

Paying for an employee's private counselling can be a reasonable adjustment

written by BDBF

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In *Croft Vets Ltd v Butcher*, the Employer Appeal Tribunal found that an employer should have agreed to pay for private psychiatric counselling for an employee who was suffering from work-related stress to help her return to work.

Detail

Mrs Butcher worked as a manager at a veterinary practice. In 2007, the practice decided to expand and, as a result, her responsibilities increased, which negatively affected her performance levels. Three years later, Mrs Butcher was signed off work with depression following performance issues. The practice referred her to a psychiatrist who said that she had suffered from work related stress for two years and recommended that the practice pay for her to have private psychiatric sessions. However, the psychiatrist stated that even with the treatment, there was only a 50/50 chance that Mrs Butcher's health would improve enough to enable her to return to work. The practice asked some further questions which the psychiatrist was slow to respond to and in the end Mrs Butcher resigned and brought a claim for disability discrimination.

The EAT found that the employer's failure to arrange and pay for the private counselling amounted to a failure to make reasonable adjustments. Despite the odds, there were reasonable prospects that the psychiatric treatment would be successful and facilitate a return to work and an improvement in Mrs Butcher's health; therefore it was a reasonable job-related adjustment.

Whilst employers may be surprised and worried by this decision, they should note that this decision is not about funding private medical treatment for employees in general but a specific adjustment designed to allow one employee to return to work and manage her work-related stress. It was clear in this case that Mrs Butcher's health problems were caused to a large extent by her work.

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