

White and others v Chief Constable of the South Yorkshire Police [1999]

Police officers claimed that witnessing the Hillsborough disaster has psychiatrically injured them. The Court held that these officers were not primary victims of the disaster and thus have no right to have their claim sustained.

Evidence

In April 1989, 95 people were killed and more than 400 were injured during the aftermath of the Liverpool and Nottingham Forest football match due to their employer's negligence. The police officers set a claim against the Chief Superintendent for the psychiatric injuries they have suffered due to witnessing the disaster.

Problematics

There is no doubt that there was a failure of control by the South Yorkshire Police and that it was the Police Chief's negligence that caused the disaster. However, it is questionable whether the claimants can be called the primary victims of the happening and whether the employer is liable for the psychiatric harm of his workers.

Resolution

The employer is liable for the physical health of his workers; however, this liability does not cover psychiatric wellbeing. This means the Chief Constable owed no duty of care as his workers were not exposed to the danger of physical harm at any moment. Along with that, it was specified previously that the rescuers should not be categorized as primary but as secondary victims.

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