

## Tribunal finds significant relationship between lateral epicondylitis and computer use *Mansfield and Comcare* [2020] AATA 3917

### Key Points

- Ms Mansfield claimed compensation for an injury to her right arm (right lateral epicondylitis), as a result of using a computer mouse.
- The Tribunal was asked to decide whether Ms Mansfield's injury was contributed to, to a significant degree, by her employment.
- The Tribunal found in favour of Ms Mansfield and Comcare was found liable to pay compensation.

### Background

Ms Mansfield was employed by the Department of Human Services in Hobart. On 7 May 2018, Ms Mansfield submitted a claim for workers' compensation in respect of right lateral epicondylitis, caused by computer mouse usage while carrying out data entry work.

On 3 July 2018, Comcare denied liability under section 14 of *Safety, Rehabilitation and Compensation Act 1988* (Cth) (the **SRC Act**) in respect of "*right elbow lateral epicondylitis*" on the basis that it was not contributed to, to a significant degree, by her employment.

Upon reconsideration, Comcare affirmed the determination and Ms Mansfield sought review of that decision at the Administrative Appeals Tribunal.

### The Law

A disease is defined under section 5B of the SRC Act as an ailment, or an aggravation of an ailment, which has been contributed to, to a significant degree, by the employee's employment.

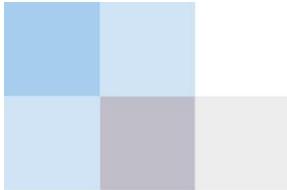
Under section 4 of the SRC Act, an ailment is defined as any physical or mental ailment, disorder, defect of morbid condition.

### Conclusion

Dr Andrew Porteous (Occupational Physician) gave evidence that Ms Mansfield suffered a full centimetre tear in the elbow tendon, which was shown on ultrasound. Based on the ultrasound findings, he diagnosed right lateral epicondylitis.

The Tribunal accepted Dr Porteous' diagnosis and found that Ms Mansfield suffered from "*lateral epicondylitis of the right arm*" which was best categorised as a disease, for the purposes of the SRC Act.

In terms of causation, Dr Pemmulu and Mr James Thomas (Physiotherapist) both attributed Ms



Mansfield's condition to the use of a computer mouse. A workplace ergonomic assessment found that clicking and navigating with a mouse constituted 67-100% of Ms Mansfield's total work time, 40 to 60 minutes in the hour, or one lift every 15 seconds.

Dr Porteous considered that Ms Mansfield's condition was not caused by her employment, rather it was the result of pre-existing constitutional factors. He relied on a study by the National Institute for Occupational Safety and Health, *Musculoskeletal Disorders and Workplace Factors, A Critical Review of the Epidemiologic Evidence for Work-Related Musculoskeletal Disorders of the Neck, Upper Extremity and Lower Back* (the **NIOSH Study**). Dr Porteous reported it was his understanding that there was no evidence that workers using a computer had an increased risk of right lateral epicondylitis occurring nor was it thought to be causative. However, he later conceded that the NIOSH Study did not state there was *no* relationship between computer mouse work and lateral epicondylitis.

The Tribunal noted there had been significant advances in computer technology since the NIOSH Study. Further, the Tribunal considered the NIOSH Study did no more than state there was no evidence of any connection between data processing work and lateral epicondylitis, noting it did not say anything about computer mouse work. The Tribunal reviewed a subsequent report, *Occupational Exposure to Neck and Upper Extremity Disorders, A Systematic Review* by the Swedish Council on Health Technology Assessment. Dr Porteous criticised this report on the basis that it was centred mainly on self-reporting, however the Tribunal found it useful evidence to suggest a significant relationship between pain in the elbows and use of a computer mouse.

The Tribunal considered that Dr Porteous appeared to have assumed a degenerative change because there was no other cause apparent to him. For this reason, the Tribunal was not satisfied that there was sufficient evidence to justify a conclusion of a degenerative change, and found that Ms Mansfield's injury had been significantly contributed to by her employment.

The reviewable decision was set aside and substituted with a finding that Comcare was liable to pay compensation under section 14 of the SRC Act in respect of "*right lateral epicondylitis*".

## Lessons Learnt

Recent decisions from the Tribunal relating to causation of lateral epicondylitis have illustrated the complex nature of the condition. And, in turn, this highlights the importance for employers to ensure they have strong evidence to refute any causative link between lateral epicondylitis and repetitive activities.

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