

Stress at work

A guide for UNISON safety reps

Our key messages on stress are:

- work-related stress is a serious problem
- tackling it effectively can result in significant benefits for organisations
- there are practical things organisations can do to prevent, remove or control work-related stress
- stress is a management issue which a manager can help resolve
- UNISON is working with members and employers to raise awareness of work-related stress and how it is best reduced, controlled and managed.

Stress at work

Almost 13.5 million working days were lost due to work related stress during 2007/8. While some employers have accepted that stress is a major problem in their workplace, few have any idea how to tackle it effectively. Despite good practice among some employers work related stress continues to be an increasing problem for many UNISON members' health and wellbeing.

UNISON believes that stress is one of the biggest health issues at work today. The true extent of stress-related problems is largely hidden because very few people are prepared to admit that they are suffering from stress, or to seek help. It is difficult for those who have not experienced depression, anxiety and despair, which often accompany stress, to fully appreciate the effect stress can have on people's lives and on the lives of their families.

The Health and Safety Executive (HSE) accepts there is no such thing as a pressure-free job and UNISON agrees. Challenge and stimulation are necessary, but stress is not. If a job is to be done well, stress should be removed. Our members report high levels of work-related stress in all sectors including health and social care, education, call centres, grounds maintenance, libraries, energy and water. In addition, the TUC's 2008 survey of safety representatives shows stress is the most frequently identified hazard in most workplaces.

The levels of stress experienced will vary between individuals, as will their reactions to stress. Stress is also difficult to measure. Employers often portray stress as an individual problem rather than an organisational one and usually claim that the stress is caused by problems outside of work. However, while some stress can be caused by factors such as relationships, health and noisy neighbours, work is still one its main causes.

Stress definition

Work-related stress is defined by the HSE as "the adverse reaction people have to excessive pressures or other types of demand placed on them".

This distinguishes between the beneficial effects of reasonable pressure and challenge, which can be stimulating and motivating, and work-related stress, which is the natural but distressing reaction to demands or 'pressures' that an individual perceives they cannot cope with at a given time.

Work-related stress facts and figures

According to the 2007/8 HSE labour force survey:

- around 420,000 individuals in Britain believed they were experiencing work-related stress in 2007/8 at a level that was making them ill
- an estimated 237,000 people first became aware of work-related stress, depression or anxiety in the previous 12 months
- depression or anxiety account for an estimated 10.5 million reported lost working days per year in Britain

- the psychosocial working conditions surveys indicated that around one in six of all working individuals thought their job was very or extremely stressful
- those working within public administration, housing and welfare officers were also shown to have higher rates of self-reported work-related stress.

In all TUC surveys of safety representatives since 1996, by far the most common concern raised with safety reps is overwork and stress. In 2006, six out of 10 safety representatives (61%) cited stress as a main concern to members. Three out of four safety reps who reported that stress was a problem at their workplace said that workload was a major cause. More than half of safety reps cite change and staff cuts as factors. And the 2008 survey revealed similar results. For example, stress is cited as a problem in more than 50% of all workplaces – from 53% in workplaces with fewer than 50 employees, rising to 66% in workplaces with more than 1,000 employees. The results also show that stress is more prevalent in the public sector, where two thirds (66%) of safety representatives identified it as a major concern, compared to 47% of representatives in the private sector.

More details about the TUC safety representative surveys can be found on the TUC website: tuc.org.uk

Causes and effects of stress

Stress may be caused or made worse by a number of factors including:

- long hours
- shiftwork
- unrealistic targets or deadlines
- too much or too little work
- lack of control and conflicting demands (especially among the lower grades)
- poor management

- bad relations with other work colleagues
- repetitive work, boredom and lack of job satisfaction
- working alone
- job insecurity
- job or organisational change
- low pay
- jobs with heavy emotional demands
- bullying, harassment and either actual or threatened violence
- a poor working environment (such as excessive noise, the presence of dangerous materials, overcrowding, poor facilities, or extremes of temperature or humidity).

The effects of stress can lead to physical symptoms of ill health as well as longer-term psychological damage. Many of the early outward signs will be noticeable to managers and work colleagues and should alert those within the organisation who have control of and responsibility for staff. They include:

- changes in behaviour
- unusual tearfulness, irritability or aggression
- indecisiveness
- increased sickness absence
- poor timekeeping
- reduced performance, for example, an inability to concentrate
- overworking or failure to delegate
- erosion of self-confidence
- relationship problems, for example, becoming withdrawn or argumentative with colleagues

- increased unwillingness to co-operate or accept advice
- excessive smoking or drinking
- drug abuse.

Those who are experiencing work-related stress may also complain of or demonstrate symptoms of:

- anxiety
- depression
- panic attacks
- headaches
- raised blood pressure
- indigestion
- muscle tension
- increased heart rate.

