

Walker v Northumberland County Council [1995]

Employer's duty to provide a safe system of work; whether duty extends to the risk of psychiatric illness.

Evidence

Mr Walker was employed by the respondent and had a job as a social worker. Because of the unfavorable emotional pressure of the respondent and the immense workload, the complainant suffered a nervous breakdown in 1986. After the complainant had come back to work, he asked the respondent to provide him essential assistance. But the respondent did not suggest any kind of help to the complainant. As a result, in 1987, the complainant had another nervous breakdown. He was fired on medical grounds. Because of this, the complainant accused the respondent of breaking the duty of care and applied to the Court. In addition, he wanted to get less work so that he could manage to cope with it and avoid any damages to his mental health.

Problematics

According to the law, the employer is responsible for the duty of care. Based on this, the respondent had to take the necessary steps to provide safe working conditions for the employees of the *Wilson & Clyde Coal Co Ltd v English* [1938] AC 57. Mr Walker insisted on the fact that the respondent did not make any effort, as well as did not take essential steps to ensure the optimal workload. The complainant accused the respondent of forcing him to deal with an unmanageable amount of work which resulted in his mental disorders.

In addition, the complainant claimed that in the county council, there were insufficient policy grounds and not enough resources. Consequently, the Court could not objectively estimate the distribution of the workload and resources to ensure it was rational.

Resolution

The Court stated that avoiding the possibility of a nervous breakdown and taking care of the psychological health of employees was a part of the respondent's duty of care. Thus, there was no reason which would let the respondent stay indifferent toward the mental health of employees. Since the first nervous breakdown of the complainant could not be predicted by the respondent, the latter can not be accused of breaking the duty of care. However, the second breakdown was not so sudden. In addition, Mr Walker asked for assistance and an opportunity to decrease the workload, but the complainant did not get it from the respondent upon his request.

The Court estimated the resources that were available for the respondent and analyzed the amount of work the complainant had to do. Consequently, the respondent was claimed

to be chargeable for breaking the duty of care and not preventing the complainant from having another mental breakdown.

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