



Legislation Case Study: Simple Solutions to a Complicated Issue

“Employers are required to evaluate health and safety at workstations with particular reference to eyesight, physical difficulties and mental stress. Appropriate steps must be taken to control any risks identified.”

As per Irish legislation, Chapter 5 of Part 2 of the General Application Regulations 2005 Chapter 5 of Part 2: Display Screen Equipment.



€16,000 awarded to employee as Compensation.

Most companies see a workstation assessment as a tick box exercise, something that has to be completed but it often does not get the attention it deserves. A workstation is so much more than just setting up the chair and monitor etc. It should be used to influence the day to day workings of your employees. If the set up available to a person at their workstation is contributing to a problem, this will influence their productivity, satisfaction and overall health. For an ergonomics programme, the best results and return on investment are seen when a company is proactive rather than reactive in relation to a person's workspace.

Back in 2015, a court case was heard that highlighted the shortcomings in taking an ad hoc approach to workstation assessments. The High Court awarded €16,000 to an employee for failing to risk assess a workstation. The company's failure was held "not to be causative but a contributory factor in the development of a chronic inflammatory condition". A chronic inflammatory condition does not develop overnight and so if the correct measures were put in place earlier or a proactive assessment carried out, the majority of the issues may have been avoided.

The Court was told that "temperature at the employee's workstation was not regulated in accordance with Regulation 7 of SHWW (General Application) Regulations 2007 and damages were awarded for pain and suffering for one year post onset of condition". The compensation was awarded to an employee holding that their overheated workplace had contributed to the development of a chronic muscle condition. It takes a long time for something like this to reach this level of discomfort and for a diagnosis to be reached. By allowing this issue to go on for an extended period of time, the end result was far worse than it should have been.

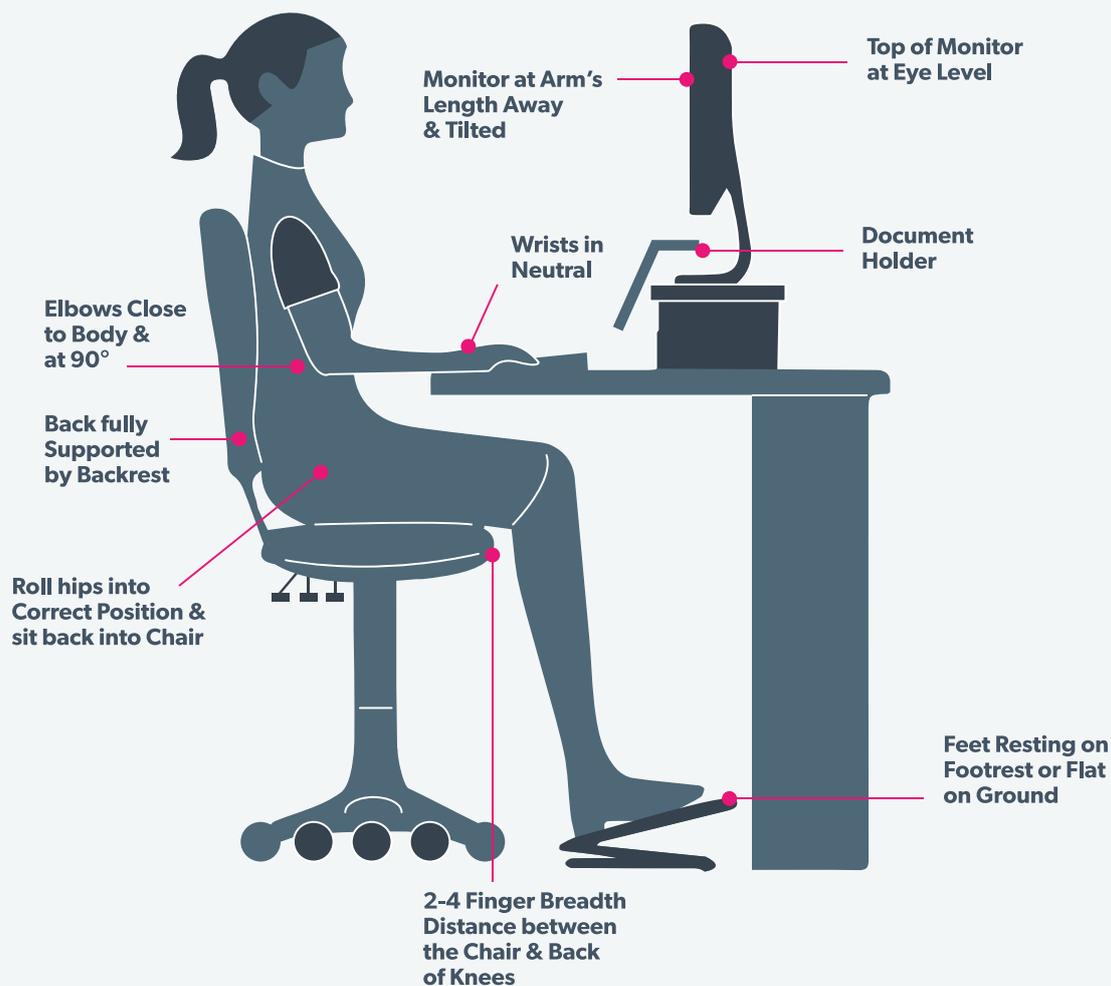
The difficulty in regulating the temperature led to problems with the person's sinus' and then with their neck because

