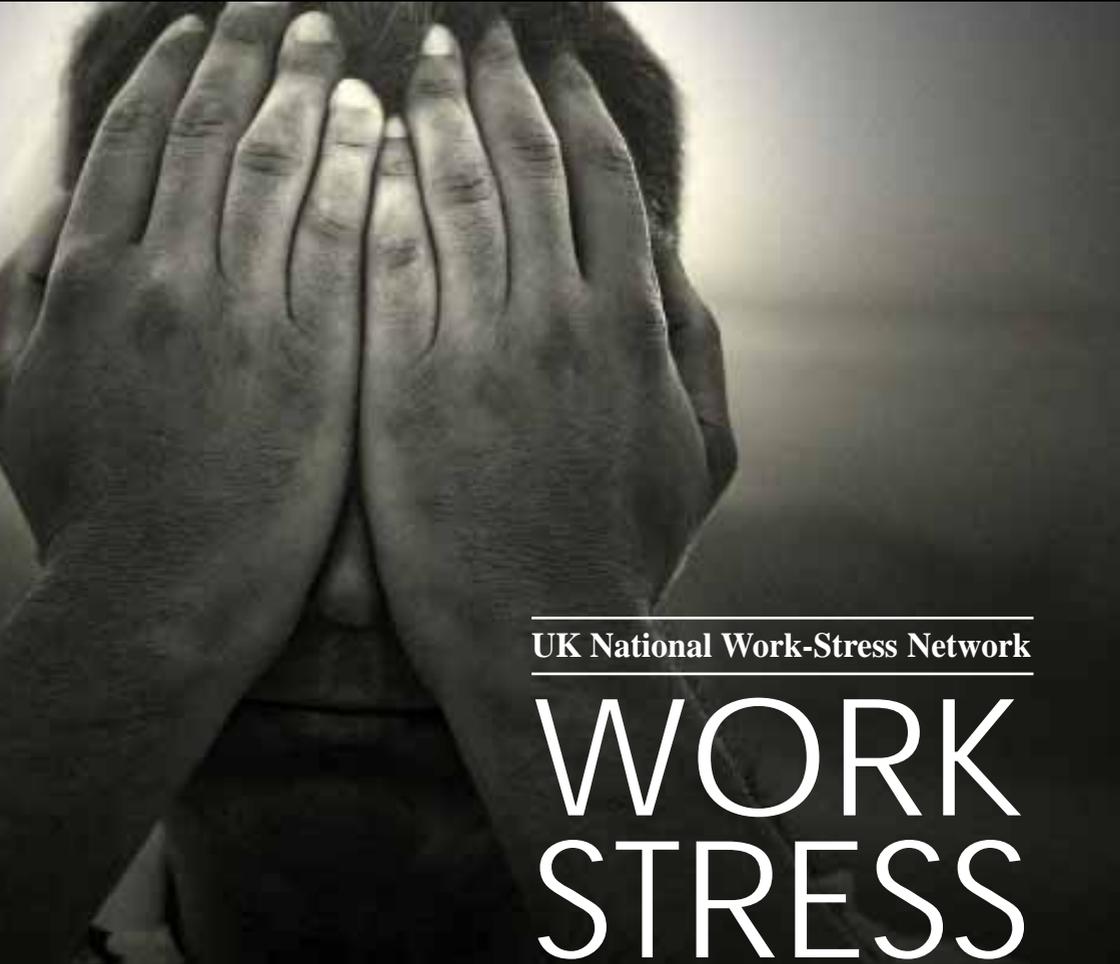


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UK National Work-Stress Network

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# WORK STRESS

SUPPORTED BY



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## **No one should leave work at the end of the day less healthy than they were when they started**

All too often we hear of workers trapped in highly stressful environments, often also the subject of bullying, victimisation and harassment or discrimination. When we see how many people are affected by their work (and sometimes by fellow workers), it is heart-rending to say the least. We learn that their managers or employers make excessive demands, neglect their common law duty of care and clearly ignore the cost to the organisation through sick pay, long-term absence, reduced production and potential compensation for making their workers ill. The **UK National Work-Stress Network** is committed to the eradication of the causes of work-related stress and associated illnesses. We campaign to advance this aim through our involvement with the Hazards Campaign and in conjunction with the TUC, UK trade union structures and European organisations.

### **The Network calls for:**

- **employers, company directors and managers at all levels to acknowledge their duty of care and their acceptance of their health and safety responsibilities to the workforce;**
- **legislation and enforcement procedures to outlaw all forms of workplace stress, bullying and victimisation; also to ensure full corporate liability for workplace injury; and**
- **the creation of a caring supportive workplace culture with 'Dignity at Work' and worker-sensitive procedures for all.**

The Network consists of many hundreds of like-minded people, some of whom have suffered the consequences of work-related stress. Amongst our numbers are experienced caseworkers, counsellors, occupational health workers, trade union lay and paid officials, and those who are just determined to see effective management which recognises the needs of the workforce as well as of business. However, we are not experts, and we are not equipped to provide individual casework support or representation - that is the role of the trade union officers or officials, medical experts and, where appropriate, lawyers. This pack and our website (which regularly receives over 40,000 visits each month) are the basis for the information we provide. We also produce three or four electronic newsletters each year. All documents on the website are free to copy and circulate.

In addition, we facilitate workshops and seminars as requested and play a significant role at Hazards Conferences in the UK and Europe. We are grateful to those individuals, organisations and trade unions who have sponsored our activity.

Our activities are funded by very generous donations and sponsorship. We do not have a regular income, and look to individuals and trade union branches as well as independent organisations to support our work where possible. If you would like to receive more information, play an active role in the Network's campaigning work, or receive feedback on your successes in the workplace, then do please get in touch. We will be pleased to hear from you and possibly meet you in our practical sessions. If you would like to support our activity, please contact us via our website **[www.workstress.net](http://www.workstress.net)**.