The cost to employers and society

The HSE recognises that stress is a major contributor to work-related ill health and sickness absence. It estimates that 13.5 million working days were lost to stress, depression and anxiety in 2007/8. This represents an average of 30.6 working days for each person suffering from the condition, making it the largest contributor to the overall estimated annual days lost from work-related ill health in 2007/8. The Confederation of British Industry puts the cost to employers of mental health and stress problems at £5 billion a year. The Institute of Management estimates that 270,000 people take time off work every day due to work-related stress – a cost to the UK economy of £7 billion a year in terms of sick pay, lost production and NHS costs.

There is also evidence that insurance companies are seeking more information from employers on what preventative measures they are taking with regard to stress. It is therefore likely that employers who fail to act will face higher policy charges.

Even where problems outside of work may be the cause, employers still need to ensure that their work does not make the stress worse and that where necessary, professional assistance is available. Employers have no legal duty to prevent ill health caused by stress from outside work, but it is in their interest to be sympathetic because employees may become more vulnerable to workplace stress, and may also find it difficult to do their jobs well.

The HSE notes that where employers successfully tackle workplace stress they enjoy a healthier workforce, lower sickness absence, better performance, improved service, less frequent and less severe accidents, better relationships between colleagues and with clients, and less staff turnover. The benefits of taking corrective action on stress can therefore be very cost effective.

Stress and the law

There is no specific legislation dealing with stress. UNISON believes there should be. In the meantime existing laws, such as the Health and Safety at Work Act 1974, require employers to ensure the health, safety and welfare of their employees.

However the most important regulations that can be used to protect members are the Management of Health and Safety at Work Regulations 1999. These require employers to assess the risk of work-related ill health arising from work activities, ensure that these are removed or proper control measures are in place to avoid these risks wherever possible, and reduce them so far as reasonably practicable.

By law every employer must conduct a suitable risk assessment in the workplace.

Risk assessments are the key to preventing illness through stress. The HSE guidance to managers states: “Undertaking a risk assessment for work-

related stress is more complicated than for physical hazards, but it involves the same basic principles and process.” It goes on to explain that “the purpose of carrying out a risk assessment is to find out whether existing control measures are sufficient, or if more should be done. Completing a risk assessment will not itself reduce work-related stress. However the actions you take as a result should do so.”

Basically, there is nothing special about stress that makes it significantly different from any other workplace hazards. It must be identified, prevented, removed or controlled in order to ensure a safe workplace. As a potential hazard, stress should be identified in risk assessments in the same way as physical hazards like dangerous chemicals or fire risks.

In addition, the Working Time Regulations place limits on the length of the working week, and make paid holidays a legal entitlement. These will help alleviate some of the worst causes of stress – long hours and a lack of rest.

UNISON has produced online guidance on the Working Time Regulations, available from the bargaining zone of the website: unison.org.uk/bargaining

UNISON has been at the forefront of taking civil cases for damages for stress at work. We have had success against employers who failed to protect members from stress. However the courts have been reluctant to allow such claims, so although recent case law has made it slightly easier to take legal action for stress it is important to remember it is still very difficult to succeed. The work of UNISON safety representatives and stewards within the workplace is therefore vital to members suffering from workplace stress

Case study A

(The first legal case to succeed)

Walker v Northumberland County Council (1995)

In this case UNISON member John Walker, a senior social worker, faced a huge workload which focused on child abuse cases. Meetings took place between Mr Walker and his managers and he alerted them to the fact he was overworked. Two years before his first breakdown he wrote to his superiors stating that: “I have been working under great pressure which has been physically and mentally tiring. The point I am making in requesting one week’s leave in lieu of in excess of 100 hours overtime is that I have worked very hard; I am exhausted and need a break without using up too much leave.”

Before Mr Walker’s breakdown, his employer carried out a review of working practices and this revealed that staff found it difficult to deal with the workload given to them.

Mr Walker suffered a breakdown shortly after. He returned to work following an agreed approach with his employer to try to prevent a second breakdown. However his employer broke the terms of the agreement and Mr Walker suffered a second breakdown.

Unfortunately, despite Mr Walker’s clear warning that he was under stress, the judge did not find the employer to be responsible for the first breakdown, only for the second one. The court ruled that:

- the stress was predictable because it was caused by work and the employer was aware of the consequential risks to health
- the stress was preventable because effective action to alter the work and reduce the workload could have been taken
- the employer had a duty to provide his employee with a reasonable safe system of work.

In 1996 Mr Walker accepted £175,000 in compensation.

Case study B

Hatton v Sutherland (2002)

Four stress cases which had all been successful before a county court judge were appealed and heard together under the collective title Hatton v Sutherland in 2002. The Court of Appeal took the opportunity to clarify the law in detail. Lady Hale set out 16 practical propositions that have meant that the number of successful stress cases since that time has been greatly reduced.

These guidelines mean a claimant must overcome significant legal hurdles to be successful.

For example, the issue of 'foreseeability' is determined in Lady Hale's threshold test – ie, was it reasonably foreseeable that this claimant carrying out this particular job would suffer:

- a) a psychiatric illness (as opposed to an emotional response) which
- b) was attributable to stress at work caused by the defendant's breach of duty?