of the influence of a draft. The Court heard that "the plaintiff had sinusitis and found the heat overwhelming and so opened the window beside their desk. Evidence was given that she now has a chronic inflammatory condition, myositis, which when active causes pain in their neck and shoulder, and that she did not have this condition prior to sitting at this workstation".

You may be wondering how temperature levels could affect a person's neck and shoulder. It can influence these areas in several different ways. Have you ever tried to work in a room that is too hot? It tends to be quite draining and so your ability to hold correct postures is influenced due to increased levels of fatigue. We tend to drift forward leading to a position known as forward head posture. This position puts a greater strain on the structures of the neck as the head moves forward and becomes heavier. The neck and shoulder have a close association. Bones, muscles and joints articulate together and so what happens in one can affect the other. If the head drifts forward, then the shoulder will also bare some of the burden and the weight of the arms will force the head into an even more advanced position. A common position people take up at their workstation when they are fatigued is to lean on their forearms, with their back off the backrest, slumped and with the head forward. Does this position sound familiar? However, this can contribute to problems in the neck, shoulder and low back if the reasons behind this position are not addressed in a timely manner.

Temperature levels not only affect a person's energy levels, but it can also affect their eyes. If a work area is too warm, then this can contribute to the tiring or drying out of a person's eyes. Have you ever had tired or dry eyes? Despite the discomfort and annoyance of this occurrence, it often forces us to squint and push our head forward in an effort to better view our screen. This again will contribute to all the issues discussed above.

Let us delve into the above example a little further. What could a timely assessment have contributed to prevent this from happening? By going to a person's workstation and speaking with them around their issues, a greater understanding could have been gathered immediately. Taking on board their issues with the temperature, the following areas may have been changed to decrease the pressure on a person's:



Neck:

Monitor height, monitor distance, monitor settings, chair height, back rest adjustments, keyboard and mouse position, frequency of breaks.

Shoulders:

Keyboard and mouse position, chair height, armrests, frequency of breaks.

Eyes:

Monitor height, monitor distance, frequency of breaks, Tips on Good Eyecare 20:20:20 Rule, eye test.

Management of Energy Levels:

Frequency of breaks, re-organisation of workload, advice around drinking water and posture.

Temperature:

Re-organisation of work practices to disrupt prolonged sitting, re-organisation of the room layout, change of position of desk, repair of a possibly faulty radiator.

By setting up the person's workstation to better reflect their current situation, all of some of the above examples could have helped the company to avoid the subsequent issues. For a period of three months, the Plaintiff was assigned to and sat at a workstation which was defective and in the course of which she developed symptoms from which she had not previously suffered.

The Plaintiff was awarded compensation for a year of pain and suffering assessed at €15,000 and 25% of their out of pocket expenses at €1,000, giving them a total award of €16,000.

When thinking about your workstation practices, implementing a proactive strategy can help to avoid any unnecessary hardship for both the employee and also the Company. Setting aside any compensation payment that was eventually paid out, the cost to the company was far greater when decreased productivity, possible work absences, increased workload on other staff members and the overall effects on morale are taken into account.

A seemingly simple issue has the potential to become a greater problem and the workstation is one of the best places to start when looking to make a positive change.



Get in touch to find out more:

info@spectrumworks.ie

www.spectrumworks.ie

Tel: 1890 333 777