**Ian Draper**

Network Convener

[iandraper@workstress.net](mailto:iandraper@workstress.net)

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## Aims of the UK National Work-Stress Network

The UK National Work-Stress Network has as its fundamental aims:

- campaigning for:
  - the recognition of work-linked stress-related illness as an industrial injury;
  - the stricter control and management of stress in the workplace, backed up by effective regulation and enforcement;
  - the recognition of bullying as a serious workplace hazard, which employers have a duty to prevent;
  - dignity at work within a caring, supportive culture;
- education and awareness raising;
- links with other organisations seeking to eliminate bullying, harassment and work-related stress;
- assisting groups tackling workplace stress.

## Context of the network's campaign programme

A climate of uncertainty has been caused by job insecurity, as the rights of employees have been regularly eroded in favour of a 'business and enterprise culture'. Short-term and temporary contracts, zero-hours contracts, casualisation, the conversion of public services into 'businesses' (in which a smaller number of workers were expected to deliver the same amount of work), and increased lone working have all increased pressure on the worker, thus changing the face of employment.

Excessive target-setting, bureaucracy and performance measurement now pervade many aspects of work, applying additional pressures to workers, at every level.

Coercive management practices (bullying) flourish as pressure increases to cut costs, and to meet targets, often with reduced staffing. This profit-motivated attitude has led to an unacceptable rise in the reported cases of stress-related workplace illness. Research indicates that 20% of the workforce feels intolerable levels of stress, also that some 35% of stressed workers are in this state because of bullying management styles.

The UK National Work-Stress Network, as part of the Hazards Campaign, demands legislation which clearly defines stress-related illness as an industrial injury for the purpose of sickness benefits, and for legislation leading to enforcement procedures to ensure that employees are suitably protected, and that employers and managers are culpable for their actions.

We demand that factors leading to stress and associated illness should be explicitly included in competent and effective risk assessments, under the Management of Health and Safety at Work Regulations 1999. We call for an unambiguous set of recognised criteria related to factors which cause workplace

stress, such as hours of work, pressure of work, shift work, temporary contracts, casual working, pace of work and its distribution, as well as the style and manner of management.

We welcome and support the Health and Safety Executive (HSE) Management Standards, but call for them to be strengthened and to be made obligatory under statute and enforceable in law.

We demand an Approved Code of Practice (ACOP) or specific regulation giving clear instructions to management on the necessary actions to remove stress-related illness from the workplace.

We seek new regulations in which the right of people at work to be treated with dignity and respect is explicitly stated to prevent the abuse of hierarchical position, which creates a bullying culture.

## Network origins

The UK National Work-Stress Network emerged from the launch of the European Network at the Rimini Hazards Conference (1994). National Hazards Conferences in Liverpool (1995) and Bradford (1996) saw the opportunity to expand the national network. An initial meeting formed a Steering Group. This group met and planned a modest campaign to include National Work-Stress Conferences. From the first Conference emerged the current Steering Group with a Convener and 'officer' group, who continue to work on new aims and objectives, campaigning for sympathetic, proactive management of the workplace, and raising the profile of the Network, especially to increase publicity on behalf of those who suffer from work stress.

The UK National Work-Stress Network provides speakers for local and national events and facilitates workshops and seminars for trade union and human resources groups. The Network continues to be closely involved with the Hazards Campaign and takes an active part in both UK and European Hazards conferences.

In order that people may be happy in their work these three things are needed...

- they must be fit for it;
- they must not do too much of it; and
- they must have a sense of success in it. (*John Ruskin, 1871*)

## What is stress?

HSE defines stress as *“the adverse reaction people have to excessive pressure or other types of demand placed on them”*.

Pressure is part and parcel of all work and helps to keep workers and managers motivated. It is excessive or uncontrolled pressure which can lead to stress which undermines performance, is costly to employers and, above all, can make people ill. Stress is therefore a response to pressure. To some degree, pressure can be beneficial when it inspires motivation and commitment, but excessive pressure becomes stress which is harmful and can lead to major illness, even death. There is no such thing as ‘good’ stress.

The effects of stress can lead to physical symptoms of ill health, such as heart disease, 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 with significant control and responsibility for workplaces to problems within the organisation.

They include:

- changes in behaviour;
- unusual tearfulness, irritability or aggression;
- indecisiveness;
- increased sickness absence;
- poor timekeeping;
- reduced performance, e.g. inability to concentrate;
- overworking or failure to delegate;
- erosion of self-confidence;
- relationship problems, e.g. becoming withdrawn or argumentative;
- increased unwillingness to co-operate or accept advice;
- excessive smoking or drinking;
- drug abuse.

The victim may also complain of or demonstrate symptoms of:

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

Work-related stress is the result of a conflict between the role and needs of an individual employee and the demands of the workplace. Physiologically we are programmed to deal with threatening situations by producing more adrenaline

which increases heart-rate and puts our bodies into a state of arousal, 'the fight or flight' reaction. This response is only intended to be short term. The effect of excessive pressure is to keep the body constantly in such a state, which leads to harmful signs and symptoms including those listed above.

Research has shown that feeling stressed at work is not confined to particular occupations or levels within organisations. Workers with management responsibilities also show stress symptoms. Different individuals may react differently to stress and the same person may react differently to stress at different times. A survey undertaken by HSE in 1995 suggested that over half a million people believed they were suffering from stress, anxiety or depression, or some physical illness resulting from stress, caused or made worse by their work. Annual self-reporting surveys continue to reflect high levels of work-stress in the UK.

### **Personal life**

The impact of pressures within people's personal lives cannot be ignored. Whilst the employer cannot be held directly responsible for them, these factors play an integral part in work performance.

Work stresses go home with the worker. Home stresses come to work with the worker.

Grieving, divorce, family upset, moving home, serious family illnesses, pregnancy, miscarriage and other very personal factors all affect a person's ability to perform to expectations. It is impossible to separate the two, or to isolate one from the other. They both impact upon work and relationships both at home and in the workplace.

Despite the often popular view that 'some stress is good for you' there is no such thing as 'good stress'. Good, effective and manageable pressure is fine; when it tips over into stress, then it is damaging.

The 'leave your personal baggage at the factory gate' culture is simply not acceptable.

Good employers and managers will recognise this and take appropriate supportive action.

