

Industrial Dermatitis

Dealing with this Occupational Skin Disease

Overview

Industrial dermatitis (sometimes called eczema) is one of the major, and most common, occupational skin diseases in the UK. It is caused by a person coming into contact with a hazardous agent or a toxic substance at work. At best, exposed and unprotected skin can be rough and painful. At its worst, cracked and bleeding skin will make it impossible to continue in employment.

Essentially, there are 2 types of dermatitis

Irritant contact dermatitis - is caused by exposure to substances such as acids, alkalis, soaps, cleansing agents and detergents, and solvents. These damage the skin causing redness and inflammation. Damaged skin may itch, crack and bleed. The condition can spread further all over the body if untreated, and if exposure continues. However, with preventative steps, the skin condition will usually settle.

Allergic contact dermatitis - is caused by exposure to a substance to which a person has become hypersensitive or allergic. It develops in stages. Once the skin is penetrated by the allergen, sensitisation begins. Initially there may be no sign of skin damage but, with repeated or prolonged exposure, symptoms can appear. Common allergens include nickel or other metals, latex, rubber and fragrances.



Employers duty of care

An employer has a duty to protect a worker from reasonably foreseeable risk of injury or disease. The duty is provided by the Health and Safety at Work Act 1974, and by regulations that are enacted by it.

Under the Management of Health and Safety at Work Regulations 1999 (MHSW) and Control of Substances Hazardous to Health Regulations 2002 (COSHH), employers have a legal duty to assess the risks that could cause dermatitis and prevent employees coming into contact with substances that could cause the disease.

Once the risk has been identified, employers should prevent employees using such substances, by either substituting a less hazardous substance, or redesigning the job to eliminate chemicals altogether. If the substance cannot be substituted, the work process should be redesigned to prevent hazardous exposure. Additionally, employers should provide appropriate facilities for washing and drying close to work areas and ensure that aggressive cleaning materials are not themselves a factor.

The employers duty goes further: health surveillance should be regularly carried out by occupational health or other competent personnel, employers should provide adequate information, instruction, training and supervision to employees, and substances should be stored and labelled correctly with the appropriate hazards warning clearly displayed.

Finally, although by no means exclusively, barrier creams and personal protective equipment (such as gloves, face shields and overalls) are a last resort. If used, the employer should provide them and they must be suitable for both the job and for the workers.

Many substances can penetrate ordinary creams and rubber gloves, which can then hold the substance against the skin, causing further harm.

Pursuing a claim for compensation

In any claim for industrial dermatitis compensation, it is necessary to prove all of the following:

- That the employer has a duty of care to the employee
- That there has been a breach of that duty, or some negligent act on the part of the employer, in exposing the employee to the hazardous substance

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Essentially there are 2 types of dermatitis – Irritant contact and Allergic contact

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- That the employer knew or ought to have known that the employee would be exposed to a risk of developing dermatitis if the employer did not take action to avoid it, and
- That the breach of duty, or negligent act, has caused the disease. This can be confirmed by medical evidence.

It is important to consult with a GP if an employee believes that he or she is suffering with dermatitis, whatever its suspected cause. Thereafter, a lawyer can advise on whether there may be a compensation claim against the employer for negligence and/or breach of duty.



Please feel free to discuss your own position and concerns.
Contact your nearest office on:

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