What Is Workplace Horseplay

INCIDENT

This worker wasn’t able to go back to his job after suffering injuries when he was tackled during horseplay. The injured worker sued the employer. Is the employer liable?

Wayne Booth was a truck driver employed as an independent-contract hauler for Southern Hens Inc. in Mississippi.

On oct. 30, 2012, Booth went to Southern Hens to pick up a trailer. While waiting for paperwork, Southern Hens employee Jerome Caldwell grabbed Booth from behind his midsection in a “bear hug.” Caldwell shoved Booth against some boxes and pushed him through a doorway onto a stack of pallets.

Booth was told that Caldwell was “Just playing.” However, Booth suffered serious injuries to his back that required medical treatment. He wasn’t able to return to work due to the injuries, Caldwell was terminated as a result of the incident.

NEED TO KNOW

Horseplay is rough or boisterous play or pranks that occur at the workplace. Horseplay can be activities such as joking that includes physical contact, playing around, racing, grabbing, foolish vehicle operation, social pressure to participate in unsafe acts, harassment, and unauthorized contest. There is probably at least one on every job – the practical joker – the smart aleck who likes to make a bid for laughs and attention by playing jokes on fellow workers. Playing jokes and having fun with your coworkers may break up the day and make work more interesting, but it can lead to serious injuries and sometimes be deadly.

At one time or other friends play “Practical Jokes” on friends outside the workplace and that are not harmful. There is a world of difference between practical joke outside the workplace and engaging in the definition of workplace horseplay described above.

BUSINESS / REGULATIONS

Booth sued Southern Hens, claiming negligence and failure to supervise and control its employees. Southern Hens filed for summary judgment. A trial court granted the company's request and threw out Booth's lawsuit. He appealed.

In reviewing Booth's case, a Mississippi appeals court noted an employer is liable for an employee's actions done in the course and scope of his employment. Conduct isn't considered in the course and scope of employment when it's not authorized, doesn't serve the purposes of the employer, or is a "wrongful deed" committed when an employee "abandons" employment.

The appeals court found the trial court correctly found that Caldwell's conduct in bear-hugging Booth and shoving him into a stack of pallets was outside the course and scope of Caldwell's employment duties – loading and unloading shipments. Since it's not within the course and scope of Caldwell's employment, Southern Hens can't be liable for it, the court ruled.

Mississippi case law also says a premises owner must protect an invitee from "reasonably foreseeable injuries at the hands of another."

The appeals court found Caldwell's actions weren't "reasonably foreseeable." The incident occurred without warning in a matter of seconds. Caldwell didn't have a history of dangerous or violent tendencies at work.

Also, important: Southern Hens' had safety rules that specifically prohibited fighting, physically threatening others, "horseplay," and practical joking. Records showed Caldwell signed a checklist stating he understood horseplay wasn't tolerated.

Therefore, the appeals court upheld the trial court's ruling to throw out Booth's lawsuit.

However, Booth did receive worker's comp benefits for wage replacement and medical treatment from his employer, Whitestone Trucking.

STATISTICS

Each year there are hundreds of injuries in the United States from pulling pranks at work. In some

states horseplay that results in injury can result in criminal prosecution. The courts have held that these injuries are not the result of an accident but are deliberate acts. Workplace horseplay incidents may lead to serious injuries at work, divide the workplace, and prevent employees from getting their jobs done. Making horseplay a part of your workday may jeopardize your health and the future of your business. It’s management’s responsibility to ensure all employees have access to a safe, respectful, and harassment free place to work.

Example of the Dangers o/Horseplay

Did you know fooling around with air hoses has caused many cases of ruptured eardrums and ruptured bowels?

1. A blast of air under 40 pounds per square inch (psi) of pressure from 4 inches away can rupture bowels or eardrums and cause brain damage.
2. As little as 12 psi can pop an eyeball from its socket.
3. Air can enter the navel, even though a layer of clothing, and inflate and rupture the intestines.
4. If directed at the mouth, compressed air can rupture the lungs.