### **What are the causes of stress?**

The recognised causes of work-related stress are numerous and fall into several categories:

#### **Work practices**

Where people are unable to exert any control or influence over the demands placed upon them:

- lack of a clear job description or chain of command;
- a high degree of uncertainty about job security or career prospects;

- temporary work and fixed-term contracts;
- lack of an understanding leadership;
- cuts in government and local government funding leading to increased workloads;
- long-hours cultures;
- no recognition or reward for good job performance;
- no opportunity to voice complaints;
- heavy responsibilities with no authority or decision-making discretion;
- no opportunity to use personal talents or abilities;
- inadequate time to complete tasks to personal or company standards;
- chances for small errors or momentary lapses of concentration which have serious or even disastrous consequences.

### *Pressure*

- pressures piling one on top of another;
- unremitting or prolonged pressures;
- confusion caused by conflicting demands.

### *Harassment or bullying*

- prolonged conflict between individuals;
- exposure to prejudice regarding age, gender, sexual orientation, race, ethnicity, religion or belief;
- the emergence of individual or peer-group pressure.

### *Management techniques*

- new management techniques including human resource management, lean production, business process re-engineering and total quality management;
- handbooks such as 'Management by Stress';
- absence management strategies into which employees have no input;
- performance management programmes and excessive or unrealistic target setting;
- sickness monitoring and return to work interviews.

### *Environment and technology*

- unpleasant or hazardous working conditions;
- technology controlling workers, for example 'power-dialling' systems used in telephone banking where there are no gaps between calls and staff have no control;

- hot desking;
- call centre management practices;
- the threat of, or real, violence (verbal and/or physical abuse);
- the pressure of confrontational situations.

## **Bullying is a major cause of stress**

### *What is bullying?*

- Bullying can be defined as 'the unjust exercise of power by one individual over another using means intended to humiliate, frighten, denigrate or injure the victim'.
- European nations often refer to this process as 'mobbing'.

### *Bullying may be characterised as:*

- the use of offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through a variety of means;
- bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual;
- bullying is not necessarily face-to-face. It may also occur in written communications, e-mail, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers;
- bullying makes someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated;
- stress and loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer;
- Professor Cary Cooper (UMIST), in his research work in the mid-1990s, estimated that some 40 million working days a year were lost because of bullying in the workplace, this being 160 times more than days lost by industrial action;
- the overall cost to the economy of bullying was estimated in 1995 to be £3-4 billion.

### *Signs of organisational bullying in the workplace*

- rapid staff turnover; rising sickness and absenteeism rates;

- otherwise inexplicable decline in productivity;
- whole departments or sections appearing to be defective;
- lack of motivation and low morale;
- loss of respect for management;
- fear culture.

### *Cyberbullying*

- there is now growing evidence that IT systems and applications are being used as a tool for bullying in the workplace;
- some professions and workers are subject to malicious use of websites, e-mail, mobile phone texting and other uses of technology to create an atmosphere of fear and anxiety.

### *How to respond to bullying*

- raise the issue with work colleagues and your trade union;
- keep written records of all bullying incidents;
- confront the bully about his/her behaviour – however, care should be taken not to increase the power of the bully in this process. If necessary, always ensure that you have a way out of the room, and that you are accompanied or supported by third party witnesses;
- use appropriate in-house procedures;
- share the problem with a friend;
- respond in writing to bullying memos and keep copies;
- establish status of meetings before agreeing to attend, always take a work or trade union colleague with you;
- raise issues with appropriate senior managers;
- seek counselling and support via the employer;
- record all absences due to bullying and submit form BI95 to the Department of Work and Pensions, keeping a copy.

**Please refer to our information page for useful links on bullying.**

PSYCHOLOGICAL SYMPTOM:

**workplace is a threat**



**WHY DO WE NEED TO TACKLE STRESS?**

## Why do we need to tackle stress?

Research has indicated that:

- about half a million people in the UK regularly report that they experience work-related stress at a level which they believe is making them ill;
- up to 5 million people in the UK feel 'very' or 'extremely' stressed by their work;
- a total of 12.8 million working days were lost to stress, depression and anxiety in 2003/04;
- work-related stress costs society between £3.7 billion and £3.8 billion every year;
- a CBI 2004 survey of 500 firms found the average private industry worker took 7.2 days off sick per year;
- nationally, private sector sick leave costs £1.75 billion with the loss of 25 million working days in 2004.

TUC biennial Safety Representative Surveys show that stress-related illness is amongst the highest causes of anxiety, time off work and physical and psychological damage. Details can be found via [www.tuc.org.uk](http://www.tuc.org.uk). These surveys are carried out online and are 'self-reporting'.

Risks	2000	2002	2004	2006	
Slips/trips	32%	33%	28%	27%	
DSE	36%	34%	32%	26%	(IT workstations)
RSI	41%	37%	40%	38%	
Temperatures	31%	23%	19%	26%	
Noise	26%	20%	17%	16%	
<b>STRESS</b>	<b>66%</b>	<b>55%</b>	<b>68%</b>	<b>61%</b>	
Stress factors	2000	2002	2004	2006	
Workload	74%	99.4%	79%	76%	
Staffing cuts	53%	64%	49%	57%	
Change	44%	63%	47%	53%	
Long hours	39%	55%	37%	34%	
Bullying	30%	28%	27%	33%	

## HSE 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 that organisations can do to prevent and control work-related stress;
- stress is a management issue which a manager can help resolve;
- HSE is working with businesses to enable them to manage work-related stress more effectively.

## The costs of work-related stress

In 1992, the CBI calculated that in the UK 360 million working days are lost annually through sickness at a cost to organisations of £8 billion.<sup>1</sup> By 2003, the CBI estimate was closer to £11.6 billion and in 2004 reached £12.25 billion. However, days lost through sickness absence are falling and were down to 168 million in 2004. Government has created target reductions in sickness absence.

