

Hand-Arm Vibration Syndrome and claiming for damages



An overview

Hand-arm vibration syndrome (HAVS) has been known about for many years - in fact vibration has been causing injuries since the eighteenth century. However, employers can only be held responsible for injuries caused by vibration from 1 January 1976. This is the "date of knowledge", established by the high number of cases among miners during the 1970s.

The condition

HAVS is caused by the regular use of vibrating hand-held tools, such as pneumatic drills. This can lead to tingling, numbness and whiteness in the fingers - the classic HAVS symptoms. These symptoms are sometimes called vibration white finger (VWF), but this only relates to the vascular condition (the whiteness).

Symptoms

The greater and more frequent your exposure to vibration, the more severe your symptoms are likely to be. These include:

- Tingling in the hands, sometimes with aching wrists and forearms. The symptoms tend to disappear when the vibration stops
- Numb fingers with a lack of sensitivity
- Fingertips turn white when cold due to restricted blood flow and there is painful tingling when blood flow returns. Attacks may last for up to an hour.

The condition can be permanent.

There are different ways of measuring the scale of injury, but the Stockholm Workshop Scale is the only accepted one.

Treatment

Once the condition has developed, there is little that can be done medically to treat it. Smoking may make symptoms worse, so stopping smoking can help. It is also a good idea to keep your hands warm to maintain a good blood supply to your fingers. But sadly, once your nerves or nerve fibres have been damaged, they can not be repaired.

Occupations likely to suffer from HAVS

HAVS is normally suffered by workers in the mining, steel and engineering industries. But anyone doing the following activities may be exposed to vibration risks:

- Using percussive tools e.g. riveting, caulking, fettling and swaging
- Grinding, including pedestal and hand-held grinders
- Using pneumatic drills and hammers, including percussive and rotary hammers
- Using chain saws, including garden machinery

Prevention

The best way to avoid suffering from HAVS is to prevent workers having to use the vibrating machinery or by limiting their exposure. This could be by modifying the tool or the process, introducing work rotation or minimising the hand-grip on the tool. Regular medical reviews are also important to spot early symptoms.

Pursuing a claim for compensation

There have been many successful vibration claims over the last 20 years. Large employers have known of the dangers since the 1970s and should have acted to reduce exposure to vibration. If not, they may be found responsible.

There are four steps in making a successful claim for compensation:

- Prove your injury is HAVS by getting a report from a medical expert
- Prove HAVS has been caused by your employment
- Prove your employer(s) knew at the time there was a risk your work might cause HAVS
- Prove your employer(s) failed in his duty to look after you by preventing or reducing the exposure to vibration.

What to do next

HAVS can have serious and wide-ranging effects on your life and you deserve to get the best help available. If you believe you are suffering from HAVS, you must see your GP quickly.


You should also start your claim for damages as soon as possible, because there are time limits.





"There have been many successful vibration claims over the last 20 years. Large employers have known of the dangers since the 1970's"

Contact Us

Please feel free to discuss your own position and concerns. Contact your nearest Russell Jones & Walker office or call:

 **0800 916 9015**

 Email: enquiries@rjw.co.uk

 Web: www.rjw.co.uk

 **Our offices:**
Birmingham, Bristol, Cardiff, Edinburgh (Associated Office), London, Manchester, Newcastle, Sheffield, Wakefield

Regulated by the Solicitors Regulation Authority.
Prepared by Russell Jones & Walker Solicitors 2010.

This factsheet is for general guidance only and should not be treated as a definitive guide or be regarded as legal advice. If you need more details or information about the matters referred to in this factsheet please seek independent formal legal advice. This information was correct at time of going to press January 2010.