If not then the claim will fail. The court identified factors likely to be relevant in answering the threshold question:

- was the workload much more than normal for the particular job?
- were demands being made of this employee unreasonable when compared with other comparable jobs?
- was there an abnormal level of sickness or absenteeism in the same job?
- the nature and extent of the work done by the employee.

These are also the types of questions which ought to be considered to formulate the basis of a risk assessment carried out in the workplace.

The court went on to say that in order to trigger a duty to take steps, the indications of impending harm to health arising from stress at work must be

plain enough for any reasonable employer to realise that they should do something about it.

It is important to distinguish signs of stress from signs of impending harm to health. These are entirely different. It is only when there is a risk of immediate harm that the employer is expected to take steps.

In all cases therefore it is necessary to identify the steps which the employer both could and should have taken before finding a breach of duty of care.

Case Study C

Barber v Somerset County Council (2004)

Mr Barber's claim was one of the unsuccessful ones in the Hatton v Sutherland group of cases. He appealed to the House of Lords on the limited point of whether there had been a breach of duty of care.

Mr Barber was a teacher at a school in Bridgewater, Somerset. His workload had been increased and he suffered from stress. He was away from work for a short period of time and presented a sick note which simply said "stress". On his return to work nothing was done to reduce his workload. In the autumn term he again mentioned his stress levels to the deputy head teacher. He had a breakdown in November 1996 and was never able to return to teaching.

The House of Lords upheld Lady Hale's 16 practical propositions and the general principles set out in Hatton v Sutherland. Lord Walker stated that "the overall test is still the conduct of the reasonable and prudent employer taking positive thought for the safety of their workers in the light of what they ought to know".

The judge found that on Mr Barber's return to work after his first absence the senior management team should have "at the very least, taken the initiative in making sympathetic inquiries about Mr Barber and making some reduction in his workload to ease his return".

He also rejected arguments raised by the defendants that school resources were stretched. It was stated that even a small reduction in duties coupled with a feeling that senior management was on his side might have made a real difference to Mr Barber.

For employers, the duty is to be proactive at an early stage. If an employee has been off work with stress their employers should regard themselves under a positive duty to take the initiative. This should include a review of the risk assessment to determine if further control measures are needed.

Case study D

Hiles v South Gloucester NHS Primary Care Trust (2007) **Daw v Intel Corporation UK Limited (2007)**

In each case the claimant had broken down in tears in front of her respective line manager. Each one suffered from a nervous breakdown shortly afterwards. The judgment in both cases stated that behaviour such as crying at work was enough to place the employer on notice that an investigation should have taken place. This in turn might have allowed steps to be taken to prevent the breakdown.

In the case of *Daw v Intel*, one of Lady Hale's propositions came under scrutiny. She had suggested that where an employer had a confidential counselling service available, the employer would rarely be in breach of its duty of care to the claimant in failing to take further steps to protect the claimant's health.

Intel had a counselling service available, which they stated had been available for use by Mrs Daw. The court however said that this was insufficient to discharge the employer's duty to provide a safe working environment and the provision of a counselling service could not absolve employers from liability.

Both cases followed the judgment in *Barber v Somerset County Council* where it was stated that:

"A prudent employer faced with the knowledge of work overload dating back to autumn 1995 and increasing into 1996, such that the employee had to take time off work for stress, would have investigated the employee's situation to see how his difficulties might be improved."

The episodes of crying in the *Daw* and *Hiles* cases were not the reaction of a healthy employee and should have been investigated.

Case study E

Dickins v O2 (2008)

Ms Dickins was a finance officer at O2. She had complained on a number of occasions in 2002 about the levels of stress she had suffered. She asked for another job which was refused and no assistance was given to her. She started to be late for work due to exhaustion. At a meeting with her manager in April 2002 she said that she was stressed out and that she was drained of energy.

At her appraisal on 30 May she stated that she was very stressed and requested a sabbatical. She relayed her symptoms, saying her work would lead her to being off sick sooner or later. It was agreed that she should be referred to occupational health. However no referral was made until after she went off sick in the middle of June 2002.

She was unable to return to work and her employment was terminated in 2003.

In the judgment Lady Smith stated that the report in April was enough to make the risk of the claimant suffering a psychiatric injury foreseeable.

This is a departure from the *Hatton* judgment.

It follows on from the decision in *Daw v Intel*. It would seem that an employer does now have a duty to take immediate steps to investigate an employee's health problems as soon as they are reported. The correct course of action on the 30 May 2002 when

Ms Dickins reported that she was likely to be absent from work was to have sent her home pending a report from occupational health.

The law has therefore moved slightly in the claimant's favour. When the claimant clearly reports a stress-related problem, the employer has a duty to investigate the matter and to take reasonable steps to alleviate the problems where it is possible to do so.

Case study F

Bullying/harassment claims pursuant to the Protection from Harassment Act 1997

The Protection from Harassment Act was introduced to combat the problems of stalking. It had not been considered that it would provide a remedy for bullying in the workplace until the case of *Majrowski*, below.