- The CBI puts the total cost to the economy of mental health and stress problems at £5 billion a year – equal to industry's total annual losses through theft and many times the cost of strikes.<sup>2</sup>
- A 1996 report from the Institute of Management said that “an estimated 280,000 people take time off work every day because of work-related stress; representing a cumulative cost in terms of sick pay, lost production and charges of around £7 billion annually”.<sup>3</sup>
- The International Labour Organisation estimates that the cost of stress amounts to over 10% of Britain's Gross National Product.
- An HSE supplement to the 1990 Labour Force Survey found an estimated 18 million workers took time off work suffering (or believed that they had suffered) from work-related stress, depression or anxiety in the preceding year.<sup>4</sup>
- About half a million people in the UK experience work-related stress at a level they believe to be making them ill; up to 5 million people in the UK feel 'very' or 'extremely' stressed by their work; and work-related stress costs society about £3.7 billion every year (at 1995/96 prices).
- Out of 40.2 million working days lost to work-related illness and injury during 2001-2002, 13.4 million were lost to stress, anxiety or depression. This compares to 12.3 million days lost to musculoskeletal (MSD) disorders and 7.3 million to injury.

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1 *Stress Prevention in the Workplace – Assessing the costs benefits to organisations* – Prof Cary L Cooper and Dr Susan Cartwright (both of Manchester School of Management, University of Manchester Institute of Science and Technology); Prof Paula Liukkonen, Dept of Economics, University of Stockholm, Sweden

2 Ibid

3 Background documents on Stress for TUC Conference October 1996, Rory O'Neill

4 Ibid

- In total, nearly 600,000 people took time off for stress, including 265,000 reported new cases.
- HSC figures also show that the estimated number of stress-related conditions has increased from 829 per 100,000 workers in 1990 to 1,700 per 100,000 in 2001.
- The most recent research shows that these figures have not decreased and in work situations have actually gone up. Loss of productivity, both through sickness absence and by the decline in work effectiveness, is a cause of deep concern.
- The European Union estimates that work-related stress affects at least 40 million workers in its Member States and that it costs at least €20 billion annually.

### Legal Costs

In the ground-breaking case of **Walker v Northumberland County Council (1995)**, John Usher, a solicitor working for Thompsons, representing UNISON member and social worker John Walker, estimated that the cost to the employer of 'management failure' was over £400,000. This included: damages of £175,000; £150,000 for the two-week trial; sick pay; and ill-health pension. Mr. Walker suffered two breakdowns as a result of his work. His employer failed to improve conditions, as had been agreed, on his return from sickness absence and was therefore liable for the causes of the second breakdown.

Since this case there has been a series of others, including:

- *Ballantyne v South Lancashire Council* (1996);
- *Pocock v NE Essex Mental Health Trust* (1998);
- *Lancaster v Birmingham Council* (1999);
- *Ingram v Worcester County Council* (2000).

They and other similar cases have largely produced out-of-court settlements of between £25,000 and £203,000, and have demonstrated the scope of the duty of care on the part of employers and that they and their insurers become more sensitive to the financial implications of this duty.

It is always sensible for workers to consult their trade union and to take the advice and support offered if they feel they have a 'case'.

It would be equally sensible for employers to undertake regular monitoring of the workplace to make sure that it is a stress-free zone and if they find a problem to take appropriate action in consultation with recognised trade union shop stewards and Health and Safety Representatives.

In 2002, the '**Hatton and others**' Appeal Court Judgement overturned three of four cases where damages were awarded at County Court. See [www.bullyonline.org/action/hatton.htm](http://www.bullyonline.org/action/hatton.htm) for the full report.

The summary outcomes of this appeal set new margins within which subsequent cases will be determined as follows.

1. The ordinary principles of employer's liability apply – no special provisions apply.
2. The threshold question is whether this kind of harm to this particular employee was reasonably foreseeable.
3. Foreseeability depends upon what the employer knows (or ought reasonably to know) about the individual employee. An employer is usually entitled to assume that the employee can withstand the normal pressures of the job unless s/he knows of some particular problem or vulnerability.
4. Because of the nature of mental disorder, it is harder to foresee than physical injury.
5. There are no occupations which should be regarded as intrinsically dangerous to mental health.
6. Factors likely to be relevant in answering the threshold question include:
  - a. The nature and extent of the work done by the employee. Is the workload much more than is normal for the particular job?
  - b. Signs from the employee of impending harm to health. Has s/he a particular problem or vulnerability? Has s/he already suffered from illness attributable to stress at work?
  - c. The employer is generally entitled to take what s/he is told by his/her employee at face value, unless s/he has good reason to think to the contrary.
7. 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 s/he should do something about it.
8. The employer is only in breach of duty if s/he has failed to take the steps which are reasonable in the circumstances, bearing in mind the magnitude of the risk, the gravity of the harm, the costs and practicability of preventing it, and the justifications for running the risk.
9. The size and scope of the employer's operation, its resources and the demands it faces are relevant in deciding what is reasonable.
10. An employer can only reasonably be expected to take steps which are likely to do some good.
11. An employer who offers a confidential advice service, with referral to appropriate counselling or treatment services, is unlikely to be found in breach of duty.
12. If the only reasonable and effective step would have been to dismiss or demote the employee, the employer will not be in breach of duty in allowing a willing employee to continue in the job.

13. It is necessary to identify the steps which the employer both could and should have taken.
14. The claimant must show that breach of duty has caused or materially contributed to the harm suffered. It is not enough to show that occupational stress has caused the harm.
15. Where the harm suffered has more than one cause, the employer should only pay for that proportion of the harm suffered which is attributable to his/her wrongdoing, unless the harm is truly indivisible.
16. The assessment of damages will take account of any pre-existing disorder or vulnerability and of the chance that the claimant would have succumbed to a stress-related disorder in any event.

Subsequently, **Barber v Somerset CC (2004) UKHL 13** (one of the original group of four 'Hatton' cases) was further successfully appealed in the House of Lords.

The real issue before their Lordships was whether the onus should be on the employee to alert the employer or whether the employer should be proactive and take steps to prevent his/her injuries. This involved practical propositions 2, 5, 6 and 7 above. The majority of the House of Lords opted for the same standard as that applied in physical injury cases. To an extent, they rejected the argument that the onus should simply be on the employee to complain.

