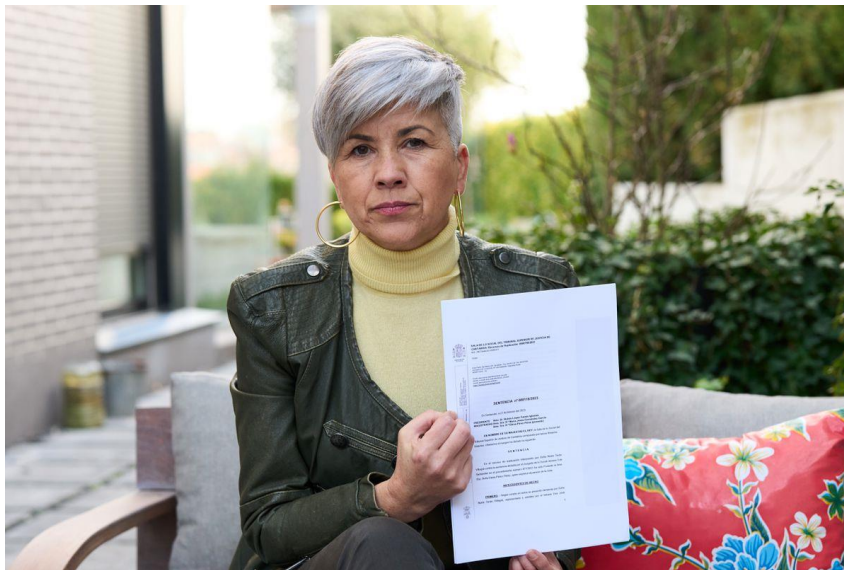


A sentence recognizes a suicide as a work accident in Cantabria

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Autolysis is very rarely considered a work contingency, but the Supreme Court establishes that it must be recognized if causality can be demonstrated



The suicide of Juan Manuel Bedia Díez, who was 53 years old when he took his own life one morning in April 2021, was a work accident.

This was ruled on February 27 by the Superior Court of Justice of Cantabria in response to a claim from his widow, Nuria Terán.

The sentence, to which EL PAÍS has had access, is not pioneering, but it does constitute an infrequent recognition: since 1970, the Supreme Court has issued less than a dozen in this regard.

Bedia's labor problems, who worked as a store manager at an ALDI supermarket in Santander, began after union elections in September 2020, according to his wife.

The ruling states that, four months later, the company fired two workers and received an anonymous complaint against the deceased for harassing a third, after changing her job.

After commissioning an external audit, ALDI sanctioned Bedia with three days without a job and salary and notified him of his transfer from the store where he worked, in Santander, to another in Laredo, about 45 kilometers away.

The sentence does not enter into prosecuting this alleged workplace harassment, but the family of the deceased wants to elucidate it in court.

With the declaration of labor contingency, they will begin a new lawsuit in order to purify responsibilities for what happened.

What the TSJC focuses on is the link between problems in the workplace and suicide, which leads it to rule that it was a work accident, thus addressing Terán's appeal against another sentence in the opposite direction issued by the Social Court number 3 of Santander.

“It is evident that there was a clear relevant connection or causal relationship between the suicidal action and work.

[...] This is clear from the fact that the labor problems that began in January 2021, as a result of the harassment complaint, persisted almost until the date of the actor's death.

Proof of this is that, precisely, three days before the fatal outcome, he had a conversation [...] in which he expressed his concern about a possible complaint by the worker, directed exclusively against him, and only one day before the act suicide, an internet search is carried out in relation to the criminal consequences of a possible complaint of workplace harassment, ”says the TSJC.

The magistrates consider that it is “evident” that the transfer in his job is received by Bedia as an “unfair treatment”.

In addition, they point out that the suicide occurred just three days before he joined the Laredo store, a fact that seems to them "significant regarding the causal connection between the labor problem and the tragic event."

"As can be seen, the problems of a labor nature have a clear temporal connection with the suicidal act, since they begin just three months before the fatal outcome and are very present the days before the decision to take one's life is made, as occurs with concern about the possible criminal consequences derived from a possible complaint of harassment (one day before the suicide) and the move to a different store, outside the place where his closest family resides (three days before), which also It was adopted as a consequence of the complaint for harassment ”, continues the text.

Given this causality that the court appreciates, it declares that the widow's and orphan's pensions for the death of Juan Manuel Bedia Díez (who leaves behind a daughter who was 14 years old at the time) derive from a professional contingency (work accident).

The sentence can be appealed to the Supreme Court, but with it in hand, the family of the deceased weighs a claim for damages against ALDI.

To questions from this newspaper, the company has responded that "the company deeply regrets the pain of the family."

And he added that he respects "the decision of justice, trusts the judicial system and will not make assessments."

Suicide as a work accident

Beyond the case itself, the sentence recalls that a suicide, even if it is carried out outside the workplace, can be considered a work accident.

However, as Noelia García-Guirao, PhD in Social Sciences and occupational psychologist, indicates, there are "very few" those that have been issued and that, although there is no official count, those that have reached the Supreme Court do not reach a dozen .

In its legal review, the TSJC explains that, until the late 1960s, the Supreme Court used to automatically deny suicide as a work accident.

The situation changes from 1970, when some cases begin to be recognized.

This, explains a judgment of the Supreme Court itself in 2010, does not mean a lack of uniform criteria, but that certain determining factors are taken into account to decide the nature of the autolysis.

"They always or almost always refer to the causal connection between work and suicidal behavior, specifying the existence or not of the suicide's mental disorder and the occupational etiology or not of said mental disorder or of the mental illness that leads to suicide." to the suicidal decision", explains the high court.

García-Guirao considers that much remains to be done in the prevention of suicide in the workplace.

"It may be the most tragic consequence of exposure to psychosocial risk factors in the work environment and the Occupational Risk Prevention Law establishes that the employer must guarantee the safety and health of employees in all aspects related to work .

Also in the psychosocial, which is the great forgotten ", he underlines.

This expert is surprised that, despite the fact that the law has been in force for almost three decades, "due attention" has not been paid to these risks.

"Psychosocial factors can be present in companies and generate serious risks.

Their distinctive feature is that they are related to the organization and management of work.

It is, therefore, the employer who has the legal obligation to evaluate them and to plan, based on the risks, the appropriate preventive actions aimed at eliminating them or, where appropriate, minimizing them", she points out.

Despite this, it is not known in Spain how many suicides are related to work.

The reports of the National Institute for Safety and Health do not contemplate any deaths from this cause in any of their editions, something that García-Guirao considers "scandalous".

Nuria Terán, widow of Juan Manuel Bedia, has felt a great void when it comes to finding support and asks that families can count on "the institutions to face and demand corporate responsibility for illness and death for psychosocial reasons at work."