

Occupational Dermatitis

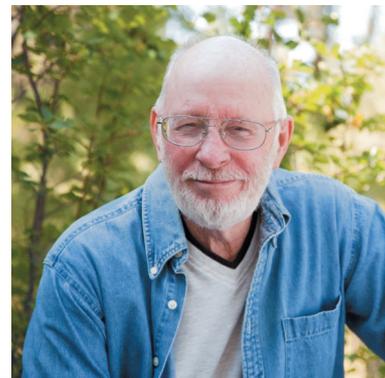
A guide to compensation

Expert advice

Occupational dermatitis (sometimes called eczema) is one of the major, and most common, occupational skin diseases in the UK. It's 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.

These cases can be quite complex and therefore require specialist legal advice. Slater and Gordon has a team of experts who specialise in occupational illnesses such as dermatitis and can provide all the advice and assistance needed to get the best possible results.



Types of dermatitis

There are two 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 employer's 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.

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.

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They were able to answer any questions or concerns with good advice.

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Advice on making a claim for compensation

For those who don't have experience of the legal process, contacting a lawyer and making a claim for compensation can be a daunting prospect. However, we're with our clients every step of the way, ensuring they understand the claims process, and relieving the burden of having to deal with a variety of practical issues, at what can be a difficult time.



What should you do if you think you have a claim?

Contact us. Our team of specialists have a vast amount of experience in dealing with industrial illnesses such as occupational dermatitis. Our specialists include lawyers who are classed as leaders in their field by independent legal guides.

Once we've taken details, we'll confirm whether or not you have a claim. If you're entitled to compensation, we can start work on your case straightaway and begin gathering evidence.

Time limits apply when making a claim for compensation, so don't delay in contacting us.

What is the cost of making a claim?

We understand that the cost of legal advice can be a worry, but there are options available to fund injury claims.

You may have legal expenses insurance under an existing insurance policy which entitles you to free representation. If legal expenses insurance is not in place, we may be able to conduct your case under a Conditional Fee Agreement, also known as a 'No Win, No Fee' Agreement. This means if the case fails, no payment is due.

Once we know the circumstances of your claim, we'll be able to discuss your funding options in more detail.

What is the amount of compensation likely to be?

Compensation will be based on the severity of your illness, and also on your personal circumstances. For example, if you've been unable to work as a result of your illness, loss of earnings may be accounted for. If you were responsible for household chores or caring for a dependent and are no longer able to, the cost of assistance will be taken into account.

How long is the case likely to take?

Every case is different so it's difficult to estimate how long a case is likely to take without first reviewing the circumstances.

However, the case will be dealt with by an expert in industrial illnesses who will deal with the case as quickly and efficiently as possible.

Frequently asked questions

Will I have to go to court?

A large majority of cases settle before a trial takes place. However, if the case doesn't settle before trial, attendance at court may be necessary.

Can I claim compensation if my employer has gone out of business?

Don't worry if the company has gone out of business. It's often still possible to trace their insurers. Our industrial illness team has unrivalled expertise in tracing the insurers of companies which have been out of business for many years. We often take over cases and succeed in tracing the company's insurers, where other firms have failed.

Will I have to attend a medical appointment?

If we advise you that we are able to pursue a claim for occupational dermatitis on your behalf, you'll have to attend an independent medical appointment in order for us to obtain a report as part of your evidence. It will also benefit you as it will help determine whether you need any medical assistance and also confirm how well you are recovering.

What if I need assistance in other areas?

We have expert lawyers in many areas of law such as family, employment, welfare benefits, trusts, Court of Protection and disability rights and work closely with those departments to ensure that you get the best possible outcome.