Lord Walker said the case was "very close to the borderline", but added: "What the Court of Appeal failed to give adequate weight to was the fact that Mr Barber, an experienced and conscientious teacher, had been off work for three weeks with no physical ailment or injury. His absence was certified by his doctor to be due to stress and depression. The senior management team should have made enquiries about his problems and seen what they could do to ease them, in consultation with officials at the Council's Education Department, instead of brushing him off unsympathetically or sympathising but simply telling him to prioritise his work."

So, in the case of a person who has not yet had a period off sick through stress-related illness and/or has failed to complain about his/her problems, on current case law the claim is likely to fall below the borderline and will fail. Even if there is a period of previous absence or there have been complaints, it will still be necessary to prove causation of injury, breach of duty and a link between the two.

More information on this case is available at [www.publications.parliament.uk/pa/ld200304/ldjudgmt/jd040401/barber-1.htm](http://www.publications.parliament.uk/pa/ld200304/ldjudgmt/jd040401/barber-1.htm).

A judgement in the House of Lords (May 2006) of a bullying case which looked at the issue of personal harassment under the relevant legislation, and which is worth examining, can be found at [www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060712/majro-1.htm](http://www.publications.parliament.uk/pa/ld200506/ldjudgmt/jd060712/majro-1.htm).

### *Deadman v Bristol City Council Court of Appeal 31 July 2007*

The claim was made on the basis of breach of contract, but still failed. While there may have been a breach in contractual entitlements, the familiar problem of establishing foreseeability of psychiatric injury applied. Mr. Deadman claimed damage on the part of his employer's failure to follow procedures in handling a complaint about him by a colleague. See [www.bailii.org/ew/cases/EWCA/Civ/2007/822.html](http://www.bailii.org/ew/cases/EWCA/Civ/2007/822.html).

### *McAdie v Royal Bank of Scotland Court of Appeal 31 July 2007*

The employee took long-term stress-related sickness absence caused by bullying and mismanagement at her work and she was dismissed on health grounds. The Court confirmed at the Employment Appeal Tribunal (EAT) that this did not mean the dismissal had to be unfair: it was simply a relevant factor. At best the employer might be expected to go the extra mile in finding alternative employment for such an employee, or to put up with a longer period of sickness absence than would otherwise be reasonable. See [www.bailii.org/ew/cases/EWCA/Civ/2007/806.html](http://www.bailii.org/ew/cases/EWCA/Civ/2007/806.html).

More recent cases have emerged, and are reported widely.

## **The law and work-related stress**

There is no discrete law dealing directly with work-related stress. However, a number of laws and regulations can be used to examine the impact and causes of workplace stress. This section examines in brief the likely routes that may be open to someone suffering from work-related stress.

**It has to be emphasised that any legal challenge is not easy, nor is a positive result a foregone conclusion. The courts will examine every case for evidence of foreseeability of a clinically defined health condition being created by work actions and demands.**

**Where there is no such evidence, then cases are unlikely to succeed.**

**Trade unions and solicitors will often assess the viability of a case, which may lead to disappointment on the part of the client. It is as well, perhaps, to seek further opinion, but be aware that no case is easy to pursue.**

Separate laws may exist in Scotland and Northern Ireland and should be checked for compatibility.

## **Contractual Obligations**

It is an implied term of every contract of employment that the employer will fulfil his/her duty of care to employees. Properly constituted and meaningful consultation should examine custom and practice where employment changes and impositions occur which are likely to affect conditions of employment and the dignity at work and personal wellbeing of employees.

## ***Employer Responsibilities***

The three principal legal obligations on employers can be summarised as follows.

### Legal Case

- Management Regulations 1999 and Health, Safety and Welfare at Work Act 1974, together with relevant employment law.

### Common Law Duty of Care

- Moral and ethical case.
- Not to cause physical and psychological injury.
- Employer's responsibilities for personal injury and negligence claims.

### Business Case

- Business benefits to be gained from good working environment and practices.
- Impact and costs to nation, employer and employee of long-term sickness absences.

The following pieces of legislation may be relevant, or may provide the basis upon which to build a case.

### ***Employers' Liability Act 1969***

This legislation imposes on employers the requirement to have appropriate insurance to ensure that a safer working environment can be achieved and injuries to employees and third party persons can be reduced.

### ***Criminal Justice and Public Order Act 1974***

This Act makes intentional harassment in the workplace a criminal offence, punishable by law where the perpetrator in speech, or in writing, uses abusive or insulting language or behaviour, or disorderly behaviour so that another person feels harassment, alarm or distress.

### ***Discrimination Law***

The law provides protection from discrimination with recourse to Employment Tribunals for acts of discrimination in relation to age, disability, ethnicity and race, religion or belief, sex and sexual orientation.

***Sex Discrimination Act 1975 with Amendment Regulations 2003; Race Relations Act 1976 with Amendment Regulations 2000 and 2003; Employment Equality (Sexual Orientation) Regulations 2003; Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Age) Regulations 2006***

Where there is a sexual, sexual orientation or racial element to any behaviour causing stress, the employer could be held vicariously liable for the actions of a harassing, bullying employee, even where they were not aware of the behaviour.

Similarly, under the religion or belief and age legislation, discriminatory behaviour is illegal and employer liabilities can be tested in an Employment Tribunal.

### ***Disability Discrimination Act 1995***

This Act, and the regulations made under it, make it unlawful to discriminate against disabled people in employment, and their access to goods, services, transport and education. If there is unlawful discrimination, compensation claims can be taken to the Employment Tribunal. Employees must disclose their disability so that the employer is aware and can then legally be required to make reasonable adjustments to a provision or practice applied by, or on behalf of, the employer or to any physical feature of the premises occupied by the employer. It should be borne in mind that there is advice and assistance available to both employee and employer. (Access to Work is an organisation available in most local areas which can assess the needs of the disabled person in relation to their work.)

### ***Employment Protection (Consolidation) Act 1978***

An employee may complain to an Employment Tribunal of wrongful, unfair or constructive dismissal in circumstances where workplace bullying has led him/her to leave his/her employment. These employment rights may be dependent on length of the employee's continuous service.

