

# MANAGING STRESS

## 1 Understanding stress

It is well recognised that stress reduces employee well-being, and that excessive or sustained work pressure can lead to stress. Occupational stress poses a risk to most organisations and compensation payments for stress-related injuries are rising. `Stess' is the most widely cited cause of long term absence in todays working world. It is increasingly important to meet the challenge by dealing with the causes of stress and with complaints of stress effectively.

- Stress is one of the most important factors behind sickness at work.
- In 2001, 13.4 million working days were lost due to stress, depression and anxiety.
- Three quarters of managers say that stress adversely affects their health, happiness and home life as well as their performance at work.
- Stress can occur as a result of an exposure to a wide range of work demands and in turn can contribute to an equally wide range of health outcomes.
- **Stress is a state, not an illness. It is not recognised by the WHO in their International Classification of Diseases. (ICD10)**
- Where employees are stressed because they have no say on how work is done, or need to do work that involves a fast pace and need to resolve conflicting priorities, or have a lack of recognition, understanding and support from their managers, there is a higher risk of the employee suffering a psychiatric disorder.
- One in five workers report feeling extremely stressed at work. This equates to 5 million in the UK.

### Definitions of stress from HSE

*“Stress is the reaction that people have to excessive pressure or other types of demand placed on them. It arises when they worry that they cannot cope.”*

Stress is in the eye of the beholder:

The stress reaction of an individual will depend on how they perceive the significance of a harmful, threatening or challenging event and whether they perceive that they have the resources to cope with it.

#### What is pressure?

**Pressure is:** what most people mean when they say they are stressed.

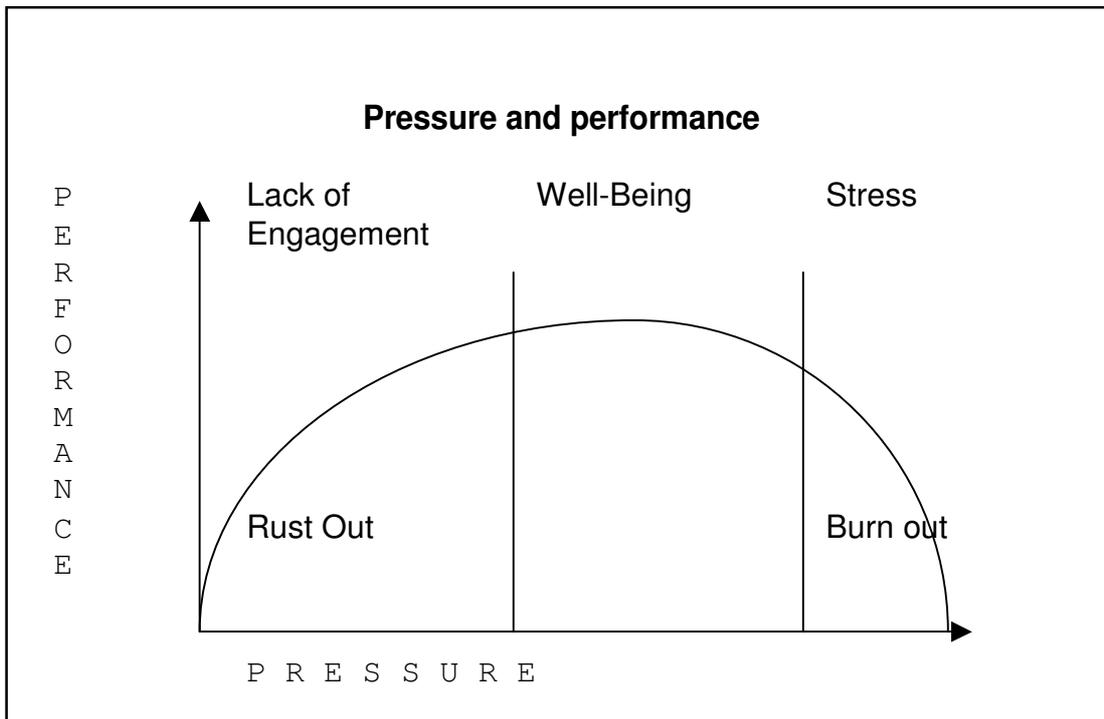
**Pressure is:** positive – often called ‘eustress’, or positive stress, because it gives us the motivation and drive to perform.

**Pressure is:** therefore necessary and desirable up to a certain level. However, extreme and prolonged pressure can lead to stress if it exceeds coping capacity.

Of course we all need a bit of pressure to get us out of bed in the morning. But the normal pressures of life or working life can lead to stress if they are excessive or long-term. And if pressure becomes too much or is perceived to be too much, it becomes harmful.

Stress can arise from the fear, frustration and anger that may be produced by a bad, disrespectful or insulting relationship with a manager or with a difficult client or a difficult team, and the unhappiness of an unsuitable job.

Work can put us under pressure, but we can also put ourselves under pressure. We may aim to achieve certain things in work or life and have expectations for ourselves. If it turns out that we can't meet the expectations we or others have set ourselves, we may put ourselves under pressure to do better and this can produce an enormous amount of stress. Of course our own expectations of ourselves may be unrealistic OR we may be prevented from achieving work targets through things that are beyond our control. This then leads to stress.



