



# Evaluating Ergonomic Needs in Your Firm

---

By Shani Soloff



In the legal industry, the thirst for billable hours is linked to your team's ability to be productive and maintain focus. Do the requirements of the job also mean ignoring discomfort? Partners should ask themselves: As pain becomes a problem, how can that affect the quality of the work of your firm—and the bottom line?

Although a study by the American Bar Foundation in 2009<sup>1</sup> found that the median lawyer worked 50 hours a week and that 41 percent of those in large law firms worked 60 hours or more, we still haven't moved the needle on the dangers of long office hours with increased exposure to health risk factors like posture, repetitive tasks, and stress.

Below are a few ways to better understand and assess pain:

- Discomfort impacts your ability to focus. Whether it is back, neck, or wrist discomfort, continuing in the behaviors and habits that are driving discomfort will eventually lead to a greater level of pain over time.
- Pain reduces your ability to be productive, and loss of productivity has a significant impact on revenue for the company. According to a study published by the *Proceedings of the National Academy of Sciences*, "pain is an attention hog."<sup>2</sup> Pain reduces functional ability and quality of life.
- Injury as a result of pain develops gradually over time and often presents itself as musculoskeletal dysfunctions (MSDs) that affect the body in its joints, muscles, nerves, ligaments, and tendons. The initial onset of symptoms will be minor, but the consequences are many, and negatively affect both the individual and the company productivity.

In many industries where the job involves force and physical labor, the role of ergonomics is more readily apparent, with an obvious need for injury prevention. Implementing an ergonomic process results in fewer sprain and strain injuries, workers' compensation claims, health utilization, and days off work. For law firms in an office setting, discomfort

and pain may not progress to an actual injury, but the cost of pain manifests in loss of focus, reduced productivity, and absenteeism.

In an office setting, the most common risk factors in large firms and small law offices are the same:

- Posture:
  - Awkward postures: working in positions that place increased stress on the body
  - Static Postures: maintaining the same posture for extended periods of time and/or lack of motion or breaks
- Force: Adding effort, placing increased demand on muscles and joint
- Repetition: Doing the same motion, repeatedly
- Contact stress: Leaning body parts on hard surfaces

When you add duration or repetition to one of the risk factors, you increase the risk—a concept known as multipliers. For example, an associate slumping at his or her desk qualifies as a risk factor of awkward posture, but is then multiplied by duration of sitting slumped for upwards of 8 to 12 hours per day, greatly increasing the risk for injury.

### **The Red Light Indicator: Weighing Symptoms with Solutions**

In the office environment, such as law firms, the most common MSDs are generally back pain, neck pain, or wrist/hand pain (carpal tunnel). Back pain in particular continues to be one of the most common reasons to visit a doctor.<sup>3</sup> Back pain impacts individual quality of life, and is a large expense for many companies. The estimated annual cost<sup>4</sup> for all back-related conditions (direct medical) was \$253 billion in 2012.

Signs and symptoms of MSDs can include:

- Pain
- Numbness
- Tingling
- Stiffness
- Cramping
- Decreased range of motion
- Decreased strength

The onset of symptoms is an indication, much like the red light on your car's dashboard that tire pressure is low. Not paying attention to the red light can lead to significant consequences—not just a flat tire, but a flat tire while driving on a highway in rush hour. There is a cost to replacing the tire, and it is often compounded by the emergent nature of the incident, such as the need for a tow truck, the danger of waiting on the side of the road for the tow truck, and the time lost in waiting and replacing the tire.

When signs and symptoms of an MSD manifest, is there a designated individual within the company with knowledge and training in ergonomics, who has a plan of action? And better yet, does the plan of action chosen effectively remediate the MSD?

When you have discomfort or pain, and your metaphorical tire pressure indicator lights up, you have choices. You can reset the indicator light, you can take your car to a shop where the mechanic examines and repairs the tire or recommends the purchase of a new one, you can take your car to a shop where they try to sell you four new tires and a new tire gauge, or you can ignore the red light altogether.

This is where the need for a subject matter expert in ergonomics becomes essential in figuring out an effective solution to reduce and eliminate the MSD. You may need to re-educate with posture and body mechanics, completely rearrange the workstation, replace or add a piece of equipment, and/or recommend the employee visit a healthcare practitioner.

To fix any problem effectively, you need a subject-matter expert. Most attorneys accept the conventional wisdom that pro se representation is a recipe for failure<sup>5</sup> and will work with a specialist to optimize success. You would consult and hire a real estate attorney or a tax attorney for subject matter knowledge. Repair or replace the tire, and eliminate the risk of getting a flat on a major highway. Treat discomfort as the red light indicator and eliminate the risk of an impact to productivity and progression to injury.

