

Dupuytren's Contracture is Now a Prescribed Disease

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On 19 September 2019, the [Social Security \(Industrial Injuries\) \(Prescribed Disease\) Amendment Regulations 2019](#) were tabled in Parliament. They came into force on 9 December 2019. With their passing, they brought into the spotlight a 'new' prescribed disease from the use of vibratory tools at work: Dupuytren's Contracture. On the back of this, there will inevitably be new vibration-induced disease claims which will emerge in addition to the existing cohort of HAVS, VWF and vibration-induced CTS.

For those unfamiliar with the condition, Dupuytren's Contracture is a deformity of the hand (and more specifically, the ring and little fingers) which is caused by the development of hardened fibrotic tissue in the palm of the hand which then causes the ring or little fingers (or sometimes both in extreme cases) to contract inwards and unable to be straightened. A typical example is shown in the image below:



(Source: [NHS website](#).)

The link between vibration exposure and the development of the condition is not clear-cut. It has been debated for some time and was put into considerable focus by the Industrial Injuries Advisory Council ("IIAC") in 2006 when "some" link was thought to exist. It is notable that, even today, [the NHS website](#) does not refer to the use of hand-held tools (be they vibratory or not) as being a possible cause of the condition. Likewise, [rarediseases.org](#) also do not list vibration or occupational factors as being a potential cause of the condition.

However, in 2014, the IIAC commissioned a [report](#) which ultimately concluded that the use of vibratory tools at work 'more than doubled' the risk of the development of the condition and therefore recommended that Dupuytren's Contracture become a prescribed disease for the purposes of Industrial Injuries Benefit:

"The [IIAC's] inquiries in this area have included a detailed review of the research literature, consultation with experts in the field, and fresh analyses of three existing datasets held by other parties. When taken together, the evidence indicates that risks of the disease can be more than doubled (the threshold commonly employed in deciding on prescription under the IIDB Scheme), provided that exposures to vibration are sufficiently long."

In pinning down the exposure qualification criteria for those with demonstratable Dupuytren's Contracture, the report recommended as follows at paragraph 50:

"In considering a workable definition of the qualifying exposure(s), the Council feels that a duration of exposure at least ten years in aggregate (to the extent of two or more hours per day on three or more days per week) would be an

appropriate cut-off point.”

In 2017, however, the Government turned down that recommendation. Subsequently, it transpired that a meeting was requested by the IIAC to discuss the issue further, at which the Government were persuaded to endorse the original recommendation, including the recommendation as to exposure criteria: see page 11 of the IIAC’s latest Annual Report (July 2019).

Against that background, regulation 2(3) of the Social Security (Industrial Injuries) (Prescribed Disease) Amendment Regulations 2019 now formally confirms that Dupuytren’s Contracture is a prescribed disease and the Social Security (Industrial Injuries) (Prescribed Disease) Regulations 1985 have been amended accordingly.

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