### Stress and the employee's home life

Personal pressure and problems can occur in an employee's life as well as at work. If an employee is facing a relationship breakdown, financial problems, redundancy, worries about personal health, poor housing, feeling lonely or isolated, being abused or harassed, difficulties with neighbours or bereavement, it is possible that these problems may affect the employee's ability to work effectively. Employees do not have to describe the nature of their personal problems to their manager or personnel. However, if personal problems begin to affect performance at work then this will need to be raised and discussed with the employee.

### Signs of stress

The first signs that indicate employees may be suffering from unhelpful pressure or stress are changes in behaviour or appearance. A guide on the kinds of changes that may happen is given below. (From CIPD).

## **Work performance**

- declining/inconsistent performance
- uncharacteristic errors
- loss of control over work
- loss of motivation/commitment
- indecision
- lapses in memory
- increased time at work
- lack of holiday planning/usage

## **Regression**

- crying
- arguments
- undue sensitivity
- irritability/moodiness
- over-reaction to problems
- personality clashes
- sulking
- immature behaviour

## **Withdrawal**

- arriving late to work
- leaving early
- extended lunches
- absenteeism
- resigned attitude
- reduced social contact
- elusiveness/evasiveness

## **Aggressive behaviour**

- malicious gossip
- criticism of others
- vandalism
- shouting
- bullying or harassment
- poor employee relations
- temper outbursts

## **Other behaviours**

- out of character behaviour
- difficulty in relaxing
- increased consumption of alcohol
- increased smoking
- lack of interest in appearance/hygiene
- accidents at home or work
- reckless driving
- unnecessary risk taking

## **Physical signs**

- nervous stumbling speech
- sweating
- tiredness/lethargy
- upset stomach/flatulence
- tension headaches
- hand tremor
- rapid weight gain or loss
- constantly feeling cold

## **What does stress feel like from the inside?**

Basically a feeling that we can't or don't have control over our own lives in ways we can choose. Some indicators are:

- Its more difficult to cope even with the simplest tasks
- Physical problems rise up
- Usual sleep patterns become disturbed
- Appetite affected up or down
- Hard to relax without feeling guilty
- Difficult to make decisions
- Minor interruptions, frustrations or delays make you very angry, you flip
- You feel depressed and distressed at the thought of never getting things done, or things wont change
- You find yourself using drugs or alcohol more than usual to 'cope'

## **Anxiety and panic attacks**

***These are a different kettle of fish and need medical attention urgentissimo.***

## 2 Stress and the law

There is **no one law specifically** covering the issue of stress in the workplace: expectations on employers are mainly derived from case law and implied duties in the employment contract. There are three main types of employers' duties employees may use as a basis for a stress claim:

### A Negligence

Employers must take such steps as are reasonably necessary to take care of the safety of their employees. If they breach that duty they may be sued for a claim in negligence for damages. The duty extends to both physical and mental health.

*There is a recent case of an Intel employee who became depressed when her workload increased to an average of 60 hours per week after corporate cost cutting. This has led to her being unable to work for the last 5 years. She had previously suffered post natal depression which her employers were aware of, and which the judge ruled should have been taken account of in the possibility of depression becoming a problem again. The size of the organisation's resources were also taken into account in the reasonableness of their actions.*

### B Contract

There are also implied terms in a contract of employment that would be relevant to stress claims for example:

#### ***The implied duty regarding health and safety***

In all contracts of employment there is an implied term that the employer will provide the employee with a safe system of work. A failure to take reasonable steps to protect the employee from stress may result in the employee claiming breach of that term.

#### ***The implied duty of mutual trust and confidence***

This implied duty means that the employment relationship is based on trust and confidence, and an employer will not, without reasonable and proper cause, behave in a manner that is calculated or is likely to destroy or seriously damage that trust and confidence.

### C Specific Acts of Parliament

- Under section 2 of the **Health and Safety at Work** etc Act 1974, employers have an obligation to provide and maintain systems of work and a working environment which are, as far as is reasonably practicable, safe and without risk to health. The duty extends to providing maintenance of safe plant and systems of work, information, training, supervision and adequate support. The general duty to provide a safe and healthy working environment, including risk assessment, also applies to the prevention of stress-related ill health.
- In addition since 27 October 2003 an employee can obtain damages for stress related claims under breach of the **Management of Health and Safety at Work Regulations 1999**
- An employee has protection under the **Disability Discrimination Act 1995**, where a mental or physical impairment is suffered for more than a year (Cancer, MS and HIV from point of diagnosis) and reasonable adjustments must be made, and has protection against discrimination on the part of the employer against a disabled employee.
- **The Working Time Regulations** have recently been used as part of a stress claim (Hone v Six continents retail) where an employer was found liable for injuring an employee who

was allegedly working 90 hours a week, partly because it did nothing to enforce a 48 hour week.

- At an EU level, current legislation under the **European framework directive 89/391** on the introduction of measures to encourage improvements in the health and safety of workers at work covers work-related stress and its causes, in addition to other risks to health and safety.

On 7 October 2004 the EU social partners signed a framework voluntary agreement on stress.

- In February 2009 the Health and Safety Executive (HSE) established a new website to help businesses prevent stress.