## The True Cost of Pain

There is a large financial impact of working in discomfort and pain. There are several ways to look at the numbers:

- Pain increases the cost of medical care by \$261 to \$300 billion.<sup>6</sup>
- Pain decreases productivity, costing up to \$335 billion due to lost wages, disability days, and fewer hours worked.

If you've ever been in pain, you can attest to the lack of focus and productivity it causes. Pain interferes with your ability to focus, reducing productivity as a result. The hidden costs of lost productivity are substantial and well established. Trying to focus on your task when your back is in significant pain is very difficult. Many employees then start looking for ways to resolve their pain by investigating their symptoms on Google, scheduling medical appointments, and ordering equipment.

Instead of turning to Google, we know that ergonomics is proven to reduce or prevent pain, and reduce costs overall. According to the Occupational Safety

and Health Administration (OSHA),<sup>7</sup> companies save \$4 to \$6 on every \$1 invested in a safety and health program, leading to reduced sick days, higher productivity, and decreased health costs.

The goal of an effective ergonomic program is to maintain and improve the health of all the employees. There are many different aspects to ergonomic solutions, and effectively integrating the right combination enhances success of the program.

Let's use a recent example from an attorney, whom we will name Paul. His assistant reported back pain to him, and Paul immediately went on Google to find what he should order to help her back pain. He settled on a \$900 office chair that is top-rated and endorsed by a health care brand. After two weeks in her new chair, his assistant still reported significant pain.

As a non-qualified ergonomics professional, Paul made the first mistake that most people make: ignoring the individual assessment of needs. He furthered that

mistake by assuming healthy ergonomics is about buying new furniture. A qualified ergonomics professional would perform a risk analysis to create the correct solution.

There are many possibilities to rule out, here are a few but not all:

- Back pain from poor posture of the low back, mid-back, or neck.
- Back pain from general stiffness or lack of posture variability and motion.
- Back pain from poor workstation layout.
- Back pain from poor fit of the existing equipment.
- Back pain from a medical condition, which could mean the employee needs to visit her doctor and/or physical therapist.

Once the probable cause of back pain at her desk has been identified, an effective solution includes a combination of postural retraining, workstation layout rearranging, education for awareness and

## Alternative Dispute Resolution Practice



(Left to right) Retired Judges Michael Riley, Anne Dranginis, Robert Holzberg and Lynda Munro

**PULLMAN  
& COMLEY, LLC**  
ATTORNEYS

*Pulling Together. Succeeding Together.*

Providing mediation, arbitration and related ADR services in:

- Complex civil matters including personal injury, employment, construction, environmental, probate, insurance, financial and business transactions
- All family and matrimonial matters, including financial, custody and parenting disputes
- Medical, legal and accounting practice and business organization breakups
- Appellate matters in state and federal courts

*For more information, please contact:*

**Robert L. Holzberg, Chair**  
860.424.4381  
rholzberg@pullcom.com

**David P. Atkins**  
203.330.2103  
datkins@pullcom.com

**Anne C. Dranginis**  
203.330.2246  
adranginis@pullcom.com

**Andrew C. Glassman**  
860.541.3316  
aglassman@pullcom.com

**Frederic L. Klein**  
860.424.4354  
fklein@pullcom.com

**Lynda B. Munro**  
203.330.2065  
lmunro@pullcom.com

**Michael E. Riley**  
860.424.4333  
mriley@pullcom.com

**Gregory F. Servodidio**  
860.424.4332  
gservodidio@pullcom.com

**Ronald C. Sharp**  
203.330.2148  
rsharp@pullcom.com

**James T. Shearin**  
203.330.2240  
jtshearin@pullcom.com

**H. William Shure**  
203.330.2232  
hwshure@pullcom.com

**pullcom.com**  
@pullmancomley

**BRIDGEPORT**  
203.330.2000

**HARTFORD**  
860.424.4300

**STAMFORD**  
203.324.5000

**WATERBURY**  
203.573.9700

**WHITE PLAINS**  
914.705.5355

sustainability, and stretches to promote circulation and health. There may be a need for equipment modifications, but not necessarily.

There are several key components to an effective solution. First and foremost, education correlates to understanding how to protect your body by applying better posture choices in different scenarios such as in the office, while traveling, and at home. Training for good posture is part of body mechanics training. Learning to position your body in more neutral postures will reduce discomfort related to awkward postures.

Reducing the risk from static posture requires positional variability, exercise, and moving more. Having multiple options for good posture will promote mobility and exercise and microbreaks will increase mobility as well. Learning how to better protect your body with neutral postures, position variability, and regular microbreaks are training-based skills.