***Majrowski v Guy's & St Thomas' NHS Trust* 2005**

Mr Majrowski worked for the Guy's and St Thomas' Hospital Trust as a clinical coordinator. He made a formal complaint of harassment against his manager Mrs Freeman in April 1998. He alleged that she had bullied and intimidated him. He stated that she was rude and abusive to him in front of other staff. She criticised him continually and imposed unrealistic performance targets on him. She then threatened him with disciplinary action if he failed to meet them. He alleged the treatment was "fuelled by homophobia" as he was gay. The complaint was upheld by the trust and they found harassment had occurred in 1999. Mr Majrowski was dismissed by the trust for an unconnected incident. Nearly four years later he claimed damages under section 3 of the Protection from Harassment Act for distress and anxiety caused while he was employed by the trust. Initially the case was struck out by Judge Collins at the Central London County Court. He stated that the 1997 act did not create a level of liability in employment law and that employees were already adequately protected by the common law.

Mr Majrowski appealed to the Court of Appeal. On 16 March 2005 the Court of Appeal allowed the appeal, stating that the Protection from Harassment Act could cover the situation where an employee was bullied during the course of his employment. The defendants appealed to the House of Lords. The question raised was whether an employer is legally responsible (ie, vicariously liable) for harassment committed by an employee in the course of his/her employment.

On 12 July 2006 the House of Lords upheld the decision of the Court of Appeal. The judgment confirmed:

- a) The principle of vicarious liability is applicable where an employee commits a breach of statutory obligation whilst acting in the course of his employment.
- b) The Protection from Harassment Act 1997 applies as much between an employer and an employee as it does between any two persons. Further it is now tolerably clear that although the victim must be an individual, the perpetrator may be a corporate body.
- c) Damages may be awarded for anxiety caused by the harassment and any financial loss resulting from the harassment.
- d) The limitation period under the act is six years.

The House of Lords did not give any guidance as to what would amount to harassment. We know however from the act that any course of conduct which "a reasonable person would consider as an act of harassment" will be required. In the Court of Appeal, Lord May did give some guidance on what would amount to harassment.

He said: "There must be serious conduct which will also amount to criminal conduct" and the conduct would have to be "sufficiently serious to merit the granting of an injunction restraining future harassment".

More recent decisions from the High Court and the Court of Appeal suggest that the courts will adopt a very strict interpretation of the act and that only

conduct “which has a real element of seriousness” will amount to harassment under the act.

The Court of Appeal has given further definition regarding the type of behaviour which will amount to harassment in the case of **Conn v City of Sunderland (CA November 2007)**.

In this case the claimant worked on a council road gang. There were two potential incidents of harassment. The first was where a supervisor had shouted aggressively at the claimant and two colleagues. When he did not get what he wanted he lost his temper and said that he was going to “punch out the cabin windows” in anger. The trial judge said that this crossed the boundary to the unreasonable and oppressive. The second incident occurred when the supervisor threatened to give the claimant “a good hiding”.

The Court of Appeal held that the first incident did not come close to the threshold of the type of conduct required to give rise to liability under the act. They also stated that the comment had been made to a number of people and therefore was not targeted at the claimant alone. They were also sympathetic to the defendant’s argument that the council road gang was likely to be an environment where robust language was to be expected.

In respect of the second incident, the judge said he was prepared to accept that this was conduct which fell within the ambit of the act but that it was not a matter free from doubt. As the first incident was not held to amount to harassment the case failed as there was no “course of conduct” (ie, a single incident is not sufficient) which as set out in section 1 of the act is necessary for such a claim to succeed.

It can therefore be seen that arguments between colleagues and reasonable, even robust, management decisions will not amount to the type of behaviour required to succeed in a claim for bullying/harassment. The behaviour must be serious, capable of amounting to a criminal act, targeted at the claimant and form part of a course of conduct (ie, relate to more than one incident).

More detailed guidance on harassment (stock no 1359) and bullying (stock no 1281) is available from UNISON through the online catalogue: unison.org.uk/resources

There is also a stress at work fact sheet (stock no 1925) and a stress claims guide for UNISON branches and regions (stock no 1926).

Summary

Taking compensation cases may help make employers sit up and take notice; however, as the case studies in this guide show, they only work after someone has had their health seriously damaged.

In addition, stress cases are very difficult to pursue. The courts have imposed a very high standard of proof, and a number of principles have to be applied before these cases can be won.

It is therefore far better to try and resolve matters internally and make employers take action early before matters become that serious. As part of their risk assessment employers should check their sickness records. If there is any evidence that employees have had time off as a result of stress at work they must assess that risk and take appropriate action. Otherwise the risk assessment is not “suitable and sufficient” as required by law.

