

Vidta alla åtgärder som behövs

En rättsvetenskaplig studie av arbetsgivarens ansvar att förebygga stressrelaterad ohälsa och uppnå en god psykosocial arbetsmiljö



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av

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Take all precautions necessary - A legal study of the employer's responsibility to prevent stress related ill-health and to achieve a sound psychosocial work environment

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Abstract

Prevention of stress related ill-health is one of the most important occupational health and safety issues of our time. The Swedish Work Environment Act imposes extensive requirements regarding the psychosocial work environment on the employer. The employer is obliged to take all precautions necessary to prevent ill-health, also such ill-health associated with stress at work. These requirements are enforced through rules regarding co-operation between employers and employees, rules of supervision from the Swedish Work Environment Authority and rules concerning criminal liability for work environment offences. The employer's legal responsibility to prevent stress at work and injuries related to stress is thus, as a starting point, extensive. However, this responsibility is rarely demanded in legal practice. It has, for example, never yet occurred that an employer has been convicted of work environment offence for causing an employee stress related ill-health.

This study deals with the employer's responsibility to prevent stress related ill-health and achieve a good psychosocial work environment from a broad legal perspective. The study covers the fundamental purposes and legal principles that permeate the regulation of the work environment and thereby affects the employer's responsibility to prevent stress. The requirements that the Work Environment Act impose on the employer through the rules concerning the state of the psychosocial work environment and the general preventive obligations are examined. Furthermore, the legal possibilities to demand responsibility for the psychosocial work environment according to the rules regarding co-operation, supervision and criminal responsibility are explored.

The study demonstrates that the regulation is so vague in its design that the employer, in practice, is not given the possibility to achieve a clear understanding of what is required to prevent stress related ill-health. Therefore, introduction of clear binding provisions from the Work Environment Authority regarding the psychosocial work environment, to complement the general rules of the Work Environment Act, is proposed.

Keywords: Stress, psychosocial work environment, responsibility, Swedish Work Environment Act, law.

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