The website includes:

- updated advice and guidance,
- tools to help prevent stress at work,
- self-assessment questionnaire for line managers,
- case studies.

## 2.1 Negligence

For negligence against an employer to be found the following must be in place.

- **An injury must be suffered**
- **Employers must have failed to prevent exposure to the cause (esp where vulnerabilities are known about)**
- **The injury suffered must have been reasonably foreseeable**
- **Circumstances at work must have been a material cause of it.**

A recent Court of Appeal ruling on stress cases has given guidelines on the steps an employer should take to ascertain whether an employee is vulnerable to stress related conditions. Ruling on the case of *Sutherland v Hatton* and three other stress cases where claimants had said they had been forced to give up work through illness.

All employers have an **IMPLIED DUTY** to take reasonable care for the safety of their employees. Liability in negligence depends on three interrelated requirements:

- 1 The existence of a duty of care
- 2 A failure to take the care that could be reasonably expected
- 3 Damage suffered as a result of that failure.

The ordinary principles of employer's liability apply. There is no special control mechanisms applying to claims for psychiatric illness or injury arising from the stress of doing the work the employee is obliged to do.

- No occupations that should be regarded as intrinsically dangerous to mental health.
- There must be injury to health, as distinct from occupational stress - which is attributal to stress at work as distinct from other factors.
- An employer is entitled to assume that the employee can withstand the normal pressures of work unless some particular problem is known.
- The indications of harm to health related to stress must be plain enough for any reasonable employer to realise that something must be done.
- The employer will need to look at both signs from the job
  - whether the workload is abnormal for the job,
  - whether the demands on the employee are greater than those on others in comparable jobs and
  - whether there is an unusual level of sickness for people doing the same job?

and signs of particular problems that an employee may have - for example previous stress related illness, extensive absence, or complaints in relation to the workload.

- If the employee or their doctor makes it clear that unless things are changed there is a real risk of mental breakdown, the employer will have to consider ways of changing the situation.
- In determining what reasonable steps to take to alleviate risk to health, the employer must take account of the cost, the size of the business, and the effect on other employees.
- An employer is only going to be in breach of their duty of care if
  - they failed to take steps which are reasonable in the circumstances
  - bearing in mind the magnitude of the risk of harm
  - the gravity of the harm which may occur
  - the costs and practicability for preventing it
  - the justification for running the risk.
- An employer which offers a confidential advice service with referral to appropriate counselling or treatment services was unlikely to be in breach of their duty.
- If the only effective step is to dismiss or demote the employee, the employer will not be in breach of their duty of care if the employee wishes to stay in their current job.
- The employee must show that the breach of duty materially contributed to the harm suffered. It is not enough to show that the harm was caused by occupational stress.
- If the harm has more than one cause, the employer should only pay for the proportion attributable to its breach of duty.
- Damages will take into account any pre-existing disorder, and the chance that the employee would have suffered from a stress related disorder in any event.

## 2.4 The Fit Note

In the face of continuing workplace absence statistics that have not been reducing in recent years the Government has decided to tackle the issue. Their major policy change is the introduction of the 'Well Note' or 'Fit Note'. This Fit note is supposed to show a list of tasks that the **employee can do** instead of a certificate signing them off work. In theory this should lead to an employee who is not able to carry out their normal duties being able to be redeployed into other potential duties. For example a fork lift truck driver with a broken leg could be redeployed into office work. They came into force in April 2010. There will be three categories for ability to work

- 1 Fit for work
- 2 Not Fit for work
- 3 May be fit for some work now

For the final category doctors are asked to describe the functional effects of an employees medical condition and have the option for indicating what arrangements would help the employee return to work. These can include a phased return, altered hours, amended duties or workplace adaptations.

The consultation makes it clear that employers need not be bound by these suggestions and any changes made will be at the discretion of the employers and will need the agreement of employees. This poses some potential legal problems.

If a GP assess the employee as capable of carrying out amended duties and the employee refuses, can the employer insist on a modified return to work and take disciplinary action if the employee resists?

What if an employee is advised to return to work part time whilst they are still entitled to full time sick pay?

**The issues for HR are both 'will this work' and 'How will it work'**

Occupational Health practitioners have reacted by saying that more emphasis should be placed on their services rather than the GP and the well note being used to cut absences. The BMA and the Managing Stress

Royal College of GPs are also not desperately in favour, as they feel they need greater training in occupational health and all issues are not so easily decided as the broken leg one. GPs also do not want to be seen as police people for the system. GP appointment times are also too short to really assess what people can potentially do in the workplace.

Where the 'fit note' will not necessarily work is also in relation to 'stress'. Stress is usually a lot more complex than most employers think and than GPs can assess in 11mins.

The Dept of Work and Pensions has issued guidance for employers on the new fit notes. ([tinyurl.com/fitnote](http://tinyurl.com/fitnote)) The form makes it clear that phased return to work options are subject to the employers agreement. So if the 'may be fit for some work' box is ticked, then this is subject to the employer's decision. It's your choice how to act on the doctor's advice. Partially fit employee's returning to work will not invalidate employer's liability insurance. Also a fit note is live for 3 months after it has been issued

## 2.5 Law Related FAQs

### **How pro-active should an employer be to take steps to avoid stress-related claims?**

All employers have a duty be pro-active and to take the initiative rather than simply adopting a re-active approach to stress and employees' problems where they are either already disclosed to the employer or are clearly visible. This issue has been the subject of much case law.