### ***Public Order Act 1986***

The Act defines racial hatred as: "...that hatred against a group of persons in Great Britain defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins". In cases where racist actions and words have caused stress, then the Act's provisions may apply, in addition to the discrimination laws below.

### ***Protection from Harassment Act 1997***

This legislation makes personal harassment illegal. Instances of such behaviour should be reported to the police, who may take action, and possibly to employers where the acts are work-related.

### ***Human Rights Act 1998***

This legislation provides for a range of freedoms for individual people. However, care must be exercised in assessing whether there is any scope to use this legislation as it is not automatic that this law will apply to stress and bullying situations. Further, the legislation only imposes duties on public authorities.

### ***Health and Safety Laws***

UK Health and Safety Law imposes on the employer a wide duty of care to employees. Although direct application of these laws to stress-related illnesses may be difficult, the duty of care remains, and employers can be held culpable. Improvement and Prohibition Notices can be issued by the Health and Safety

Executive where employers fail to have an acceptable safety policy, or to carry out competent risk assessments.

### ***Health, Safety and Welfare at Work etc. Act 1974***

Section 2 of the Act places a duty upon all employers to ensure the health (including mental health), safety and the welfare of all employees and to create safe and healthy working systems. Under RIDDOR 95 (Reporting of Injuries, Diseases or Dangerous Occurrences Regulations) employees have the right to report all dangerous incidents, including bullying and harassment. Employers are legally obliged to have reporting procedures in place. The Industrial Injury form BI95, available from the local Department of Work and Pensions centres, should also be completed and copies retained for reference.

### ***The Management of Health and Safety at Work Regulations 1999 (including the Approved Code of Practice)***

These regulations deal with the requirement on employers to assess all risks to the health and safety of employees and to provide them with comprehensive and relevant information on those risks and actions required to mitigate those risks. They also require the employer to take into account individuals' capabilities when assessing the risks. Failure to produce and/or act upon assessments may be used as evidence of negligence.

### ***Working Time Regulations 1998***

Defines 'working time' and sets maximum limits although there is an opt-out arrangement. Not all workers are covered by these regulations.

### ***Employment Relations Act 1999***

By inserting a new section (57A) into the Employment Rights Act 1996, 'reasonable' time off is allowed for dependants and for parental leave. This is part of the 'Family Friendly' policies of the Labour Government. It also provides (amongst other things) for employers to recognise employees' rights to representation at disciplinary hearings which must also be convened at a mutually agreeable time to all parties expected to participate.

### ***Employment Act 2002 (Disputes Resolution) Regulations 2004***

This legislation provides for a statutory procedure to enable all workers to raise grievances in the workplace where they have an issue that needs to be addressed by their employer. There is also provision for a statutory procedure to be followed in the event that the employer is contemplating dismissal, or action short of dismissal, against the employee. Employers will be obliged to ensure that specific procedural steps are taken, and where not then compensation can be awarded in the Employment Tribunal. Generally speaking, before cases that may involve stress allegations can be taken to the Tribunal (e.g. discrimination, unfair dismissal, constructive dismissal, etc.) the appropriate dispute resolution (grievance or dismissal and disciplinary) procedures must have been complied

with. Advice and information about the legal requirements of these procedures can be obtained from trade union representatives, ACAS and the Citizens Advice Bureau.

### **Work/Life Balance**

There is now a greater emphasis on 'family-friendly' work policies and recognition of the need for a proper work/life balance for all workers at all levels. Those employers who run roughshod over employees and care little for their wellbeing are open to challenge, although it is fair to say that the legal protections for employees, in relation to family friendly and work/life balance issues, are weak.

### **Whistle-Blowers**

Employees who criticise or draw attention to employers' unsafe practices at work have some limited protections in law.

### **Dignity at Work Bill**

Since the mid-1990s, attempts have been made to create new laws ensuring dignity at work. Such legislation would provide for all employees to be treated with respect and dignity by all work colleagues, including managers, and make workplace bullying unlawful. At present, there is no indication of a date for enactment of such law.

### **Negligence Liability**

Employers must provide a safe place of work, a safe system of work, safe plant and appliances, and safe and competent fellow workers. If an employer fails to take reasonable care to protect an employee from a foreseeable injury, by failing to provide any of the above, s/he could be found by the civil courts in a negligence action to have breached the 'duty of care' or, in exceptional circumstances, be prosecuted in the criminal courts for a criminal offence.

### **Personal Injury Claims (Stress)**

Such claims in the courts are best progressed either through a trade union or a solicitor. In either case, there will be a need to demonstrate clear and unequivocal evidence that a worker's psychological wellbeing has been damaged by working practices. The employee will need to have a clinically diagnosed condition and be able to demonstrate that they have raised the causes of their condition with the employer (see above, Employment Act 2002 (Dispute Resolution) Regulations (2004)) and that he has failed to act under his duty of care. Central to any claim is to show that the employer was aware of the problems raised by the employee and that the condition that followed was foreseeable.

## What should I do about stress in the workplace?

Individuals who believe they have been subjected to workplace stress and wish to seek a remedy should consult their trade union representative. If not a member of a trade union, they should seek legal advice.

The UK National Work-Stress Network does not provide detailed advice or individual casework support. The Network can give only very basic advice and general information, and cannot provide representation for individuals.

### *Trade Union Members*

If you are suffering from stress at work, including harassment or bullying, you should seek help at an early stage from your trade union.

It is important that you make notes of any incidents and keep all relevant correspondence or items that refer to your case. This is difficult but important. If you have any witnesses who may support your case this can be extremely useful.

You should first discuss the matter with a local representative or branch official. If you believe you need more expert help at any stage do not be afraid to contact your union's regional or head office according to the practice of the individual union concerned.

You should discuss with your trade union representative or safety representative how to progress your case through internal grievance procedures. Do not attend any meetings alone – insist on having your TU representative or a work colleague with you. Statutory Grievance and Disciplinary and Dismissal Procedures now have to be complied with in most cases before a claim can be taken to the Employment Tribunal (see above, Employment Act 2002 (Dispute Resolution) Regulations (2004)).

