

LORDS EASE PRESSURE OVER STRESS AT WORK

A landmark ruling from the House of Lords will change the way employers deal with stress in the workplace, and probably make it more difficult for an employee to win a claim.

In the case of *Barber v Somerset County Council* the Lords ruled that an employee can only win damages for stress at work if either their employer knows they have suffered a previous mental breakdown or they have told their employer they think they are going to suffer ill-health through stress at work.

Law firm Cloisters, which represented Barber, said that the judgment meant that merely mentioning the fact that you are at risk from stress would constitute notice to an employer.

Once the employee has done this, the employer is on notice that the employee is at risk from stress. This duty continues until something reasonable is done to help the employee.

The judgment recognises that no job is so inherently stressful that an employer ought to know when an employee is at risk of a breakdown.

The Lords said big steps to help stressed staff are not necessarily essential, and even a small reduction in duties coupled with the feeling that the senior management team was on the employee's side, could make a real difference.

Cloister said employers would have to keep up-to-date with the developing knowledge of occupational stress and the probable effectiveness of the precautions that can be taken to meet it.

Daniel Barnett, employment law barrister at 1 Temple Gardens, said the courts had recognised that employers are not psychiatrists and that employees have responsibility to look after their own mental health.

“Employers should offer to pay for confidential counselling as a perk,” Barnett said. “(It) is a small price to pay to effectively insure against a large payout for a stress at work claim.”

Ben Willmott, employee relations adviser at the Chartered Institute of Personnel and Development, said it was important that employers took every effort at work to identify stress, as it could lead to high staff turnover, absence and low morale.