



Summary

This case concerns a lorry driver who developed PTSD after hearing about the Zeebrugge ferry disaster while working, having travelled the same route the night before and knowing some of the victims. The central legal issue was whether his psychological injury both “arose out of” and “in the course of” employment under Section 94 of the Social Security Contributions and Benefits Act 1992. While the tribunal agreed the incident happened during employment, it found the injury did not arise from the nature of his job, as listening to the radio was not an essential duty and the occupational risk was not unique. The appeal was dismissed, with the incident not classed as an industrial accident for benefit purposes, highlighting the importance of a direct link between employment and injury in such claims.

Background

A lorry driver developed Post-Traumatic Stress Disorder (PTSD) after hearing a radio newsflash about the Zeebrugge ferry disaster while driving for work. He had travelled on the same ferry route the previous night and knew some of the crew who died. He argued that monitoring the radio was part of his job (for traffic updates), and that the psychological shock should count as an industrial accident.

Legal Issue

The main legal question was whether the incident both “arose out of” and “in the course of” employment, as required under Section 94 of the Social Security Contributions and Benefits Act 1992.

Tribunal and Commissioner’s Reasoning

- The tribunal accepted that the PTSD was sustained “in the course of” employment (i.e., while working).
- However, it found the shock did not “arise out of” the employment, as listening to the radio was not essential to the claimant’s job duties.

The Commissioner agreed, noting:

- o The shock could have happened anywhere—not solely because of the job.
- o There was no particular occupational risk involved in the claimant’s work.
- o The legal presumption favouring claimants in Section 94(3) did not apply as there was evidence to the contrary.

Outcome

- The appeal was dismissed.
- The incident was not deemed an industrial accident.
- The claimant was not entitled to industrial accident benefit. Key Point: For an accident or injury to be classed as “industrial” for social security benefit, it must both occur during employment and arise from the nature of the job. Here, the link to employment was not strong enough, even though the incident occurred while working.

Effects of Stress in This Case

In this case, the lorry driver developed Post-Traumatic Stress Disorder (PTSD) after experiencing psychological shock upon hearing a radio newsflash about the Zeebrugge ferry disaster. The effects of stress, specifically PTSD, included:

- Psychological trauma triggered by the news of the disaster, particularly acute because the driver had travelled the same ferry route the night before and knew some of the crew who died.
- Development of PTSD, a serious mental health condition characterised by symptoms such as intrusive memories, anxiety, distress, and possibly avoidance behaviours related to the traumatic event.
- Impairment in daily functioning, as PTSD can affect concentration, emotional stability, and the ability to carry out normal work and social activities. The case underlines that the stress experienced was severe enough to result in a recognised medical condition (PTSD), demonstrating the significant psychological effects that workplace-related events—even indirect ones—can have on an individual. However, the tribunal and Commissioner found that, despite the severity of these effects, the link between the stress and the employment itself was not sufficiently strong for the incident to be classed as an industrial accident for benefit purposes.



Legal Precedents in [1996] UKSSCSC CI_289_1994 (Zeebrugge PTSD Claim)

· Section 94 of the Social Security Contributions and Benefits Act 1992: The case centres on whether the incident both “arose out of” and “in the course of” employment, as required by this statutory provision. · Presumption in Section 94(3): The legal presumption favouring claimants (that an accident during work is presumed to arise out of employment unless evidence suggests otherwise) was discussed but found not to apply due to evidence to the contrary in this instance. No specific case law precedents are cited directly in the summary provided. The decision relies primarily on the statutory interpretation of Section 94 and its application to the facts of this case, particularly focusing on the distinction between incidents that merely occur during employment and those that arise from the nature of the employment.

Examples of Similar Cases

Below are examples of cases with similar legal questions or factual backgrounds, focusing on whether psychological injury or trauma suffered during employment can be classed as an industrial accident for benefit purposes: **R v National Insurance Commissioner, ex parte Hudson [1972] 1 QB 442**: In this case, the claimant suffered a heart attack at work after an argument with a colleague. The court considered whether the heart attack “arose out of” employment or was merely coincident with it. The decision highlighted the importance of a causal link between the employment and the injury. **R v National Insurance Commissioner, ex parte Scullion [1981] 1 WLR 977**: This case involved a police officer who developed a psychiatric illness due to the stresses of his work. The court examined whether the illness could be said to arise out of the employment, noting the distinction between the general stresses of life and those peculiar to the employment. **Walker v Northumberland County Council [1995] 1 All ER 737**: Although a civil claim for damages rather than a social security benefit case, this case concerned a social worker who developed a psychiatric illness due to work-related stress. The court recognised employers’ duties regarding foreseeable psychiatric injury arising from the nature of the work. **Kennedy v Department for Social Development [2003] NI Comm 19**: Here, a claimant developed PTSD after witnessing a traumatic incident while at work. The tribunal considered whether the trauma was sufficiently connected to the nature of the employment to qualify for industrial accident benefit. **Waugh v British Railways Board [1980] AC 521**: This case considered whether a heart attack suffered by a train driver at work was an industrial accident. The House of Lords examined the difference between injuries arising “in the course of” and “out of” employment. These cases demonstrate the courts’ approach to distinguishing between incidents that merely occur during work and those that can be said to arise from the nature of the employment itself—a distinction at the heart of the Zeebrugge PTSD Claim decision. In each, the causal link between the employment and the injury or trauma was crucial in determining entitlement to industrial accident benefits or damages. **SUMMARY - LEGAL DECISION REGARDING A LORRY DRIVER WHO DEVELOPED PTSD AFTER HEARING ABOUT THE ZEEBRUGGE FERRY DISASTER WHILE WORKING. THE CASE EXAMINES WHETHER HIS PSYCHOLOGICAL INJURY QUALIFIES AS AN INDUSTRIAL ACCIDENT UNDER SOCIAL SECURITY LAW, FOCUSING ON THE LEGAL CRITERIA OF ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT.** · PTSD development from Zeebrugge disaster: The claimant developed PTSD after hearing a radio newsflash about the disaster, having travelled the same route the night before and knowing some victims. · Legal issue of employment connection: The key legal question was whether the injury both “arose out of” and “in the course of” employment under Section 94 of the Social Security Contributions and Benefits Act 1992. · Tribunal's findings on employment link: The tribunal agreed the injury occurred during employment but found the shock did not arise out of the job, as listening to the radio was not an essential duty and the occupational risk was not unique. · Commissioner's agreement and legal presumption: The Commissioner concurred with the tribunal, noting no particular occupational risk and that the legal presumption favouring claimants was rebutted by evidence. · Case outcome: The appeal was dismissed, and the incident was not classified as an industrial accident, meaning the claimant was not entitled to industrial accident benefit. · Effects of PTSD in this case: The claimant's PTSD caused significant psychological trauma, including intrusive memories and impaired daily functioning, illustrating severe stress effects even from indirect workplace-related events. · Legal precedents and case context: The decision aligns with prior cases emphasising the necessity of a direct causal link between employment and injury for industrial accident benefits, distinguishing incidents merely occurring during work from those arising from job nature.

[1996] UKSSCSC CI_289_1994
(Zeebrugge PTSD Claim)

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[1996] UKSSCSC CI_289_1994 (13 August 1996)

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