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STANDING UP FOR YOU

Summary of the law
on strain injuries

Our pledge to you

Thompsons Solicitors has been standing up for the injured and mistreated since Harry Thompson founded the firm in 1921. We have fought for millions of people, won countless landmark cases and secured key legal reforms.

We have more experience of winning personal injury and employment claims than any other firm – and we use that experience solely for the injured and mistreated.

Thompsons will stand up for you by:

Staying true to our principles – regardless of how difficult our job is made by government, employers or the insurance industry

Remaining committed to the trade union movement, working closely with them and with professional associations for the benefit of working people everywhere

Thompsons pledge that we will:

Work solely for the injured or mistreated

Refuse to represent insurance companies and employers

Invest our specialist expertise in each and every case

Fight for the maximum compensation in the shortest possible time

standing up for you

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The Spirit of Brotherhood
by Bernard Meadows

About this booklet

Workers who suffer from pain and stiffness in any of their upper limbs because of something they do at work may be suffering from strain injury. These types of injury can be categorised as a work-related upper limb disorder or as a repetitive strain injury.

This booklet provides a basic outline of what to look out for and what to do to minimise the risk of developing a strain injury at work.

- Symptoms of strain injuries.
- Causes.
- What should employers do?
- What should workers do?
- Time limits.



Who can be affected by strain injuries?

Work-related upper limb disorders (WRULD) or repetitive strain injuries (RSI) can affect just about anyone engaged in repetitive or forceful work, or work which involves an awkward posture.

Workers at risk therefore include secretaries, computer operators, hairdressers, cleaning staff, machinists, assembly line workers, fruit pickers and anyone who uses hand-held power tools.

Which parts of the body do they affect?

They can affect any part of the arm or hand including the fingers, as well as the shoulder and neck.

What are the symptoms?

The main symptom is pain, which usually occurs when the worker is engaged in the activity that causes it. In some cases however it can escalate to the point where the pain is constant.

Workers may also experience stiffness, tingling, numbness, heaviness, weakness, tightness and cramp. The symptoms also tend to spread and may even feel as though they are “jumping around” from one part of the body to another. For instance, the pain might start in the wrist, but spread into the upper arm, shoulder and neck within days or weeks.

Tiredness is also common where sleep is affected by the pain or discomfort. Pain may come and go depending on what the person is doing and whether they are under stress (which often exacerbates the condition).

Whatever the symptoms, they should not be ignored. The symptoms may be slight at first but they could be an indication that something more serious is wrong.



What causes them?

Strain injuries categorised as WRULD or RSI can be caused by a number of different work tasks that involve repetitive or forceful activity, or a job that requires little or no movement.

It can also be caused by poor posture and even stress.

The more a task is repeated, therefore, the greater the risk to the worker. The speed at which people do their job, however, is not the only concern. Someone who moves their arm at low speed (but repetitively) may be just as much at risk as someone who is doing small, fast movements.

Likewise, workers who have to hold something or maintain a certain posture which involves little or no movement may also be at risk of developing a strain injury. For instance, workers who tend to hold their hands and arms in a certain position when using their keyboard may be at risk. Computer work can cause this "static muscle loading" unless the worker takes regular breaks. And if a worker's back is not well supported, they can get static muscle activity there and in the muscles of the neck.

What should employers do?

Employers have a duty under a number of different pieces of legislation including; the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999, the Manual Handling Operations Regulations 1992 and the Health and Safety (Display Screen Equipment) Regulations 1992 to prevent cases of strain injuries from arising, or to do something to prevent existing cases from getting worse.

The Health and Safety Executive (HSE) advises employers to:

- Assess potential risks in the workplace by looking at what workers do to see if it could cause them harm.
- Reduce the risk by changing the way they organise work, for instance by offering regular short breaks instead of one longer break or by redesigning the work station.
- Provide workers with information and training.
- Encourage workers to report any signs of strain and symptoms early.
- Allow anyone returning to work to carry out light duties or to work reduced hours to begin with.



What should workers do?

In order to minimise the risk of developing a strain injury such as WRULD or RSI or making an existing condition worse, workers should try to:

- Avoid carrying out activities for long periods of time without breaks.
- Avoid working in cold temperatures or handling cold items.
- Avoid working in a dimly lit environment as this makes workers more likely to adopt an awkward posture.
- Avoid activities which involve friction.
- Slow down the speed at which they work.

It may not be possible for an employer to prevent all cases of strain injuries because different workers respond differently to the risks.

However, if someone develops a strain injury, employers must ensure that they do what they can to prevent it from getting any worse.

The first and most important thing is for workers to report any signs and symptoms to their employer as soon as they appear and seek medical help if appropriate. If the employer fails to take the necessary steps to safeguard the worker's health and safety, then they should contact their union safety representative.

Some strain injuries constitute prescribed industrial diseases and an injured person may be able to claim Industrial Injuries Disablement Benefit (IIDB). They should contact their local Department for Work and Pensions office for the relevant form. An injured person will have to prove that their employer was legally at fault in order to be entitled to IIDB.

Time limits

It is best to make a claim as soon as possible as witnesses may have difficulty recollecting relevant matters and documents can get lost over time.

The law states that injured people should start court proceedings within three years of the date they first suspected or were told by a medical professional that their symptoms were work related. Although the courts have a discretion to extend the time limit, it is always better start legal proceedings within the three year time limit.

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