If your employer has not done a risk assessment, or the risk assessment has not covered stress where this is clearly a problem, branches can consider asking the enforcing authorities to intervene to force the employer to comply with the law. **Details of who the enforcing authority is (the HSE or the local authority) should be displayed on noticeboards in your place of work.**

The HSE has made it clear that “enforcement action, in the form of an improvement notice, may be considered where organisations fail to show sufficient commitment to – or make sufficient progress in – assessing the risks from work-related stressors, *unless* the organisation can demonstrate that employees are not exposed to risks to their

health and safety from exposure to stressors at work”.

It is better to negotiate a good stress policy with your employer rather than seek redress in the law so that stress can be prevented rather than compensated for once it has occurred.

An example of a stress prevention policy is given in Appendix A of this guide.

Risk assessment

The HSE guide *Managing the causes of work related stress: a step by step approach to the management standards* should be used by all employers when considering how to address the problem of stress. The guide puts risk assessment at the heart of any plan to reduce the risk of work-related stress.

However the HSE makes clear that before a risk assessment is undertaken **the employer should:**

- talk to their staff about work-related stress and explain what they want to identify
- set up a group to help (which includes trade union safety/employee representatives, the unit health and safety officer, one or more supervisors or line managers, an HR representative and, where possible, someone from the occupational health service)
- explain that the first step is to undertake a risk assessment
- ask the group to assist in the assessment
- agree a date when the key findings of the risk assessment will be available.

UNISON safety representatives should ensure that if they do get involved in any group set up to oversee risk assessments on stress, they make it clear that they are there simply to give advice and that the risk assessment is the responsibility of management. This is important because safety representatives will want to ensure that they can make representations if the risk

assessments are inadequate, or if they do not lead to the necessary action or resources being made available.

If a member of staff who is also a safety representative agrees to carry out risk assessments, it should be made clear that they will do so in their occupational capacity and not as a safety rep. They will, of course, still need to have sufficient training, resources and authority to carry out this duty as outlined in the *Management of Health and Safety at Work* regulations.

Identify the hazards. Before doing anything the employer has to find out if there is a problem. There are several broad categories of risk factors for work-related stress: culture, demands, control, relationships, change, role, and the support, training and other factors unique to the individual. The HSE stress management standards should also be part of this process.

The HSE recommends that employers identify the hazards using a variety of methods, including sickness absence records, focus groups, surveys, return to work interviews, informal talks with employees, employee turnover, and exit interviews.

Decide who can be harmed. Work-related stress can affect any member of staff, however some staff may be more vulnerable than others because of the work they do or if they are returning to work after an illness or domestic crisis. It is important that measures to combat stress do not focus on any particular individuals who employers feel may be more likely to become ill, and instead relate to the work of the organisation as a whole.

Evaluate the risk. Basically the employer has to look at what action they are already taking, decide whether it is enough, and what more they need to do. It is at this point that the employer has to decide what measures they need. The HSE says that, in controlling risks, employers must apply the principles below and in the following order:

- avoid risks (for example, make the work environment safer so that staff are not anxious about the threat of violence)

- combat risks at source (for example, by organising the work sensibly and giving people clear roles)
- adapt the work to the individual – especially in workplace design, the choice of work equipment and the choice of working methods – to alleviate monotonous work and work at predetermined rate, and to reduce their effect on health
- develop a coherent overall preventative policy which covers technology, organisation of work, working conditions, social relationships and the influence of any other factors relating to the working environment
- give collective protective measures priority over individual protective measures (for example, by tackling stress at source, rather than just providing information and training to individuals, or access to an employee assistance programme)
- give appropriate instructions to employees.

It is important for safety representatives to ensure that employers do not look at individual protective measures before they have looked at the principles above.

Record the significant findings of the assessment. All employers should already be conducting risk assessments for other hazards and recording the findings for these. It is therefore very easy for stress to be included within these risk assessments, and recorded in a similar way.

Review the assessment at appropriate intervals. The HSE recommends the assessment be reviewed every six months initially and then annually if there are no significant changes.

Further guidance on risk assessments can be found in *Risk Assessment – a UNISON guide* (stock no 1351), available through the online catalogue at unison.org.uk/resources

The stress management standards

The management standards for work-related stress produced by the HSE can help employers reduce levels of stress in their workplace and meet their existing legal obligations. The standards cover six key areas of work design which are thought to be the primary sources of stress at work and are linked to the risk assessment process. Each standard is set out in the form of simple statements on good management practice. They are reproduced here.

1. Demands

The standard is that:

- employees indicate that they are able to cope with the demands of their jobs
- systems are in place locally to respond to any individual concerns.

What should be achieved?

- the organisation provides employees with adequate and achievable demands in relation to the agreed hours of work
- people's skills and abilities are matched to the job demands
- jobs are designed to be within the capabilities of employees
- employees' concerns about their work environment are addressed.

2. Control

The standard is that:

- employees indicate that they are able to have a say about the way they do their work
- systems are in place locally to respond to any individual concerns.

What should be achieved?

- where possible, employees have control over their pace of work
- employees are encouraged to use their skills and initiative to do their work

- where possible, employees are encouraged to develop new skills to help them undertake new and challenging pieces of work
- the organisation encourages employees to develop their skills
- employees have a say over when breaks can be taken
- employees are consulted over their work patterns.

