

Case of Recognizing Suicide Due to Depression as an Industrial Accident

Bongsoo Jung, Korean Labor Attorney at KangNam Labor Law Firm

I. Introduction

Suicide is emerging into a serious social phenomenon, occurring more frequently due to higher depression rate. Depression, a disease to be treated medically with special concern, can lead to extreme behaviors such as committing suicide if it is neglected on the basis that symptoms are difficult to detect. The following case of <Suicide due to Depression> demonstrates considerable causality between the employee's illness and work, thereby allowing admission as occupational disease. According to the Implementation Regulation (Article 32) of the Industrial Accident Compensation Insurance Act (hereafter referred to as "IACI Act"), "if a suicide is committed by an employee who has received psychiatric therapies due to work stress or whose normal recognition ability, selection ability or mental control power has been affected due to work as determined by medical prognosis, it shall be admitted as a work-related accident."

An office manager of Law Firm x committed suicide due to occupational stress in April 2018. The victim's widow visited this Labor Law Firm and commissioned this case to prove the suicide of her husband occurred due to occupational stress. Upon initial investigation of the case, there was great deal of burden because a suicide-related case is generally hard to get admitted as occupational accident. After careful research, we were highly confident that our case would be accepted if we could satisfy the criteria of work-related accident as stipulated in the IACI Act. As a result, we successfully proved 'the suicide case due to depression' as an occupational accident and the survivors were able to claim pension from the nation.

II. Occurrence of Depression and Work Stress

1. The Employee's work environment

The victim, age 37, (hereafter referred to as "Employee") entered the Law Firm as a career office manager in October 2015. The Law Firm is a registered corporation engaged in lawyer's business and made up of six lawyers and six employees (one office manager and five staff assistants). The Employee drafted legal documents (civil, criminal and execution lawsuits), managed office staff, provided advisory consulting to

clients, and provided assistance to the lawyers.

2. Excessive work volume

Before entering the current Law Firm, the Employee worked for a law office, which was not a corporate law firm, but an office of multiple lawyers, where each lawyer had an office manager, and where the Employee prepared legal documents for one lawyer. However, at the current Law Firm, a corporate law firm with 5 to 6 lawyers with varied specialties, the Employee was the only one to provide assistance to the lawyers in drafting legal documents. The Employee was a man of sincerity and responsibility, and made every effort to derive best results. Eventually, the Employee earned the lawyers' trust and was assigned to prepare legal papers for lawsuits with higher degree of difficulty.

3. Stress concerning the lawyer in charge

The lawyer who assigned the Employee with most work is known for his stubborn and strict character. He had blamed the Employee severely for any mistakes and demanded perfection. He was easily upset and often raised his voice.

4. Depression diagnosed due to work-related stress

The Employee's health deteriorated with symptoms of depressed mood, fatigue, disinterestedness, loss of sleep and appetite, guilty conscience, and reduced confidence from December 2017 to early January 2018. Then, he was diagnosed with depression at a psychiatric clinic on January 5, 2018.

5. Severe psychological burden due to occupational negligence

In 2017, the Law Firm received a redemption request of outstanding loans (10 items) from a long time corporate client, and the Employee was assigned with that case. The Employee discovered much later that one of the loans lost an extensive description, that equaled an amount to 50 million and that it was impossible for the company to claim the loan. The Employee told his spouse in despair just one week before his death, "The client company may request compensation for damage to my Law Firm, and the Law Firm may demand its compensation to me. In order to secure our apartment's deposit money, my ownership should be replaced with your name."

6. Long-distance business trip, work failure, traffic accident and suicide

1) The Employee was ordered by one lawyer to take a long-distance business trip to

the local district on April 16, 2018. The purpose of the trip was to implement a 'provisional disposition of handing-over a child' according to a court decision, for a case in which the child's parents claimed custody of the child from the grandparents.

2) The Employee left the office at 5pm and drove the company car by himself to Kohung, South Chulla province. After driving for five hours, he arrived at Kohung at almost 11pm. In a small town where he arrived, he could not find a lodging facility and had to sleep in the car. He could not fall into sleep until 4am and only slept for three hours. On the following morning, the Employee met two court officials and the child's parents, headed to the elementary school together at 10:50am. However, the handing-over of a child to the parents was strongly resisted by the grandfather and the child who refused to leave the grandparents.

3) While the Employee was driving back to Seoul in the afternoon of April 17, he got into an automobile accident and took the damaged company car to a repair shop. At about 6:10pm, he boarded on the express bus for Seoul, and could not rest in the bus, as he had to report the car accident to the insurance company and brief the failed execution to the Law Firm. The Employee arrived at Kangnam Express Bus Terminal at about 9pm and came home past 11pm, where he had a light meal and went to bed. At approximately 6am early morning, the following day, he committed suicide by hanging himself on the mountain trail near his house.

III. Symptoms of Depression and Criteria of Work-related Accident

1. Symptoms of depression (Wikipedia)

Depression—different from feeling depressed temporarily—is a continual state of feeling depressed mixed with sad emotion, low mood, and other physical symptoms. The main symptoms of depression are dejected mood and emotion, which follows with decrease in sleep, appetite and interest, unrest, thinking about committing suicide, and enervation. It also affects people with thoughts of uselessness about oneself, improper sense of guilt, and failed concentration and memory. People are chronically tired and cannot fall asleep well, and still tired even after sleeping long hours. Physical symptoms along with emotion, mood and appetite are characterized by headache, indigestion, pain at neck and shoulder, feeling heavy in the chest, etc. Severe depression can lead to delusion and hallucination.

2. Criteria of work-related accident under the IACI Act

1. Definition of occupational accident (Article 5 (1ho) of the IACI Act)

The term “occupational accident” means any wound, disease, physical disability, or death of a worker, caused by his/her duties.

2. Criteria of work-related accident (Enforcement Regulation (Article 32), the Act)

Accident caused by one of the following reasons shall be regarded as work-related accident.

- 1) When the accident takes place while the employee performs contractual duties under supervisory control and management of the employer, or when the accident occurs due to defects of facilities or management;
- 2) When there is considerable causality between the accident and the injury of the employee;
- 3) When the accident is not caused by the employee's intentions, self-injury, criminal behaviors, etc. Provided, however, that if a suicide is committed by an employee who receives mental treatment due to work stress or whose normal recognition ability, selection ability or mental control power is affected due to work by medical analysis, it shall be admitted as a work-related accident.

IV. Conclusion

Depression is a disease that can be found in anyone, and shall be treated by appropriate medical examination and therapy. If neglected and overlooked as mere psychological condition, the employee may resort to extreme alternatives to find solutions, as illustrated in the case described. In situations where an employee is diagnosed with depression in relation to work, the employer shall make every effort to provide care as part of employer's responsibility to provide safe work environment. It is important to take appropriate measures through grievance handling procedures and to prevent reoccurrence in the workplace.