render it vicariously liable for the accident and the plaintiff's injuries. The defendant also alleged that the accident was caused by or was contributed to by the negligence of the plaintiff.

The jury found for the plaintiff, and assessed pain and suffering damages at \$180,000 and economic loss at \$350,000.

Note: a jury does not give reasons for its verdict.