

Duty of care

Employers have:

- a common law 'duty of care' towards workers
- specific rules they must follow under [health and safety law](#)

This means employers must do all they reasonably can to protect workers' health, safety and wellbeing at work.

This includes:

- providing a safe working environment
- doing risk assessments and taking action based on what they find
- doing everything they reasonably can to protect workers from discrimination and bullying
- taking steps to help prevent work-related stress

Examples of how an employer might breach their duty of care include:

- pressuring workers to work excessive hours
- failing to provide the right training or equipment for carrying out work safely
- allowing staff to work who are unwell or do not have the right training – they could put themselves or others in danger

If an employer breaches their duty of care

There is no standalone legal claim called 'breach of duty of care'.

However, there are likely to be other legal claims for situations where the employer breaches this duty. For example:

- claims where the employer has failed to protect a worker from discrimination, for example, not taking reasonable steps to prevent sexual harassment at work
- breach of contract
- [constructive dismissal](#) – where someone resigns because the breach is so serious they do not feel they can continue working for their employer
- [detriment for taking action over a health and safety risk](#)

Breach of contract and constructive dismissal

Only those with the [legal status of employee](#) can make claims for breach of contract and constructive dismissal.

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

An employee cannot make a breach of contract claim while they're still employed. But they can make a claim to county court in England and Wales or sheriff court in Scotland.

Contact the Acas helpline

If you have any questions about the duty of care, you can [contact the Acas helpline](#).