In time, you may wish to discuss getting appropriate legal advice from union solicitors. If, once you have met the solicitor, you have further concerns which you believe have not been addressed, you should raise them with the solicitor or if that is not possible contact the appropriate trade union official to discuss these issues further. The union will only pursue a grievance or take other action if you want it to, and if it believes there is a strong enough case. If you would like to discuss your problem confidentially with a union representative but wish it to go no further, then that option is available to you.

You may also wish to consider:

- counselling or advice either through your employer's occupational health or employee assistance service of a harassment adviser, stress counsellor, welfare organisation, wellbeing at work projects or personnel officer;
- services provided through local facilities, e.g. the Primary Healthcare Trust, GP Surgery or health centre;

- information centres, libraries and the Citizens Advice Bureau, and the helplines listed in this publication or in your local directories.

The availability of such services will depend on the size or type of employer and what is available locally.

### **Trade Union Representatives**

If you are a shop steward or an elected safety representative, you should be aware that the issues of harassment, bullying and work-related stress are complex. If a member approaches you with a problem of this nature you may need to consult a senior union official or, where appropriate, within the union's casework policies seek legal advice. In some cases, it may be better to refer the member to a union official with greater experience in dealing with these types of cases.

You may wish to discuss with the member whether they should seek advice either through the employer's occupational health provisions; employee assistance programmes where they exist; harassment and discrimination adviser; stress counsellor; welfare organisation or personnel officer (human resources manager/adviser). Alternatively, you may recommend the use of external facilities, e.g. GP surgeries, health information centres, libraries and the Citizens Advice Bureau. The availability of these services will depend on the size and/or type of employer and local resources.

Be prepared to have to spend considerable time with a person whose health and family life may be seriously damaged. Be aware that members in such situations are often very anxious that all aspects of their case need to be considered, and that they may demand a lot of your time. Remember that you may not be able to help the member yourself, and if you feel that the case requires expert help, then you must refer them on to specialist services in dealing with stress cases.

### **Non-union Members**

If you are not a member of a trade union you may wish to approach the appropriate union to join. Almost certainly, they will not be able to take on already existing casework, but may be able to deal with further issues which arise after your join date (subject to the union's rules). If you do not wish to pursue your case through that option, you may seek independent legal advice, although you should be aware that you may have to pay the cost of instructing solicitors to advise and represent you privately. You should enquire about the scale of the solicitors' charges when you make your initial enquiry. Some legal firms offer no-win, no-fee terms, which may be worth exploring.

The local Citizens Advice Bureau will probably be able to give you some local contacts, e.g. solicitors or law centres. Some no-win, no-fee legal companies will advise on the prospects of success of potential cases, but you should remember that proof of injury requires some very detailed evidence. You may also want to

consider the other avenues available as outlined in the section above. It is possible, though not advisable, to take a case before an Employment Tribunal without legal support because this area of the law is complex and difficult.

## Identifying the symptoms of workplace stress

Stress in the workplace can be assessed like any other risk if the matter is approached systematically. There are indicators which signal that danger is arising.

It is true that some work has a high stress factor or contains the potential of placing the worker in traumatic situations. Such work is usually easily recognised and those entering upon it are usually trained to understand the issues. It is common for there to be measures in place to control the risk and to support the worker. Workers in these fields should, through trained and elected union representatives, have these measures constantly monitored for their effectiveness.

Most workers do not face these situations but nevertheless this argument should not be allowed to excuse employers from taking action to protect workers' health. A sensitive objective study of the workplace can identify stressors in everyday work by using the process of risk assessment.

The following ideas are based on work done by a number of unions and are not intended to be a 'magic wand' process but it is hoped they will help to 'concentrate the mind'.

### *Observe Yourself and Others*

Stress, having a variety of causes, has a range of symptoms. By recognising these signs stress can be identified. This list is based on a wide range of academic/trade union research.

### *Behavioural Symptoms*

- Becoming irritable/aggressive, withdrawn, showing signs of social isolation.
- Changes in eating habits, sleeping patterns, consumption of alcohol, tobacco, tea/coffee, drugs, self-medication.
- Becoming more 'difficult' in the workplace, less co-operative, more accident-prone, less sociable.
- Becoming more 'difficult' outside work, decrease in social ease, inability to cope with family/domestic roles, neglect of personal appearance, loss of libido.

### *Physiological Symptoms*

Headaches, migraines, stomach disorders, raised blood pressure, changing sleep patterns, muscle spasms, back/shoulder/neck pain, a sense of feeling unwell, an unwillingness to work. Often dominant health problems like migraines can be exacerbated by stress.

## *Psychological Symptoms*

A growing feeling that the workplace is a 'threat', a place of anxiety, tension and the cause of irritability, low self-esteem, forgetfulness, an increase in worry about problems yet feeling powerless to change the situation. These changes can be felt in the individual, who will not always be able to articulate them, but observation of fellow workers and attention to conversation will allow the trade union representative to notice the signs and begin to identify workplace sickness.

This should trigger a more formal study. Absence rates should be checked and any patterns noted. 'Presenteeism' (those attending at work but not working effectively) will also provide a valuable indicator of a developing problem.

Health and Safety Representatives can set in motion a systematic study of the workplace, after seeking advice from their union and also working with the employer, which will allow the stressors to be placed in order of importance and so tackled systematically. A number of large unions have useful information and advice available which will help in the setting up of questionnaires and in their analysis.

## **How does stress become recognised in the workplace?**

Often, the most difficult part of the whole process is getting workers themselves to acknowledge that there is a problem. Managers, employers and board directors may try to shy away from the concept, or suggest that people are wimps, should leave their baggage at home and should 'pull themselves together'. There is still a great deal of ignorance and misunderstanding about the subject.

