

# **Stress related case law**

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### **Introduction**

A certain amount of stress or “pressure” can be beneficial and short term can be a motivator. However, everyone is different in the amount of stress they can comfortably tolerate and impossible/unrealistic deadlines, relentless demands or lack of resources can lead to an increasing feeling of being overwhelmed and unable to cope. This is when stress becomes a danger to health both mental and physical.

In the work context, managing stress is difficult because it is an “invisible” condition – unlike a broken leg or other obvious physical injury. Sufferers will often receive no sympathy/empathy and unless someone has experienced severe stress they will be unable to understand what a sufferer is going through and could be quite dismissive.

### **Some Statistics:**

In 2007/08 13.5 million working days were lost to stress, depression and anxiety.

In 2014/15 40,000 people reported that work -related stress was making them ill - 40% of all work-related illness.

### **Legal Obligations:**

There are obligations under Criminal Law (HSWA/MHSWR) and also Civil Law to take reasonable care to minimise the risk of stress-related illness or injury. If an employee is dismissed due to a stress-related illness, an employment tribunal could consider this to be unfair dismissal. The employer must also consider whether the affected employee now has longer term health needs leading to a categorisation of a disability.

### **Case Studies**

- A woman was awarded £828,000 in damages following a relentless 3 year workplace bullying campaign which resulted in a

major depressive illness and loss of her senior and highly-paid position in a major bank.

- A store manager, upon return to work at a retail chain following a period of absence for a stress-related illness, suffered a relapse upon being asked to temporarily relocate to another store. The employer claimed no breach had occurred as the employee's adverse reaction to the request was not foreseeable.

- A former Post Office worker was awarded £94,000 in damages after suffering a breakdown due to excessive work demands and lack of training on new systems. Upon his return to work after four months the employer failed to review conditions and implement changes and seven weeks later the manager's illness recurred. The Judge ruled that the likelihood of recurrence of the manager's illness was foreseeable.

### **Conclusion**

An employer is entitled to expect an employee to handle normal pressures. The law requires you to take action when harm is foreseeable. The employer should:

- examine the workplace to identify risk;
  - identify possible sources of stress to the employee
  - take notice of signs of harm
  - consider health needs/disabilities
- that could affect the employee's ability to carry out the work.