

Repetitive strain injuries (RSIs) are workplace injuries resulting from repetitive motions, awkward posture, forceful exertions, and/or vibration. Unlike injuries caused by sudden trauma, RSIs tend to develop over time. They can cause significant pain and disability and are most common on the hands and arms, although they can occur elsewhere in the body. For workers in North Carolina, understanding the nature of RSIs, the risk factors, and the legal options available for seeking compensation is crucial.

Common Types of Repetitive Strain Injuries

RSIs can affect the upper extremities of the body, such as the hands, wrists, elbows, shoulders, and neck. The most common types of RSIs include:

Carpal Tunnel Syndrome (CTS)

The median nerve, which runs through the carpal tunnel in the wrist, can become pressed from repeated hand and wrist movements. Symptoms include tingling, numbness, and weakness in the hand and fingers.

Tendonitis

Tendonitis is the inflammation of a tendon and is often the result of overuse. Common types include tennis elbow (affecting the outer elbow) and golfer's elbow (affecting the inner elbow).

Bursitis

This involves the inflammation of the bursae (i.e., small fluid-filled sacs that cushion bones, tendons, and muscles near joints). It's most common in the shoulders, elbows and hips from repetitive motions.

Trigger Finger

Trigger finger occurs when a finger becomes locked in a bent position due to inflammation of the tendons in the finger, often caused by repetitive gripping actions.

Rotator Cuff Injuries

The rotator cuff is a group of muscles and tendons that stabilize the shoulder joint. Repetitive overhead motions, common in certain jobs, can lead to tears or inflammation of the rotator cuff.

Causes and Risk Factors of Repetitive Strain Injuries

RSIs are typically caused by repetitive motions that put stress on particular muscles, tendons, and nerves. That being the case, certain workplace activities and conditions can significantly increase the risk of developing RSIs, including:

- **Repetitive Actions:** Repeating the same motion without adequate breaks or variation can lead to overuse.
- **Poor Ergonomics:** Workstations that do not accommodate the worker and are not ergonomically designed place the body in odd postures and subject certain body parts to repetitive stress.
- **Prolonged Static Positions:** Remaining in the same position for long periods of time (e.g., sitting at the office or standing).
- **Forceful Exertions:** Jobs involving force, such as lifting heavy objects and using vibrating tools, can increase the risk of RSIs.
- **Insufficient Rest:** Insufficient rest periods away from your desk and away from the computer monitor can exacerbate the impact of awkward postures and repetitive movements.

RSIs are widespread in the manufacturing, construction, healthcare, office, and food services. Understanding how these injuries happen at your job is the first step toward preventing them.

Recognizing Symptoms of Repetitive Strain Injuries

Early recognition of RSI symptoms is crucial for effective treatment and recovery. Common symptoms include:

- **Pain or Discomfort:** This might come during or after doing something repetitive and could be slight, moderate, or intense.
- **Numbness or Tingling:** You may experience this, especially in the hands, fingers, or other affected areas.
- **Weakness:** This involves reduced strength in the affected muscles, making it difficult to perform tasks.
- **Swelling or Stiffness:** A joint or tendon may become inflamed, resulting in obvious swelling and stiffness.
- **Decreased Range of Motion:** This is when you cannot move/manipulate the affected body part through its full range of motion.

If you experience any of these symptoms, you should seek medical help. Prompt diagnosis and treatment can prevent deterioration and may improve your chances of recovery.

Legal Recourse for Repetitive Strain Injuries in North Carolina

If you live in North Carolina and you sustain an RSI, you can and should consider claiming the state's workers' compensation system. If a third party caused your injury – that is, if some person or entity other than your employer contributed to your injury – you can pursue a third-party claim. In either case, you should have a skilled workers' compensation attorney evaluate your case before you make any moves.

Workers' Compensation for Repetitive Strain Injuries

Workers' compensation is a no-fault system that provides benefits to employees who are injured or become ill in connection with their work. North Carolina has a workers' compensation system that provides benefits for RSIs, even though these injuries arise from repeated exposures and not from any single traumatic event. Here's what you should know about workers' compensation claims for RSIs.

Reporting the Injury

Under North Carolina's law, you must report your RSI to your employer as soon as you know about it. You have 30 days before you learn about the injury to give written notice. Delayed notice could result in you losing benefits.

Medical Treatment

Make an appointment with your doctor as soon as you start experiencing symptoms of an RSI. Your employer has the right to direct you to that physician. However, you have the right to a second opinion if you are unhappy with the employer's doctor.

Documenting Your Injury

Keep notes about your symptoms, your medical appointments, and any work-related activity that could be exacerbating your injury. You will need this documentation to help support your claim for workers' compensation.