3. Support

The standard is that:

- employees indicate that they receive adequate information and support from their colleagues and superiors
- systems are in place locally to respond to any individual concerns.

What should be achieved?

- the organisation has policies and procedures adequately to support employees
- systems are in place to enable and encourage managers to support their staff
- systems are in place to enable and encourage employees to support their colleagues
- employees know what support is available and how and when to access it
- employees know how to access the required resources to do their job
- employees receive regular and constructive feedback.

4. Relationships

The standard is that:

- employees indicate that they are not subjected to unacceptable behaviours, such as bullying at work
- systems are in place locally to respond to any individual concerns.

What should be achieved?

- the organisation promotes positive behaviours at work to avoid conflict and ensure fairness, employees share information relevant to their work

- the organisation has agreed policies and procedures to prevent and resolve unacceptable behaviour
- systems are in place to enable and encourage managers to deal with unacceptable behaviour
- systems are in place to enable and encourage employees to report unacceptable behaviour.

5. Role

The standard is that:

- employees indicate that they understand their role and responsibilities
- systems are in place locally to respond to any individual concerns.

What should be achieved?

- the organisation ensures that, as far as possible, the different requirements it places upon employees are compatible
- the organisation provides information to enable employees to understand their role and responsibilities
- the organisation ensures that, as far as possible, the requirements it places upon employees are clear
- systems are in place to enable employees to raise concerns about any uncertainties or conflicts they have in their role and responsibilities.

6. Change

The standard is that:

- employees indicate that the organisation engages them frequently when undergoing an organisational change
- systems are in place locally to respond to any individual concerns.

What should be achieved?

- the organisation provides employees with timely information to enable them to understand the reasons for proposed changes
- the organisation ensures adequate employee consultation on changes and provides

opportunities for employees to influence proposals

- employees are aware of the probable impact of any changes to their jobs. When necessary, employees are given training to support any changes in their jobs
- employees are aware of timetables for changes
- employees have access to relevant support during changes.

The management standards represent a set of conditions that, if present, reflect a high level of health, wellbeing and organisational performance. They also demonstrate good practice through a step-by-step approach allowing assessment of the current situation using surveys and other techniques. This promotes active discussions and partnership working to help decide on practical improvements that can be made. The management standards help to simplify risk assessments for work-related stress by identifying the main risk factors and will help employers to focus on the underlying causes and the prevention measures needed. They also provide a measure by which organisations can gauge their performance in tackling the key causes of stress. In addition, the HSE has recognised the importance of a partnership approach and suggests that there are a number of key players within the workplace who are key to the success in implementing the management standards. These include the director/CEO, health and safety manager, line manager, occupational health, the trade union, human resources, and a health professional.

To underpin these standards **systems must be in place locally to respond to any employee or management concerns that may arise.**

Safety reps should be familiar with the standards in the absence of more binding legislation.

More information and resources on managing stress can be found on the HSE website: hse.gov.uk/stress

Support for stressed workers

The HSE says employers should offer support to staff who are or who are likely to be affected by stress.

There is also a lot more that managers can do to support staff, such as ensuring they are not penalised for feeling the effect of too much pressure.

Many employers seek to support workers who are suffering from stress-related illness by introducing stress intervention programmes. These are usually either ineffectual or deal with the individual's response to stress rather than the stress itself. Lunchtime yoga or meditation classes may be enjoyable, but they are not going to reduce workloads or pressure. There is also no evidence that stress intervention techniques have any lasting effect on the individual's ability to cope with stress.

The provision of support measures such as counselling, on their own, are not enough. In addition to these, employers should ensure that line managers provide support where problems have developed and, where necessary, refer the person on for further help.

Often members who do suffer a stress-related illness are signed off from work for a long period, do not come back to work or are offered early retirement. With support, and changes to the job, most stress-related illnesses are curable and there is no reason why a worker should not be able to return to work. More importantly, the employer needs proper arrangements to support workers who are made ill through stress and who are seeking to return to work. This can include arrangements for an early return to work interview, allowing people to return to work on a phased or gradual basis with reduced responsibilities, or part-time working until the person feels confident to return to their full duties.

Post-traumatic stress disorder

Some UNISON members who through their work are exposed to a traumatic situation through an event like a major disaster, fire, deaths, or who experience

constant exposure to suffering as a result of their work, have been diagnosed as suffering from post-traumatic stress disorder (PTSD). This is a very severe reaction to a highly stressful and emotional situation and the causes and measures needed to prevent this are different from those covered in this guide.

However, there is a range of medical and other treatment available. Members suffering from PTSD should therefore be advised to seek help from their GP. In addition, safety representatives can ensure that such members are supported in the same way as other members who suffer ill health. This may include arranging time off for treatment, a phased return to work and/or other adjustments to their workload or working environment.

