



Anti-fatigue mats felt like "concrete", caused injury

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A worker who was required to stand "essentially in one place" all day has successfully reclaimed workers' compensation for a heel injury, in a case – according to a lawyer – that highlights the importance of employers providing and routinely monitoring safety mats and shoes.

Salvatore Giandinoto, a principal for Maurice Blackburn – which represented the worker – told *OHS Alert* that employers should provide appropriate matting and footwear for workers who stand and walk on hard surfaces and regularly inspect such equipment to ensure it continues to perform its intended function.

Giandinoto said employers can also rotate workers' duties more frequently to give them both standing and sitting arrangements, and should consider re-evaluating the inherent requirements of their roles to mitigate the risk of injury.

In the proceedings at hand, the Victorian Magistrates Court ordered the worker's former employer, Qantas Airways Ltd, to reinstate her weekly compensation payments, which it terminated in December 2013.

Magistrate Phillip Ginnane heard that in January 2013, the airline services operator, who performed duties on a kitchen production line that required her to remain "static", suddenly felt pain in her right heel at work and was diagnosed with plantar fasciitis.

The employer accepted her workers' comp claim, but then terminated her weekly payments, and her employment, 12 months later.

The worker lodged another compensation claim for plantar fasciitis in her *left* foot, arguing it was also caused by working on the production line. She argued, in the alternative, that she was entitled to ongoing compensation for her right foot injury.

The Court heard the worker had been required to stand at a bench on a "thin rubber mat" that felt like concrete for up to 43 hours a week, before the employer replaced the anti-fatigue mats and required employees to wear new safety shoes, which the worker claimed were uncomfortable and made her feet swell.

The employer denied liability for the left foot injury, arguing the worker's weight, which fluctuated between 100 to 115kg during her employment, and her age (52 at the time of the January 2013 injury) caused the condition.

Magistrate Ginnane found that while weight and older age were often associated with plantar fasciitis, prolonged standing on hard surfaces also contributed to the condition.

He found the employer's newest anti-fatigue mats complied with OHS standards, but noted it changed the mats on an ad hoc basis and had no designated timeframes for replacing them.

"The mats were liable to degradation from wear and tear over time and hence susceptible over time to a reduction in their cushioning effect," he said.

The Magistrate found the worker's employment was a significant contributing factor to her *right* foot injury, and awarded her weekly payments.

He rejected her claim that her left foot plantar fasciitis was work-related and developed at the same time her right foot condition did, finding she suffered the left foot injury at least six months *after* finishing work with Qantas.

He also found there was no evidence "on the balance of probabilities that the shoes worn by the [worker] caused or contributed to plantar fasciitis".

Michelle Keogh v Qantas Airways Limited (WorkCover) [2015] VMC 27 (17 July 2015)

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