

Work related stress

St Leonards Office
28/29 Grand Parade
St Leonards On Sea
East Sussex
TN37 6DR
TEL: 01424 720044
FAX: 01424 722221

Bexhill Office
21 Eversley Road
Bexhill On Sea
East Sussex
TN40 1HA
TEL: 01424 730630
FAX: 01424 730313

It has recently been announced by the Government that one in five employees suffer from work related stress. Half a million employees in the UK took time off work last year as a result of work related stress.

An employee can make a claim against an employer in negligence for work related stress if the employee can prove four things. These are:-

1. That the employer owed a duty of care to the employee;
2. That the employer has breached that duty of care. The standard, which an employer must reach, is that of a reasonable and prudent employer, taking positive thought for the safety of his workers, in light of what he knows or ought to know;
3. That the employee has suffered a physical or psychiatric injury; and
4. That the injury was reasonably foreseeable.

An employee has another remedy available to them. If the employee were to raise a grievance against the employer which is not dealt with effectively, the employee can then resign and bring a claim for unfair constructive dismissal against the employer.

We provide our employer clients with advice and assistance in effectively managing work related stress claims. Prevention is better than cure and we provide assistance in accordance with the Management of Health and Safety at Work Regulations 1999 which impose a duty upon the employer to carry out regular assessments of the risks to the health and safety of employees.

If you require advice and assistance, contact our employment team.

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