Filing a Claim

When filing a claim for workers' compensation benefits, it must be in writing on Form 18 and submitted to the NCIC. This is known as mandatory filing. Again, it must be filed within two years of the date you first knew or should have known about your injury.

Potential Benefits

If you are awarded benefits, you may be eligible to receive the following:

- **Medical Care:** Payments covering your RSI-related doctor's visits, physical therapy, and any surgery required.
- **Temporary Total Disability (TTD) Benefits:** If your RSI temporarily keeps you out of work, you may qualify for TTD benefits at approximately two-thirds of your average weekly wage.
- **Permanent Partial Disability (PPD) Benefits:** If your RSI results in a permanent impairment, you may be entitled to PPD benefits in accordance with the level of impairment.
- **Vocational Rehabilitation:** If your RSI prevents you from going back to your old job, workers' compensation will provide you with vocational rehabilitation services so you can potentially find a new job.

Appealing a Denied Workers' Compensation Claim

Proving an RSI claim can be more difficult than proving most other injury claims because the injury can develop gradually and be aggravated by activities outside of the workplace. Accordingly, your claim may be rejected by your employer's insurer. However, if this occurs, you have the right to appeal the decision by submitting Form 33 (Request that Claim be Assigned for Hearing) to the NCIC to notify them that you're appealing the denial and want a hearing before a deputy commissioner.

Gather all medical records, sworn statements, and other documentation to bolster your claim – you may have to prove that your RSI is work-related and that you followed all proper procedures.

You will then attend the hearing to present your case to a deputy commissioner, who will review the evidence and issue a decision. If the outcome is unfavorable, you can further appeal the decision to the full Commission and, from there, to the North Carolina Court of Appeals.

A Note About Third-Party Claims for Repetitive Strain Injuries

You should know that a third party might be partially at fault for your RSI. For example, if your injury was caused by defective equipment or machinery, you might have a personal injury claim against the manufacturer.

Unlike a workers' compensation claim, a third-party claim can also offer you damages that may include:

- **Pain and Suffering:** Compensation for the physical pain and emotional stress that you experienced due to your injury.
- **Lost wages:** Two-thirds of your average weekly wage is typically covered by workers' compensation, but a third-party claim can recover the total lost wages.
- **Punitive damages:** Damages granted in cases of willful misconduct or gross negligence to punish the guilty party as well as deter others from similar behavior.

Third-party claims will require an investigation and legal know-how. That's why it's essential to consult an experienced workers' compensation lawyer as soon as possible if you think you might have a claim. A lawyer can help you evaluate your claim and assist you through the process of gathering evidence and evaluating the strength of your claim.

Preventing Repetitive Strain Injuries in the Workplace

The best way to manage RSIs is by preventing them. Employers and employees can make a difference by improving ergonomics at workstations, encouraging safe work practices, and reporting the onset of symptoms as early as possible.

Employer Responsibilities

It is the duty of the employers to make sure that the workplace is safe. To avoid any risk of RSIs in employment, employers should, at minimum, consider the following:

- **Provide Ergonomic Solutions:** Ensure workstations, tools, and equipment are designed and adjusted to reduce unnatural postures or stressful positions. This can include providing ergonomic chairs, keyboards, or any tools that minimize the excessive force required to perform a task.
- **Provide Training:** Inform employees about the risks of RSIs and train them in safe lifting, typing, and other repetitive movement techniques.
- **Encourage Breaks:** Encourage your employees to take regular breaks. Short, frequent breaks are more effective than single, longer breaks at preventing RSIs.
- **Keep an Eye on Workload:** Make sure workers are not expected to do something that requires repeating the same motion over and over, such as scanning the same bar code for hundreds of packages. It is also

important to rotate workers among tasks.

Employee Best Practices

Employees can also take proactive steps to protect themselves from RSIs by using ergonomic principles for posture, lifting, and awkward positions. When possible, avoid holding things out to the side or above your shoulder.

Also, regardless of the task, the most important thing is to take regular breaks. This means getting up from your desk every hour or so to rest and stretch your muscles. Even a few minutes of simple stretching exercises can help to reduce tension and increase circulation. Adjust your workstation to minimize stress and strain, and if you start to experience symptoms of an RSI, report them to your employer and consult a doctor immediately. This can help prevent the injury from becoming more serious and improve your chances of a full recovery.

Do You Have an RSI? Speak to Our Workers' Compensation Lawyer

Many working North Carolinians face a significant risk of repetitive strain injuries. Such injuries can be debilitating, but [workers' compensation](#) allows them to recover their losses and, in limited circumstances, make third-party claims.

If you have an RSI, act quickly to protect your health, job, and financial future. [Contact](#) our office to discuss your case today.