

## When stress leads to dismissal

In a recent case, the Court of Appeal ruled that even when an employer's conduct leads to an employee's inability to perform their job through work-related stress, their subsequent dismissal on the grounds of that incapacity is not necessarily unfair.

The complicated case in question centred on a Customer Services Officer who worked for a high street bank. It featured a series of claims and counter-claims firstly to an Employment Tribunal and eventually the Employment Appeal Tribunal (EAT).

The EAT decided that the dismissal was fair at the time that it took place. Otherwise, it declared, "employers would be obliged to keep on their books indefinitely employees who were incapable of any useful work." This decision was upheld by the Court of Appeal.

However due to the individual circumstances of the case, employers would be wise not to conclude that its decision absolves them of their duty of care to employees. Every case is unique, and any employer in serious dispute with an employee should seek specialist legal advice before taking any action.

For further information, please contact Claire Bell on 0115 9 100 200 or email [enquiries@actons.co.uk](mailto:enquiries@actons.co.uk).



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