In *Barber v Somerset County Council* ([2004] UKHL 13 1 April 2004) the House of Lords held that as soon as an employer knows an employee is in danger of suffering psychiatric injury from occupational stress the employer was under a duty of care to take action to alleviate that stress, or be liable to pay damages for any failure to do so.

Mr Barber had been head of the maths department at a secondary school. After a school re-organisation he became 'maths co-ordinator', carrying out the same duties together with extra responsibility for publicity and public relations for the school. He was regularly working between 61 and 70 hours a week. A key issue in the case was whether the school had a duty to check if he was still suffering from stress after the summer holiday. Before the summer holiday he had been off with stress and complained to the school management about the pressure he was under. It was held the school did have a duty to check whether he was still suffering from stress after the summer holidays. At the very least the condition should be monitored, the workload should be reduced and sympathetic inquiries about the employee should be made when he returned to work after being away with stress. (CIPD)

### **If I have an employee absent due to 'stress' who refuses to attend a medical examination what can I do about it?**

You might be able to withhold contractual sick pay. It is very important to say in the contract that a condition of the sick pay scheme is to comply with the requirement to undergo a medical examination at the employers request. You might be able to withhold contractual sick pay if the employee refuses to comply with a clear rule of the scheme.

You should get it in writing that they have refused to attend a medical examination. Your Absence policy also needs to address the sequence of events if an employee refuses to comply with the process contained in the policy.

### **If I don't deal with their 'stress' could an employee resign and claim constructive dismissal?**

Potentially yes. The employee must show that the employer has breached the implied duty to provide a safe system of working.

### **If an employee is absent for a stress-related condition might they be judged disabled under the Disability Discrimination Act?**

Yes the employee could have a claim if they have a condition arising from the stress that satisfies the statutory definition of a disability and, as a result of such condition, they are treated less favourably. The DDA defines a disability as 'a physical or mental impairment which has a substantial and long term adverse effect on (the person's) ability to carry out normal day to day activities'.

Remember stress in itself is not an illness, but could give rise to a mental impairment as the latter includes various forms of depression provided the prognosis is long term and there is appropriate medical evidence. 'Long term' is stated as being for a period of 1 year or longer. The DDA also requires that the employer makes reasonable adjustments to working arrangements so the disabled employee is not at a disadvantage.

### **If an employee is stressed and undergoes an examination in what circumstances is the employer entitled to see their medical report?**

You may occasionally want to obtain a medical report about an employee, for example where you are not satisfied with their stated reasons for absence on health grounds, to check the progress of their recovery from illness, or to check their fitness for a particular task or role.

Their right to see their report depends upon the employment contract. If the employee has clearly given their permission to undergo a medical examination then this will be binding. However, there is a clear distinction between

- 1) a medical report supplied by the clinical carer (the GP) and
- 2) a report from doctor arranged for by the organisation either a GP or Occupational Health.

The first case is controlled by the Access to Medical Reports Act 1988 where the employee must give express consent to the report, and the employee has the right to see any medical report should they wish to do so before it is supplied to the organisation. However reports supplied by the organisation's doctor after an examination for a particular problem are unlikely to fall within the Access to Medical Reports Act 1988. The report will come to the organisation first. However a right to access may arise under The Access to Health Records Act 1990.

If the report is not related in any way to treatment of the individual, they have no right to see the report. So, for example, you might commission a report from a specialist purely to give their opinion on the employee's — or job applicant's — current state of health or fitness, and this could legitimately be withheld from the employee. (Note, however, that if you want to be able to insist on employees being medically examined you should make provision for this in the contract.)

You also have the option of requesting a report from the employee's or job applicant's own doctor, or any medical practitioner who has been involved in treating them. This is covered by the Access to Medical Reports Act 1988, and the employee, or prospective employee, has specific rights, including:

- to refuse consent for the employer to be supplied with a medical report, or even for the employer to ask for one.
- to have access to the report before it is supplied to the employer.

- to ask the doctor to change the report before supplying it, and to attach their own views if the doctor refuses.

The employer must tell people about their rights, and must get their consent before applying for a medical report from a doctor who has been treating them. It is strongly recommended to get this consent in writing, as you may have to prove to the medical practitioner that you have obtained consent.

The doctor must keep the report for six months, during which time the individual has the right to inspect it further. The procedure for individual access is laid down. The employer must tell the individual that the report has been requested. The individual must then contact the medical practitioner within 21 days to make arrangements to see the report. The individual does not have a right to a copy of the report, although it is common practice for a copy to be provided.

When you receive a medical report you should, of course, keep it strictly confidential, and only allow access by people who need to be involved in making any decision. Once the need for the report has passed, you do not need to keep either the report itself (which should be securely destroyed) or the consent form. You may want to keep a record of the outcome: for instance, that a report was commissioned and concluded that the employee was fit for work.

