**Can I be sued for a car crash?**

**Recently, one of my employees was involved in a car crash on her way to a business meeting and suffered whiplash. She is now threatening to sue me for damages as she claims the injury was caused in the course of her employment. But surely the dispute is between her and the other driver?**

There are several factors that will determine where liability lies. If your employee caused the accident through her driving, then the courts will deem the accident her responsibility - unless she has to drive as part of her job and she can show that you failed to ensure that she was a competent driver.

If the accident was caused by a vehicle malfunction, then you will only be found liable if you have control over the vehicle - i.e., if you provided it to your employee or agreed to maintain it.

However, if she owns the vehicle and is responsible for its maintenance, recent case law suggests that the employer will not be found liable as it did not have control. If this is the case, you will be able to defend the claim.

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