



Employer Liable for Suicide

The House of Lords has upheld a decision of the Court of Appeal that an employer was liable under the Fatal Accidents Act 1976 for the suicide of an employee who had suffered with depression following an accident at work.

The employee was seriously injured in an accident at work caused by the employer's negligence which the employer admitted. As a consequence, the employee suffered with post traumatic stress disorder which led to severe depression and suicidal tendencies. Six years after the accident, the employee committed suicide. The employee's widow made a claim against the employer under the Fatal Accidents Act 1976 which provides that dependants of a person who dies following a wrongful act, negligence or default of another party can bring a claim for damages.

The claim was initially rejected by the High Court however on appeal, and the Court of Appeal held that there was an obvious link between the employer's breach of duty and the employee's decision to take his own life. Expert evidence in the case indicated that the injury had caused the post traumatic stress disorder which in turn had led to depression and ultimately to suicide.

The House of Lords agreed with the Court of Appeal that the employee's suicide was a foreseeable result of his injuries and

that due to his depressive illness, and he was not of sound mind and did not take a "voluntary informed decision".

There was no reduction for any perceived contributory fault on the part of the employee in taking his own life however their Lordships did consider that it may be appropriate in other cases.

In the UK last year, there were in excess of 200 deaths in the workplace. This case may lead to further similar claims for damage caused to dependants following an injury to an employee during the course of their employment which is either physical or psychological. Whilst there is increasing awareness of stress related complaints from employees, employers may need to review how they deal with employees who suffer severe depression as a consequence of their employment and be aware of the likely consequences of a claim.

For further advice on this or any other employment law matter, please contact either Roy Carlo on 020 8768 7031 or Judith Curran on 020 8768 7022.

These notes are for guidance only and do not remove the need to take legal advice in any circumstances. No responsibility will be accepted for any loss occasioned as a result of actions taken or refrained from due to their contents.

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