The employee also has the right, under the Data Protection Act, to apply for access to their own medical records. The employer, however, is forbidden from making use of this as a back door means of access. The Data Protection Act expressly outlaws any contractual provision which tries to force anyone to get access to their own medical records and show them to, or provide a copy to, the employer.

The result is, therefore, that you cannot get a report from the employee's own doctor if the employee doesn't want you to, and you can only insist on them going for a medical (from a doctor you commission, or from the occupational health service, for example) if your contract allows you to.

It is important for an employer to review any contractual provision about this case so that the wording makes it clear that the employee is consenting not only to undergo a medical examination but also to the compilation of a medical report and the supply of this data to the employer.

### **What is the level of compensation for stress related claims ?**

The level of compensation has been high, particularly where the employee never works again. In the case of *Walker v Northumberland County Council* the Council made a payment of £175,000 to the employee in an out-of-court settlement.

Mr Walker was a social worker with a heavy workload of child abuse cases. He had a nervous breakdown and returned to work some five months later having been promised assistance and a reduced workload. The promised assistance did not happen and he had a second breakdown. The High Court held that the Council was liable for psychiatric damage caused to him through stress. The Council had failed to provide assistance or reduce his workload and therefore was in breach of their duty of care. The risk was reasonably foreseeable.

This case made two important baselines for employers:

- 1) an employer's common law duty to provide a safe system of working for employees includes a duty to protect them from psychiatric harm
- 2) where the harm is reasonably foreseeable, failure to do this could lead to a claim.

**Redress to the individual usually only becomes available once an injury has occurred either physically or psychologically or the person is disabled. There is no legal right not to feel anxious or distressed at work.**

However employers do have a duty to be proactive.

Another high level example is provided by the case of *Green v DB Services Ltd [2006] IRLR 764 1 August 2006*. In this case, a secretary was awarded over £850,000 in her claim against Deutsche Bank. She had suffered stress and a nervous breakdown after being bullied by colleagues. The employer was found to be vicariously liable for that bullying and in breach of its duty of care.

**Is any level of stress sufficient to warrant a claim and how foreseeable does the disorder have to be?**

Different people can cope with different levels of stress. It is not enough for an employee merely to prove normal levels of 'stress' as used in an everyday sense. The stress must cause a recognised disorder or recognised psychiatric illness. There also has to be a serious breach of duty for the claim to succeed. The employee would have to establish that the employer knew or should have known that they were putting the employee in a situation where there was a foreseeable danger of the employee suffering from stress.

In *Sutherland v Hatton and other cases [2002] IRLR 263, CA* the Court of Appeal provided useful guidance on the issue of foreseeability and damages for psychiatric injury arising from occupational stress:

- An employer is entitled to assume that an employee can cope with the normal pressures of a job role, unless
- the employer is in possession of knowledge that suggests that the particular employee is less able to do so and might suffer stress at work or psychiatric illness.
- If an employer is in possession of such knowledge then it has a duty to take reasonable steps or measures to prevent an employee suffering illness.
- An employer does not need to make detailed inquiries of the employee or his or her medical adviser before being able to foresee stress.

### **3 Strategic Management of Stress**

Recent research done for the HSE on the six stress standards has confirmed the organisational benefits of managing stress. The research examined each of the standards for evidence that managing those standards brings about business or productivity improvements, defined as lower absence; reduced staff turnover; better employee performance. (In Employment Review 844) Also see HSE website. (A business case for the Management Standards for stress). The table below summarises the findings in order of impact

<b>The business case for managing workplace stressors (HSE report)</b>		
<b>Greater control of work</b>	Leads to	Better Performance, objectively measured Better performance ratings Less absence Less turnover intention
<b>Better Support</b>	Leads to	Better Performance, objectively measured Better performance ratings

		Less absence Less turnover intention
<b>Better work relationships</b>	Leads to	Less withdrawal behaviours Better team performance Less absence Less turnover intention
<b>Well designed job roles</b>	Leads to	Less work withdrawal Better self rated performance Less turnover intention
<b>Greater demand management</b>	Leads to	Better performance Better performance rating Less turnover intention
<b>Effective change management</b>	Leads to	Better performance ratings Less absence Less turnover intention

### The role of line managers

The CIPD has also carried out research that looks at the role of line managers in managing and preventing stress. The initial findings suggest that

- The behaviour of line managers is vital for preventing and minimising stress
- In order to achieve optimal staff well being it is essential to understand what manager behaviours are implicated
- Managers should be encouraged to integrate the relevant behaviours into their day to day people management activities.
- The successful behaviours included : taking a pro-active approach; setting and communicating realistic goals and timescales; making time to talk to staff.

### Looks like good management is good stress management then folks!

#### 3.1 Being Pro-active and Risk assessments

Under existing health and safety legislation employers have a duty to undertake risk assessments and manage activities to reduce the incidence of stress at work. Employers also need to look for **BOTH** signs of stress in particular individuals or for a general stressful environment in the organisation as a whole. For signs of stress in individuals see Section 1.

Signs of stress generally in the organisation may include employees being disillusioned, high levels of absenteeism, lateness, disciplinary problems, lack of professional behaviour, high turnover of employees, specific complaints in exit interviews, and reduction in quality of outcomes.