Lastly, ergonomic design means existing equipment and furniture needs to allow work in neutral postures. Does the equipment and furniture fit well? Is it properly arranged or is there a need for new equipment or a few key accessories? Improving the ergonomic design can involve purchase expenses, but often like microbreaks, additional workstation arrangement can mean more training. Empowering the individual to apply this knowledge and training significantly increases the success of the outcome, as well as controls costs related to unnecessary purchases.

Where to begin in setting up an ergonomic program at your firm:

- Review your injury data to see if your firm would benefit from a proactive injury-prevention approach, a reactive post-discomfort/injury approach, or

combination of both.

- Designate which department will manage all ergonomic-related issues.
- Establish an ergonomics protocol and procedural guidelines.

### Proactive Ergonomic Programs

Establishing a company policy that is proactive will address habits, behaviors, and fit before any pain exists. Proactive measures include programs such as employee self-surveys, ergonomic assessments, and group training programs for posture and ergonomics.

Group trainings for posture and ergonomics best practices are helpful in assisting employees to learn about the importance of good habits and postures to prevent the onset of positional and work-related discomfort; how to work in more neutral postures and how to adjust their workstation and microbreaks to facilitate motion and health. These preventive measures are a great way to teach good workplace habits and proactively address discomfort on a larger scale.

### Steps Toward a More Ergonomic Law Firm

Law firms can address pain early on, at the first onset, which will help control outcomes and costs associated with pain. The longer discomfort is left unattended, the more likely it is to progress to an injury. Having accessible, reactive measures in place can prevent this progression.

Establish procedural guidelines for appropriate responses to equipment requests and discomfort reporting. The process that you employ to address discomfort and equipment requests should match your firm's culture and mission. Reactive ergonomic measures include employee self-surveys, risk analysis and solutions for individual ergonomic assessments, and equipment reviews and recommendations.

Encourage attorneys and support staff to pay attention to their bodies and comfort while working and promote early reporting for immediate action. Provide education, training, and programs to promote employee health and comfort while working, and reduce expenses related to pain. Create an ergonomic solution for your law firm with an established process for reporting discomfort and you will improve your firm's overall health and wellness.

And finally, use data-driven processes that enable program evaluation, and measure program efficacy. Implementing ergonomics and a focus on healthy work habits can truly prevent MSDs<sup>8</sup> and a loss of billable hours. **CL**

## Notes

1. Stephen L. Carter, Big Law Associates Need a Nap, 9/3/2015 <https://www.bloomberg.com/view/articles/2015-09-03/big-law-associates-need-a-nap>
2. Stephani Sutherland, Loss of Focus: The Brain Circuitry of Mind Wandering Away From Pain, 1/15/2014 <http://www.pain-researchforum.org/news/35986-loss-focus-brain-circuitry-mind-wandering-away-pain>
3. Deyo, Richard A. MD, MPH\*† ‡ §; Mirza, So-hail K. MD, MPH§; Martin, Brook I. MPH\*§, Back Pain Prevalence and Visit Rates: Estimates From U.S. National Surveys, 2002, Spine: 1 November 2006 - Volume 31 - Issue 23 - pp 2724-2727
4. Spine: Low Back and Neck Pain, The Burden of Musculoskeletal Diseases in the United States, <http://www.boneandjointburden.org/2014-report/ii0/spine-low-back-and-neck-pain>
5. Brian Palmer, If John Edwards Were To Represent Himself, Would He Have a Fool for a Client? 6/7/2011, [http://www.slate.com/articles/life/dear\\_prudence/2017/08/dear\\_prudence\\_we\\_re\\_hopelessly\\_in\\_love\\_but\\_we\\_re\\_married\\_to\\_other\\_people.html](http://www.slate.com/articles/life/dear_prudence/2017/08/dear_prudence_we_re_hopelessly_in_love_but_we_re_married_to_other_people.html)
6. Darrell J. Gaskin, Ph.D. and Patrick Richard, Ph.D., M.A., Relieving Pain in America: A Blueprint for Transforming Prevention, Care, Education, and Research, <https://www.ncbi.nlm.nih.gov/books/NBK92521/>
7. Occupational Safety & Health Administration, <https://www.osha.gov/Publications/>



Shani Soloff, PT, MS, CFMT, CEASII is a physical therapist with over 22 years of experience in solving and reducing injuries and pain. She is the CEO and founder of The Posture People, helping companies manage injury and health risk with customized ergonomic solutions to reduce employee injuries and increase health and productivity.