

## **BACK INJURIES\***

Injuries suffered to the back during the course of employment can be a common occurrence.

Most back injuries occur due to too much force on the back, e.g. lifting / pushing / pulling items that are excessively heavy, unsafe or awkward from a manual handling point of view. Employees can also suffer back injuries in a workplace accident such as a slip, trip or fall or an accident involving machinery. However, back injuries can also occur where an employee is engaged in repetitive work with no job rotation, particularly if this repetitive work must be carried out at an excessive speed. Employees can also suffer back injuries if there are poor workplace ergonomics at a workstation which requires the employee to engage a poor posture by stooping, bending, crouching, stretching, twisting or reaching. These are merely examples.

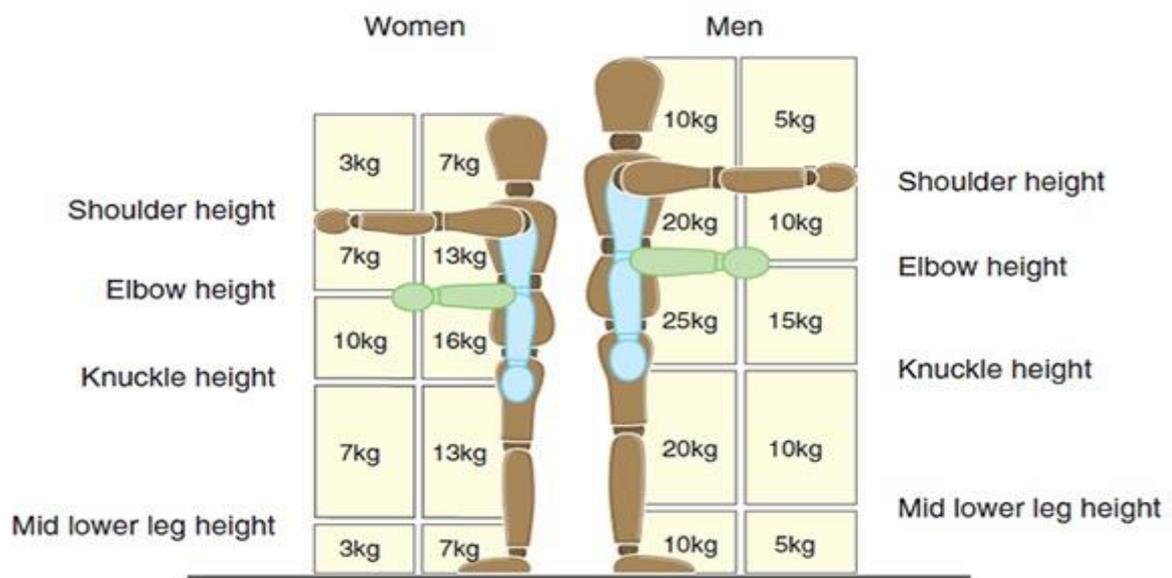
Employees with back injuries can suffer significant pain caused by soft tissue damage to the back, problems with discs, nerve root irritation, problems with the vertebrae or, in more serious cases, damage to the spinal cord. Depending on the type of back injury, an employee may also experience urinary or bladder dysfunction. Treatment can include various painkilling and anti-inflammatory medication, diagnostic investigations such as x-ray and MRI scans, physiotherapy and, in more serious cases, surgery. Recovery can be long and slow and can result in significant sick leave from work. In more serious cases where a doctor is of the opinion that the employee should consider a less labour-intensive occupation to protect against further injury, an employee will have to consider re-training.

The majority of back injuries suffered at work can be prevented. Section 8 of the Safety, Health and Welfare at Work Act 2005 deals with the duties of an employer. These duties include the duty to ensure the safety, health and welfare at work of employees, as far as is reasonably practicable. Section 8 also includes the duty of an employer to provide a safe place of work, safe machinery and plant and safe systems of work. Section 8 also includes a duty to provide training for employees and to carry out risk assessments and prepare a safety statement.

On a very basic level, employers should ensure that employees take their rest breaks in accordance with the Organisation of Working Time Act, 1997. At a minimum, this will ensure that employees are not overworked and are rested.

Risk assessments will identify any hazards in the workplace. Thereafter, a safety statement should be prepared and should be based on the hazards identified in these risk assessments. The safety statement must be communicated to employees in a language that is likely to be understood by the employees. This is a protective and preventative measure specifying the manner in which the safety, health and welfare at work of employees shall be secured and managed.

Manual handling training is extremely important in the prevention of back injuries for employees, in particular, task specific manual handling. Appropriate manual handling training will reduce the risk of back injuries. Below is a guide from the Health and Safety Authority website which illustrates in very simply terms the maximum weight for the lifting of loads from various different heights.



If an employee has suffered a back injury at work, it must be reported to the manager immediately. If there is a procedure for reporting accidents in the workplace such as recording details in an accident report form this procedure should be followed. The injured employee should also seek medical attention from a doctor/hospital, as soon as possible.

If an employee has suffered a back injury due to negligence on behalf of the employer or as a result of some unsafe or dangerous work

practice, he/she may be able to bring a personal injuries case for compensation for the injury as well as any associated losses, such as the cost of medical treatment, medical expenses, loss of wages or loss of employment opportunity.

A solicitor can assist you with obtaining a medical report and submitting a case to the Personal Injuries Assessment Board (PIAB), keep you informed throughout the court process, if relevant, and advise you in relation to any PIAB assessment of the injury and losses or any offer of settlement. A solicitor can also advise you in relation to whether there is a company sick pay policy to which you are entitled if you have been absent from work due to a back injury. Employees will have two years from the date of the accident or the date of knowledge of the injury within which to bring a personal injury claim for a back injury.

**\*Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

**\*\*In contentious cases, a solicitor may not charge fees or expenses as a portion or percentage of any award of settlement.**