

Legionnaires Disease and Personal Injuries*

The HSE's Health Protection Surveillance Centre has warned of a Legionnaires Disease outbreak. This is because many buildings and businesses have been closed for in or around nine weeks now due to the Covid-19 pandemic. This means that appliances and water systems have also been left untouched for a considerable period of time.

Legionnaires Disease is a type of pneumonia that causes serious illness in people over 50, smokers or people with an underlying health condition. Symptoms of the disease include cough, shortness of breath, high fever, muscle pains and headaches. Nausea, vomiting and diarrhoea may also occur. It is caused by the growth of a bacteria called legionella in water systems that are not adequately managed.

The HSE have advised that a person can contract Legionnaires Disease by breathing in tiny droplets of water containing bacteria that cause the infection. This will usually occur in hospital, hotels and spas or offices that would have spa pools, hot tubs and air conditioning systems. It would be considered unusual to contract the virus at home, from other people, at places such as lakes and rivers, from drinking water containing the bacteria or from other people with the infection.

The case of *Mary Kelleher -v- Inue Hospitality Series 2 Limited trading as Muckross Park Hotel and NCH Ireland Limited trading as Chem Aqua 2016/7835P* was before the High Court in February 2020. The plaintiff in this case was suing the defendants for personal injuries caused by Legionnaires Disease contracted in a luxury hotel spa. The plaintiff and her husband had gone to the hotel and spa to celebrate their 25th wedding anniversary. The plaintiff had availed of the facilities including the steam room, the sauna and the pool. However, the plaintiff began to feel very unwell after checking out and was obliged to attend with a doctor with a suspected viral infection and the sensation of losing power in her muscles within the following six days. The plaintiff was transferred to hospital where she was intubated and ventilated and a diagnosis of Legionnaires Disease was confirmed. She was placed in an induced coma for three weeks and remained in hospital for in or around 54 days. The plaintiff was discharged from hospital in a wheelchair and was obliged to undergo intense physiotherapy treatment. The court was advised that the plaintiff's quality of life had deteriorated since and that she was never going to

recover. The court was also advised that the HSE incident control team had carried out investigations and found that bacteria was traced back to the hotel and that the indoor cold spa pool was the likely source of the infection. Liability was admitted and the case was before the court for an assessment of damages. However, the case settled and the terms of the settlement remained confidential.

As set out in the above case, Legionnaires Disease can result in very serious personal injuries. Before re-opening businesses, employers and business owners need to ensure that employees and customers are returning to a safe environment by carrying out the appropriate inspections and maintenance works on business premises.

***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.**