



GUIDE TO REPETITIVE STRAIN INJURIES

Repetitive Strain Injuries/Work Related Limb Disorders

Help – it hurts!

What is it?

There are loads of different phrases used to describe pain and symptoms arising from injuries to the fingers, hands, wrists, arms and shoulders – RSI, Repetitive Strain Syndrome, Cumulative Trauma Disorder, and Overuse Syndrome. These are all non-medical terms for the same thing, an injury caused by repetition.

The current phrase favoured by the Health and Safety Executive (HSE) is Work Related Upper Limb Disorder.

How does it happen?

The majority of the injuries are caused by repetitive work without sufficient rest and recovery, usually accompanied by some element of force or twisting and lengthy periods where the body or part of it remains in the same position or awkward posture. There are other causes unique to some of the recognised conditions but generally the ingredients mentioned above will be present.



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Medical Stuff

A number of the injuries/symptoms caused by repetition are well recognised physical conditions acknowledged by the medical profession. These are conditions such as Tenosynovitis, De Quervains Disease, Tennis Elbow, Golfers' Elbow, Carpel Tunnel Syndrome, Trigger Finger and others. There are however less precise injuries such as general weakness and aching and pain around the upper limbs the cause of which cannot be precisely diagnosed and named. These conditions are sometimes referred to as diffuse symptoms.

The type of condition that you have been diagnosed as suffering from might be important for the reasons set out in the medical causation section.

Do I have a case? - The three steps

It is a question of fault, fault, fault, a sufferer has to establish fault on behalf of his/her employer or a third party to be successful in a claim.

To establish fault you would have to show that:

1. Your employers/third party should reasonably have foreseen that the work they were requiring you to do carried with it a risk of injury and;

2. There were steps which the employers could and should reasonably have taken which would have avoided or at least minimised the risk of that injury occurring and;
3. By not taking those steps, the injury has been caused.

Can I win?

Yes, but not all the time, not every case succeeds. Every case for these types of injuries has to be assessed on an individual basis. Although there are some jobs that are well known for carrying a risk of repetitive injury these are in the minority and there are many jobs and tasks which do not fit the classical definition of a repetitive type job.

To assess each case we would have to investigate your job thoroughly. We would be looking at the physical demands created by the job, particularly force and posture, how long the tasks were carried out on each shift, what were the rest periods, the pressures placed upon the employee by the employer to meet the targets, the equipment used and also any recent changes in the system of work. We would also look very carefully to see if there are any other employees in the workplace who might be similarly affected.

Only after this assessment has taken place can an opinion be given as to the prospects of success. You can download a copy of the

questionnaire in order that an assessment can be performed from our website.

The biggest misconception

Most people think that the longer they have done the job the more at risk they are of suffering a work related repetitive injury. **THIS IS WRONG!** In fact, the opposite is the case, if someone has been doing the job for a long time the muscles used are strong, they do not get weaker over the years.

In fact exactly the opposite will occur if the condition is work related. We would expect to see some sort of change in the work carried out shortly before the symptoms developed, if such change is not present then it would suggest that the cause of the injury most probably is not work.

Helpful points

1. Strength in numbers

If you are the only person experiencing the symptoms in your workplace and there are other people doing a similar task to yourself then this might suggest that the cause is not work related. If there are other people suffering even not to the same extent as yourself, if we can use them as witnesses to assist in the case that will strengthen the claim.

2. Getting better

If the symptoms improve or stop when the job or task at work ceases, for example when someone is off sick or on holiday this would suggest also that the cause is work related.

3. Complaints

If you or any of your work colleagues have complained to your employers about the work that you were asked to do prior to the development of your symptoms then this will help your case as we will be able to use this to show that the employer could reasonably have foreseen the risks of the injury you sustained.

“It hurts therefore it must have been caused by work” – medical causation

One of the most difficult areas people have in pursuing claims for these types of injuries comes in establishing that the injury has actually been caused by the fault of the employer.

The difficulty is created by the fact that a number of the conditions that are associated with repetitive work and upper limb disorders can be caused by a number of other factors.

Carpel Tunnel Syndrome for example is extremely common in the adult population, particularly in females. Some medical studies have indicated that as many as 7%-16% of the UK population will suffer from Carpel Tunnel Syndrome. The majority of these cases are females between the ages of 40-60. There are a number of medical conditions that are associated with the development of Carpel Tunnel Syndrome, for example pregnancy, abnormal thyroid function, obesity, rheumatoid arthritis and menopause. Again with Tennis Elbow, some medical studies consider that the majority of cases were constitutional in nature (i.e. occurred naturally) for people aged in their 40s or 50s. Quite often Tennis Elbow would develop in one arm and then develop later in the other arm without any obvious repetitive work.

What this means is that quite often we can succeed in establishing fault on behalf of the employers but we cannot show that that fault has actually caused the injury. The employers or their lawyers will quite often argue that in fact the condition from which the person is suffering is nothing to do with his/her work but is simply a condition which has arisen naturally or because of other medical conditions. This aspect of any claim would be dealt with by a doctor, usually a Consultant Orthopaedic Surgeon or a Consultant Rheumatologist. However we would, following the initial assessment, usually require sight of somebody's complete GP records.

The problem of establishing causation is even more difficult when somebody is suffering from diffuse symptoms as opposed to the recognised conditions as mentioned earlier on. It is easier to establish medical causation in respect of the recognised symptoms as opposed to the diffuse symptoms where it is more easily argued by the employers or the Defendants that the condition is occurring for some other reason.

Is it worth it? Is it too much hassle? Will I ever win?

If you are suffering and you think it is because of the work that you have been asked to do, then you should definitely do something about it. Even if after an initial assessment you are advised that the case does not stand any reasonable prospects of success at least you will have the peace of mind in knowing that you made that investigation. Also, what if others were to suffer conditions similar to your own in your workplace because the employers were allowed to ignore the dangers of the job they were asking you to do. By your action you might save somebody else's pain and suffering.

Our initial assessment is free and we have highlighted some of the obstacles that have to be overcome, however these are not insurmountable and we have in a number of cases been successful for sufferers of work related upper limb disorders.

At Court the following conditions have been found to have been caused by repetitive work:

- Tenosynovitis
- Tennis Elbow
- Golfers' Elbow
- Carpel Tunnel Syndrome and
- Trigger Digit

There have been successful cases in connection with diffuse symptoms but for the reasons set out above, these are more difficult.

We have been pursuing these claims for some years; each case is individual and will turn on its own circumstances. Please do not suffer in silence. If you think your condition is caused by work, contact us. **Remember the initial advice and assessment is free.**

Are there any time limits?

A victim only has 3 years from the date when they knew or reasonably to have known that their condition or symptoms were caused by their employment within which to issue Court proceedings. If that date has passed then we may be time barred from pursuing a claim on your behalf. There is a discretion to extend the period but this is only extended in limited circumstances.

Make a no-obligation enquiry regarding your RSI injury

Do not delay; contact us as soon as you feel your condition is work related. Download the RSI questionnaire and return it to us for a free assessment.

RSI Questionnaire:

<http://www.simpsonmillar.biz/downloads/other/RSI-Free-Assessment-Questionnaire.pdf>

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