#### Recommendations for good management and risk assessments

- **Risk assessments** and the necessary particular training that follows from that. **General training** eg stress management courses; handling customers; assertiveness.
- **Managerial sensitivity** eg handle changes carefully, keep employees informed, avoid periods of uncertainty, managing redundancies properly
- **Regular supervision** managing workload; listening to staff concerns and dealing with them appropriately; dealing with control issues and team disputes; trained managers
- **Policies and procedures** which reflect the above points where relevant; harassment and bullying policy; grievance procedure; sickness absence policy; return to work interviews

- **Deal with complaints** of harassment and bullying carefully and quickly according to your policy. Deal with general problems pro-actively.
- **Dealing with stress** show that it is taken seriously and demonstrates an understanding attitude; and a problem solving attitude.
- A help line and counselling.
- Encouragement to employees in seeking medical help.

### 3.2 A Stress Strategy: 4 main ways organisations tackle stress; which can be used together or individually

#### **Policy, procedures and systems audit**

This requires an audit of policies, procedures and systems to ensure that the working environment protects staff well-being and the organisation can identify troubled employees and provide them with an appropriate level of support.

**Problem centred** looks at issues and problems that arise within the workplace, identifies why they have occurred and then finds ways to solve them. The identification process may involve undertaking a risk assessment, examining sickness absence levels, employee feedback and claims for compensation

**Well-being** - the aim is to maximise employee well-being. Although it uses similar tools to problem centred approach it is much more proactive in identifying ways to create a healthy workforce.

**Employee centred** works at the individual level of the employee. Individuals are provided with education and support in order to help them deal with the problems they face in the workplace. The employee centred approach focuses on employee counselling and stress management training.

### 3.3 Should an organisation have a stress policy?

“While many organisations have developed stress policies, others have found that a well-being policy is much more effective in recognising the need to maximise the well-being of their employees rather than merely reduce their level of stress. This approach is in line with that taken by the World Health Organisation (1990). Whether organisations choose a 'well-being' or 'stress' policy the elements that should be contained in the policy are very similar.” CIPD 2004

The policy should:

- begin with a clear statement which shows that the organisation is committed to developing a working environment that promotes the health and well-being of the organisation and its employees
- be supported by senior management
- be kept under constant review, together with other company policies, procedures and initiatives to ensure that they maximise employee well-being
- provide for identification of and a regular review of the key well-being indicators
- ensure the provision of effective advice, support, counselling and training to enhance employee well-being
- incorporate the process for evaluating the effectiveness of all well-being initiatives.

## Specific stress audit

### STEP 1 Identify the Hazards

The assessment consists of organisations comparing themselves against:

- demand – being able to cope with the demands of the job
- control – having an adequate say over how work is done
- support – having adequate support from colleagues and superiors
- roles – understanding roles and responsibilities
- relationships – not being subjected to unacceptable behaviours
- change – being involved in any organisation changes.

The rationale is that if the organisation is not managing in these areas effectively then staff are at risk of work related stress. Assessment will usually involve asking staff questions, through some form of employee attitude survey, about how satisfied they are with their jobs in the six areas identified.

The standards are voluntary but the HSE has said that they will be used as evidence against employers that ignore responsibilities in managing stress under the Health and Safety at Work Act 1974.

### Risk Assessments

The risk assessment has to be “suitable and sufficient”. The approved Code of Practice to the Health and Safety at work regs states that

“The Risk assessment should identify the risks arising from or in connection with the work. The level of detail in the RA should be proportionate to the risk. Once the risks are assessed and taken into account, insignificant risks can usually be ignored, as can risks from routine activities associated with life in general, unless the work activity compounds or significantly alters those risks.

### STEP 2 Decide who may be harmed and how

Gain information in your organisation about stressors. The HSE has developed a simple tool which links to the management standards.

### STEP 3 Evaluate the risk.

Identify which factors are a problem in your organisation or which group of employees are most at risk. Identify stress hotspots in departments or seasonal demands.

Communicate the results to all staff and involve staff in finding solutions. Consider if you are doing enough and if not what further control measures are likely to be appropriate.

### STEP 4 Record the findings and action

Finally organisations will have to put in place an action plan spelling out what steps are to be taken, such as additional training for managers.

### STEP 5 Monitor and Review

Look for improvement, monitor and review.

## IDENTIFYING AT RISK GROUPS

Group:					
	Very Unlikely	Unlikely	Possibly	Likely	Very likely
<b>1 Poor work relationships</b> <ul style="list-style-type: none"> <li>• poor or unsupportive relationships with colleagues or manager</li> <li>• Isolation in role</li> </ul>					
<b>2 Poor work life balance</b>					
<b>3 Overload</b> <ul style="list-style-type: none"> <li>• unmanageable workloads and time pressures</li> <li>• Unrealistic deadlines</li> </ul>					
<b>4 Lack of job security</b>					
<b>5 Lack of control</b> <ul style="list-style-type: none"> <li>• lack of influence over own performance targets</li> <li>• lack of autonomy and control over the way that own work is organised and performed</li> <li>• lack of involvement in decisionmaking</li> </ul>					
<b>6 Poor resources and communication</b> <ul style="list-style-type: none"> <li>• lack of appropriate training</li> <li>• lack of equipment and resources to do a job</li> <li>• poor communication</li> </ul>					
<b>7 Poor pay and benefits</b>					
<b>8 Lack of role clarity</b> <ul style="list-style-type: none"> <li>• lack of understanding of role and responsibilities</li> <li>• conflicting role and responsibilities</li> </ul>					
<b>9 Unmanaged change</b> <ul style="list-style-type: none"> <li>• lack of information regarding the reasons for change</li> <li>• lack of consultation on the changes</li> <li>• impact of change on own role</li> </ul>					