Remember to use safety representative rights

The *Safety Representatives and Safety Committees Regulations 1977* and the *Management of Health and Safety at Work Regulations 1999* give safety representatives strong legal rights. Where the health and safety of employees is concerned safety representatives have the right to:

Consult with members – through meetings and surveys on stress, for example.

Carry out inspections – to help identify causes of stress.

Get information from employers – of relevance here are consultants' reports; sickness absence data; risk assessment results, anonymous stress survey results etc.

Consultation with management in good time (ie, well in advance of changes taking place) on:

- work equipment, the workplace, job content, hours of work, and any proposed changes to these
- the planning and introduction of new technologies, including new equipment, new

computer software, and the need for subsequent training

- the appointment of competent persons, including outside professionals and internal or external counsellors. Those responsible for carrying out stress risk assessments will need appropriate training, and the provision of adequate time, resources, and authority to take decisions
- health and safety training for members, including on stress management or stress awareness
- health and safety information, literature, leaflets and posters on stress, for example, which the employer wishes to provide

There are also rights to access facilities (a private room to talk to members, and the use of internal mail systems to circulate a survey for instance), assistance, and paid time off to carry out safety representatives' functions (meetings with other safety representatives or members, for example) and to attend UNISON or TUC training.

More detailed guidance on the rights and role of safety representatives is available in UNISON's *Health and Safety Representatives' Guide* (stock no 1684) and *Safety Reps and Committees* (brown booklet) (stock no 1819), available through the online catalogue at unison.org.uk/resources

What branches can do

- Talk with members about the way work can damage health. Emphasise that stress is an illness caused by work in just the same way as RSI, back injury or dermatitis.
- Tackle management about their legal responsibility for the health, safety and welfare of employees, including risk assessing and preventing hazards at work, and about the necessity of having a stress prevention policy.
- Help any member who is suffering from stress by getting as appropriate:

- a review of the risk assessment for the job
 - a change of, or changes in the job
 - more training and/or more support
 - more flexibility in how the job is done
 - access to independent counselling, and representation at any disciplinary or dismissal procedure.
- Encourage members to keep a written record of any problems, and to put things in writing to management, so that there is evidence of the concerns raised and the fact that management were aware of them.
- Conduct a survey to find out the extent of stress within your workplace. An example is included in this guide as Appendix B.
- Distribute UNISON's leaflet Stressed out by Work? (stock no 0848) to all members and potential members.

Appendix A

What should a good stress policy contain?

For a stress policy to be effective, it must:

- recognise that stress is a health and safety issue
- recognise that much stress is caused by work
- be jointly developed and agreed with UNISON
- provide for joint monitoring and regular reviews to assess its effectiveness
- have commitment from the very top levels of management
- guarantee a 'blame-free' approach
- apply to everyone.

Its implementation should be based on the outcome of a robust risk assessment.

The objectives of the policy should be to:

- prevent stress by identifying the causes and eliminating them
- recognise and deal with stress related problems as they arise
- change the climate to encourage more openness about this extremely important issue
- rehabilitate employees suffering from stress through the provision of independent confidential counselling and changing their workload, working environment and working time.

Stress prevention – a model agreement

1. The parties to this agreement recognise that stress at work is a health and safety problem and that employers have a legal duty under section 2 of the *Health and Safety at Work Act* to take all reasonably practicable measures to prevent stress at work. Under section 7 of that act, employees have a duty not to endanger themselves or others and to co-operate with their employer in meeting statutory requirements.
2. The *Management of Health and Safety at Work Regulations 1999* require employers to assess health and safety risks, including stress, and to introduce prevention and control measures based on those risk assessments.
3. This agreement will apply to all employees, including those working in the community. The same opportunities for counselling and other help will be offered to all staff, regardless of age, gender, race, sexuality, gender identity, disability status, religion, grade, or job.
4. Priority will be given to assessing the causes of stress at work and introducing measures to reduce or prevent it. The head of department or equivalent post-holder will be responsible for carrying out these assessments in consultation with the safety representatives/stewards for that department. To ensure their competence, specific training will be provided for people carrying out assessments.
5. Where stress causes deterioration in job performance, this will be treated as a health problem and the sufferer will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress.
6. The Health and Safety Executive has produced a range of guidance on reducing and managing stress. These guides, along with the HSE's stress management standards, will be used to determine the appropriate action to be taken by the employer.
7. This agreement for dealing with stress at work forms part of the employer's health and safety policy, and should be read in conjunction with it.
8. In addition to any other prevention measures introduced, employees suffering from stress and stress-related illnesses will be offered paid time off to attend stress counselling sessions. So that staff can make arrangements for counselling outside their working hours if they do not wish to draw attention to their need for counselling,

the names of stress counsellors and how to contact them will be posted on noticeboards, the workplace intranet etc.