The consequences of horseplay going “rogue” are illustrated in he following case studies. The takeaway from these hi-lite 3 life changing situations.

- Damage to your career.
- Civil litigation
- Criminal prosecution

Case study #1

Three construction workers began an impromptu race to climb 30 feet of poorly braced scaffolding bars.

Towards the end of the race, the weight of the employees compromised the bracing, and the tower of scaffolding tumbled over.

What happened:

Two of the three employees suffered fatal injuries, and the third was disable for life.

The incident incurred over one million dollars in collateral property damage and municipal fines.

Criminal charges were brought against the supervisor.

Case study #2

An employee thought it would be fun to use a compressed air nozzle to mess-up the hair of a coworker.

Unfortunately, the coworker unknowingly turned her head putting her ear canal in the direct path of the air gun.

What happened:

The air blew into the coworker’s ear, rupturing her eardrum.

The first employee lost his job, and was obligated to pay medical expenses and damages for the three months of hearing loss experienced by his former coworker.

PREVENTION

¨An ounce of prevention fetches you a pound of cure. ¨ You have heard this age-old refrain. It is particularly apt when you are talking about eradicating horseplay antics in the workplace.

There ought to be a zero tolerance

Here are 4 ways to prevent workplace horseplay.

1. **Horseplay and Fooling Around Are the Opposites of Safe, Responsible Work**

According to the dictionary:

- Horseplay means rough fun.
- Fooling around means doing foolish, useless things.
- Fool is a person with little or no judgment or common sense.

2. **Workplace Rules Ban Horseplay Because It’s Dangerous**

Horseplay is usually a friendly, physical way to let off steam. But that type of fooling around is dangerous on the job because:

- When you’re fooling around, you’re not concentrating on your work.
- Directing your horseplay at others is even more dangerous. They’re not expecting the distraction and could easily have an accident such as falling into a moving machine part, slipping on the floor, or dropping a tool.
- Giving less than full concentration and attention to safety procedures makes you less likely to notice or account for hazards until it may be too late.
- Most accidents are caused by unsafe acts—and horseplay itself is an unsafe act.

3. **Workplace Horseplay Creates Unnecessary Risks**

You can prevent most workplace accidents by being alert to hazards and following safety rules. You can’t do either when you indulge in horseplay. Some examples:

- Running, chasing, or pushing can cause slips, trips, falls, and other accidents. You may:
- Not notice spills or items lying on the floor.
- Crash into, or push someone else into, heavy equipment or moving parts.
- Knock boxes or materials onto a person.
- Knock over open containers of hazardous substances.
- Throwing tools is a frequent cause of injuries. They may:
- Stab someone with a sharp edge.
- Hit someone in the head, eye, foot, etc., and cause an injury.
- Fall from a height and hit a person below with tremendous impact.
- Fooling around with PPE can damage it and expose you or

another worker to a hazardous substance.
- Speeding or stunt driving with a forklift can cause it to tip over or hit people or objects, possibly injuring the driver or pedestrians.
- Climbing on or under forklift forks or moving crane parts can cause you to get crushed or pushed. It’s against the law.
- Running with a hand truck could spill the load on someone or run over feet.
- Pushing, teasing, or otherwise distracting people working with machinery could cause pinch point or other injuries.
- Practical jokes like “hiding” someone’s PPE, dropping your half of a load, turning out lights, etc., are not funny—they’re dangerous.

4. **Take Your Job, Your Responsibilities, and Safety Seriously**

- You’re responsible for performing your job correctly, which includes safely.
- Safety rules and procedures are designed to protect you.
- Everyone must follow safety rules.
- Failure to follow the rules is dangerous—for you and for others.
- Horseplay and other safety rule violations can lead to disciplinary action.
- Don’t indulge in horseplay or accuse those who won’t go along of having “no sense of humor.”
- Think how bad you would feel if your horseplay injured or sickened someone else—maybe seriously.
- Don’t allow other people to engage you in horseplay.