**Negative effects of insecurity**

- Panic
- Fear of future + fear of change
- Sickness absence (for all reasons) is 2.17 times higher after a major restructuring
- Increase in job demands
- Decrease in job control
- Satisfaction and Performance declines
  - Turnover increases and skills are lost

**Individual Resilience as a term in psychology is the**

‘Positive capacity of people to cope with stress and catastrophe. It also includes the ability to bounce back to ‘normal’ after a disruption’.

In this sense "resilience" can have cumulative "Protective factors" as opposed to cumulative "Risk factors" "Protective factors" are factors that make it more likely for an individual to survive the pressures and challenges they are facing.

The TUC found that 6 million workers (25%) are not satisfied with their job and 30% not engaged by their employer. (2009) HR and an organisation if it’s canny will always be aware of and focus on developing personal resilience as well. And these initiatives do not need to be expensive to have an impact.

<b>Personal Resilience</b>	<b>Workplace Initiatives</b>
Promote self esteem	<i>Emphasise Positive Praise + Reflection (managers) (1)</i>
Promote contact with people	<i>Lunch club/Book Group Baking Group – across teams and cliques (2)</i>
Promote work life balance	<i>HR monitor hours: Insist people go home (3)</i>
Promote health	<i>Massage/Yoga/Walking Singing/Meditation (4)</i>
Promote Learning – anything	<i>Absolutely anything (5)</i>
Welfare Advice + EAP	<i>Counselling and Home issues (6)</i>

Evidence for why we should do these

- 1) All research in HR shows that praise that is delivered appropriately and on time and from a trusted source = best way to value staff. It shows you notice and care about them as a person and that you notice their performance. Encouraging them to learn about themselves and their skills is next added benefit.  
Talk is work – Building a positive relationship is vital for trust and performance management  
We need to move away from English awkwardness about praise!!!!
- 2) Any increase in contact with people is good for mental health. Any increase in contact across the organisation is good for building trust and communication. And fun.
- 3) Research from Japan shows that every hour over 8 you get 10% less productive and after 10 hours not productive at all.
- 4) All of these have been shown to improve mental health and reduce stress.
- 5) Learning anything at all improves mental agility and makes you feel good.

6) If home life is affecting a person then we have to recognise this and support as best we can.

Offer help support and advice to a plan.

*Have a look at the Company examples from the Emotional Resilience toolkit and see what impact they had on key HR benchmarks. See the resources section.*

### **Is an EAP worth it?**

Typically between 10-30% of a workforce uses the facility once it's in place. More where more people know about it and when word of mouth recommendation says the service is good! Some schemes allow family members to access the service as well – which is a clear added benefit to employees.

According to a report in Pay magazine in April 06 the cost for large employers (1-2,000 employees) can be as low as £15 per head, and for smaller employers anywhere between £10 - £40 per head depending on the service offered.

A good EAP scheme can be a very useful management tool. And they provide counselling from professional counsellors, not us lay people.

*Issues to check in a potential scheme include:*

- Does it set out clearly and simply what staff can and can't get access to
- Easy clear round the clock access
- Ensures counsellors are BACP accredited
- Provides clear value for money
- Is integrated with personnel and well being strategies of the orgn
- Provides good quality management information and feedback with regular analyses on encounters and usage

## **4 Recognising and Managing Stress in others**

### **AN APPROACH FOR A FIRST CONVERSATION**

#### **Set up the conversation**

Ensure they realise it's about how things are at work  
Ensure a private space  
Prepare what you want to say clearly

#### **Contracting**

Be clear and explicit from the start + go over confidentiality  
You have noticed some changes/issues (but don't talk about yet)  
You want to be supportive  
You want to understand any stress related issues and what the causes might be

#### **Questions**

Start with an open question. 'How do you feel things are going at the moment? '  
If relevant explore if there are obvious reasons for the behaviour for example a difficult situation at work a poor appraisal.

### **Documenting and Confidentiality**

Explain you may need to take notes if you need to take action  
Explain that if she discloses issues that have a wider impact you may need to disclose them to HR or up LM chain  
Re-iterate main aim is to offer support and help  
Aim is to try and get a way forward together

### **Feed back your observations**

Start to feedback your behavioural observations

Refer to recent specific events. Stick to facts rather than opinions and judgements. 'I saw you behaving like this, which isn't typical of you' rather than 'Why were you behaving like an obstructive cow just then?' 'Or you are just not yourself at the moment.'