- 9.** Counselling will be offered by independent and trained counsellors. This service will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned.
- 10.** Information and training will be given to all employees. This will include: the causes and effects of stress, a copy of this stress agreement, details on how to seek help, and information on the arrangements for reporting causes of stress and work-related illnesses.
- 11.** Where an employee becomes ill through stress, management will seek to identify the causes of the stress and eliminate them through changing the post holder's duties or working environment. Employees unable to continue in their job because of stress-related illnesses will be offered alternative suitable posts, subject to agreed procedures for relocation. Relocation will be considered as a last resort, unless requested by the member of staff concerned.
- 12.** This policy and its effectiveness will be regularly reviewed jointly by the staff unions and management. The initial review will take place six months after this policy comes into effect and at intervals of not more than 12 months thereafter.

Appendix B

Sample stress survey

Your UNISON branch is using this survey to help identify levels of work-related stress. All information will be treated as confidential; we do not even need your name. Please complete and return it to your UNISON representative as soon as possible.

Please provide the following information:

Gender:

Male Female

Age:

Under 20 yrs
20-29 yrs
30-39 yrs
40-49 yrs
50+ yrs

Job title and/or description:

.....
.....
.....
.....
.....
.....
.....

Workplace:

.....
.....
.....
.....

1. Do any of the following conditions affect your department/workplace? (please tick)

- Organisational change or restructuring
- Long hours
- Too high or too low workload
- Insufficient training
- Lack of facilities or support for childcare
- Excessive monitoring
- Difficult relations with clients/public
- Harassment or bullying
- Verbal abuse, threats or actual violence
- Job security
- Poor career opportunities or job insecurity
- Excessive noise
- Poor work organisation
- Uncomfortable temperatures
- Communication difficulties
- Not enough rest breaks
- Too much or too little supervision
- Conflict with management
- Boring or repetitive work
- Pay too low for the job
- Other (please specify):
.....
.....
.....

2. Please list, in order of priority, the three most stressful conditions in your workplace (from the above list or any others you have experienced):

1.

2.

3.

3. Do you suffer from any of the following as a result of stress at work?

(Never/Sometimes/Frequently):

Headaches N S F

Indigestion N S F

Continual tiredness N S F

Loss of concentration N S F

Feeling depressed N S F

Anxiety attacks N S F

Increased smoking/
alcohol use N S F

Sleeplessness N S F

High blood pressure N S F

Other (please specify):
.....
.....

4. Have you taken sick leave from work during the past 12 months due to stress at work?

Yes No

5. If you are experiencing or have experienced stress, what three changes would make or have made the biggest difference?

1.

2.

3.

Please return to:

.....
.....
.....

By:

Appendix C

Further information

UNISON has produced a number of publications that will be useful to safety representatives and stewards who are dealing with stress.

They are available through the online catalogue at unison.org.uk/resources

Bullying at Work – guidelines on tackling bullying in the workplace (stock no 1281)

Guide to the Six Pack – guide to the six European health and safety regulations (stock no 1660)

Health and Safety Representatives' Guide (stock no 1684)

Safety Reps and Committees (brown booklet) – provides UNISON safety representatives with information about their legal rights (stock no 1819)

Risk Assessment – a UNISON guide (stock no 1351)

Stressed out by Work? – a leaflet for members and potential members (stock no 0848)

Are You At Risk? – an A5 leaflet for members and potential members outlining the importance of risk assessments and how you can ensure that your employer is doing them properly (stock number 2720)

Harassment at Work – a UNISON guide (Stock no 1359)

Working Together on Health and Safety – A UNISON guide to partnership agreements (stock no 1890)

Making us better – sickness absence agreement: a guide for branches and safety representatives' (stock no 2594).

Guides from the Legal Department

Stress at Work: What can I do about it? – A fact sheet for UNISON members (stock no 1925)

UNISON guidance to branches on dealing with stress claims (stock no 1926)

UNISON Stress claims form (stock no 1984).

UNISON's bargaining support group provides fact sheets and bargaining guides on a wide range of employment issues, including advice on the Working Time Directive. Details of agreements are also collected and held in the Bargaining Information System. All bargaining support material can be found on the bargaining zone: unison.org.uk/bargaining

Health and Safety Executive

Further information and resources on managing stress can be found on the HSE website: hse.gov.uk/stress

Advice

If you have any specific health and safety queries, your branch health and safety officer or branch secretary may be able to help you. If they are unable to answer the query, they may pass the request to the regional office or to the health and safety unit at head office.

UNISON's health and safety unit is at:
1 Mabledon Place,
London WC1H 9AJ
Tel: 020 7551 1156
Fax: 020 7551 1766
Email: healthandsafety@unison.co.uk

For further information or to join UNISON, call UNISON on 0845 355 0845

Textphone users call free phone 0800 0 967 968

Lines open from 6am to midnight, Monday-Friday and 9am to 4pm Saturday.

You can visit our website at unison.org.uk

a million
voices
for
public
services

add
your
voice

UNISON campaigning
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unison.org.uk/million

UNISON has more than a million members delivering essential services to the public. Services that protect, enrich and change lives. We want to see changes that put people before profit and public interest before private greed. Add your voice to our campaign to create a fairer society.

To find out more or add your voice to our million voices for public services go to unison.org.uk/million



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or ring 0845 355 0845