



Eatons

Employer Responsible for Work-Related Suicide

Employees, or their dependants, are entitled to claim damages for injury caused by a workplace accident if:

- There was a duty of care owed to the injured person;
- that duty was not performed; and
- it was reasonably foreseeable that harm would result from a failure to discharge the duty of care.

In *Corr v IBC Vehicles*, the House of Lords ruled that the widow of a man who committed suicide six years after he suffered severe head injuries in a workplace accident should be compensated by his former employer.

Thomas Corr had no history of psychiatric illness prior to the accident in 1996, after which he underwent lengthy and painful reconstructive surgery. He began to suffer post-traumatic stress disorder and subsequently became severely depressed. In May 2002, he killed himself by jumping from a multi-storey car park.

Mr Corr's widow sued IBC Vehicles for pain, suffering and loss caused by the accident and by her husband's suicide. IBC Vehicles admitted liability for the accident but denied liability under the Fatal Accidents Act 1976 for the suicide. The High Court awarded Mrs Corr damages of £82,520 but dismissed the Fatal Accidents claim. In the Court's view, the employer's duty of care to the deceased did not extend to preventing his suicide and his suicide was not reasonably foreseeable.

The Court of Appeal overturned this decision. It held that the key factor was not whether the particular outcome was foreseeable but whether the type of harm for which damages were sought was foreseeable. In this case, the foreseeable harm was depression and this was the cause of Mr Corr's suicide. There was therefore no break in the chain of causation.

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IBC Vehicles appealed. It submitted that whilst depression had been a foreseeable consequence of its breach of duty, Mr Corr's suicide was not. It was an unreasonable, voluntary act that had broken the chain of causation. The House of Lords dismissed the appeal and held that the employer was liable under the Fatal Accidents Act, even though Mr Corr's death was self-inflicted.

The Lords held that to establish liability it was not necessary to be able to foresee the precise form that damage resulting from a breach of the duty of care might take and suicide could not be regarded as so unusual and unpredictable as to be outside what was reasonably foreseeable. Mr Corr's suicide was the action of a man suffering from a severe depressive illness that impaired his ability to make reasoned and informed judgments about his future and the illness, as had been acknowledged, was a consequence of the employer's actions. Lord Bingham said, "It is in no way unfair to hold the employer responsible for this dire consequence of its breach of duty although it could well be thought unfair to the victim not to do so."

This decision could have serious implications for employers. As well as ensuring that health and safety policies and procedures are in place to minimise the risk of injury to employees, employers should also have effective procedures for identifying and dealing with workplace stress and bullying.

Contact Maureen Singleton, Head of Corporate and Employment Law, Tel: 01274 728 327 for advice on this matter.

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