*Have your examples prepared*

Encourage them to respond and offer observations and comments

If there seems to be a stress related element than go on and discuss this

### **Explore causes and problems**

Ask if the issues are largely home or work related  
If home try and refer on to appropriate support  
If work related introduced the HSE indicators  
Try to get a feel for if this is new or ongoing; consistent or temporary  
Be open to considering yourself as part of the problem – If the individual says you are part of the problem then refer upwards

### **Taking it forward**

Agree and document the next steps if appropriate  
Follow up meeting  
Specific approach  
Responsibilities  
Give as much control to the individual as possible  
Timescales  
Any third party involvement

## STRONG MANAGEMENT VV BULLYING

<b>Addressing poor performance in teams</b>	<b>Strong management</b>	<b>Bullying</b>
The Performance issue is identified	The identification looks at all potential reasons for the performance deficit, eg systems, people, training and equipment	There is no attempt to identify the source of the poor performance
The views of the team or individual are sought to identify the cause of the unacceptable level of performance	The team or individual take part in looking for the cause of the problems in the performance and helps the manager identify solutions for the whole team	There is no discussion of the cause of the performance deficit or opportunities for the team members or individual to discuss their difficulties
New standards of performance are agreed with all team members	Standards for performance and behaviours are set and agreed for each team member and the manager	New standards are imposed, with no team or individual discussion on appropriate standards of performance or behaviour
The method and timing of monitoring/audit is agreed	Whenever possible, the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed	Without agreed standards, the monitoring can occur at any time and involve areas that are unexpected by the team member
Failure to achieve the standards of performance set are dealt with as performance improvement issues	Opps are taken to identify individuals who are struggling, and support is provided. If individuals are unwilling to comply with the agreed performance improvement process, disciplinary action may be taken.	Individuals who fail to achieve the standards of performance set are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion, teasing or sarcasm.
Recognition is given for positive contributions	Improvements in performance, attitudes and behaviours are recognized and rewarded.	Because there's no monitoring, its' impossible to recognise where there have been positive contributions. Rewards and recognition are therefore arbitrary and open to acts of favouritism

## 4.2 Managing Absence related to Stress

### RETURN TO WORK INTERVIEW

This meeting is a fact finding meeting and possibly setting some boundaries for action.

<b>Introduction and purpose of meeting</b>	<b>Following policy</b>
<b>Fact Finding</b> <b>Reasons for absence</b>	Point out pattern of absence if necessary
Check you are OK now Sought help?	
Pregnant? Just checking Must carry out risk assessment if they are Will need to go over the Maternity policy at some point Is this public knowledge?	
Recurring? Disabled? Sought help?	
Caring for another person who is disabled?	
Any particular probs – Cancer?	
Issues at home ?	
Issues at work? Environment or Job design	
Issues at work ? People/team/manager	
Motivation generally	
<b>STRESS?</b>	<b>HSE CHECKLIST done</b>
<b>Come back to pattern and level of absence</b> Explain that though the organisation is sympathetic to cases of genuine illness, it cannot tolerate high levels of absence.	<b>Point to policy</b>
Underline the need for good attendance and ask if there is anything that can be done to help them attend work as expected.	
<b>Ending</b> Tell the employee that a note of the conversation will be put on their file	
<b>Monitoring will continue</b> What will happen next?	

## 5 Action summary

- Do a workplace stress audit and risk assessment
- Develop good general management practices
- Consider a specific stress approach
- Get good policies and procedures
- Train your managers
- Always take a stress complaint seriously and investigate causes.
- Be proactive
- Develop a supportive work ethos to encourage staff to discuss and seek support when experiencing stress.
- A recent survey on Employee Assistance Programmes suggests that one third of those without a plan are considering getting one.

### Finally - If stress is affecting you personally

- Work out what it is that is making you feel stressed and what you can do about it.
- Talk to someone, preferably at work, but if not anyone
- Have a look on NHS Direct or google 'Stress'
- When you know what you want to say bring it up in supervision and have a plan of what you'd like to happen rather than a general moan.
- If nothing happens or if you have an unsympathetic manager go to HR or perhaps put in a formal grievance

### Useful Resources

ACAS Website: <http://www.acas.org.uk>

ASE- distribute the Occupational Stress Indicator audit tool Website: <http://www.ase-solutions.co.uk>

#### Health and Safety Executive (HSE)

Website: <http://www.hse.gov.uk>

Guidance and advice, the standards and the HSE stress analysis tool can all be downloaded from the HSE website HSE Books website: <http://www.hsebooks.co.uk>

#### International Stress Management Association<sup>UK</sup>

Website: <http://www.isma.org.uk>

**Stress guide** from [www.eef.org.uk](http://www.eef.org.uk). (Won a plain English Award)

Web based tool to help SME's track and assess how well they are managing their own health and safety performance. [www.hspi.info-exchange.com](http://www.hspi.info-exchange.com)

#### 'Emotional resilience toolkit'

This Emotional Resilience Toolkit provides practical guidance in promoting the resilience of individuals and teams in companies as part of an integrated health and wellbeing programme.

[http://www.bitc.org.uk/resources/publications/emotional\\_resilience.html](http://www.bitc.org.uk/resources/publications/emotional_resilience.html)

Equality Legislation and changes [www.equalities.gov.uk](http://www.equalities.gov.uk)

CIPD [www.cipd.org.uk](http://www.cipd.org.uk)