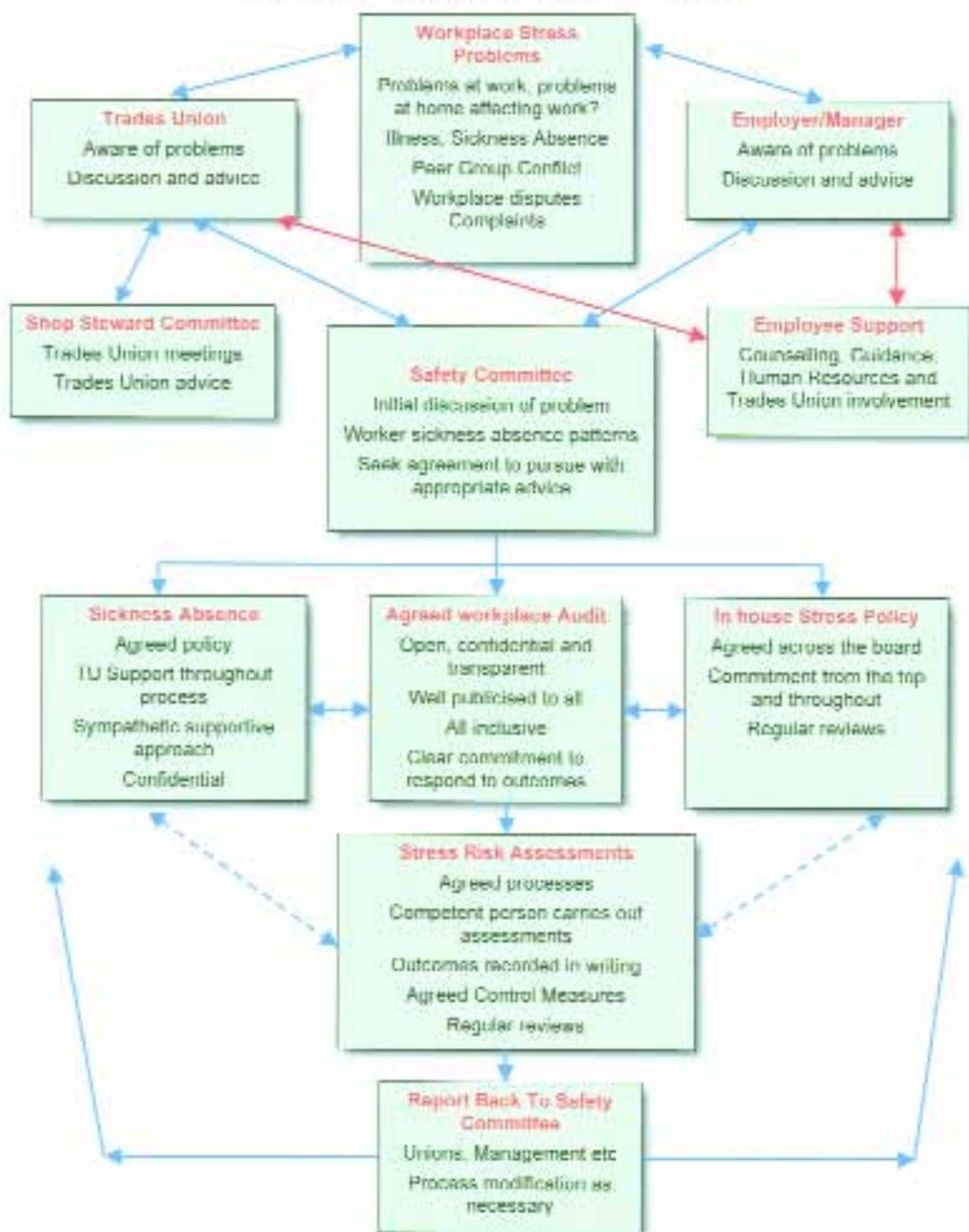
In many cases, employers may just take the recommendations of the Hatton Appeal judgment, and suggest that counselling and other services will provide a resolution. They may also apply heavy sickness absence monitoring procedures or possibly even move to dismiss on the basis that a known psychological illness in their view must make a person unsuitable for that workplace.

In organised workplaces, with good trade union and health and safety structures in place, there are forums for raising the issues of sickness absence and for proper discussion of the issue which may lead to recognition by the employer that action is necessary.

## ***Safety inspection reports***

Regular safety reports can flag up issues related to staff sickness absence rates. Employers keep data on sickness absence and although some aspects of this data are covered by the Data Protection Act, establishing general patterns of absence in workshops, sectors or the entire business are not. In such cases, it is possible, therefore, to discuss the impact of absence patterns and to examine the causes of them.

## Handling Workplace Stress Problems



Raising the issue in safety committee meetings can lead to general acceptance within the organisation that there may be a problem to be addressed. This can prompt discussion of the principles of risk assessment and the HSE Management Standards and lead to simple or more sophisticated audit processes being put in place.

All such audits must be confidential, open and transparent and apply to all workers, including managers as necessary. Tabulation and publication of results data should not identify individual workers for possible targeting by unsympathetic managers.

The normal procedures of any generic risk assessment apply when establishing a full stress risk assessment process. The process is a cyclical one, allowing for full and frank discussion of the causes and effects of workplace stressors, and for the implementation of control measures as well as the obvious prerequisite of the employer's acceptance of his/her duty of care to the workforce.

### **Stress Risk Assessment: Identifying Role Stressors**

Health and safety at work legislation and particularly the Management of Safety Regulations (1999) place a legal requirement on all employers to carry out written risk assessments on all aspects of workplace hazard and risk.

Such assessments should be carried out by a 'Competent Person', who is trained in the process and understands the impact of health and safety law.

The process of risk assessment is a basic five-step approach (see HSE guidance booklets). The following basic headings apply in all cases of the process:

- identify the hazards and associated risks;
- identify who might be at risk;
- note the controls and determine whether they are adequate, implement such control measures as are necessary;
- record the findings in writing;
- review the assessment periodically.

The same processes apply to COSHH Regulations (Control of Substances Hazardous to Health), Manual Handling Regulations, the overall work environment, workstation design and to any issues that affect worker output and productivity. If these factors make workers sick, then they should be assessed and appropriate actions taken.

Employees are under a duty to take responsibility for their own health and safety and not to make their own work unsafe. They are also obliged to report any shortcomings in workplace safety to the employer for action. If aspects of work are stressful, they should be recorded via the appropriate channels, and a response should be made by the employer or the relevant Competent Person. The TU safety representative and/or shop steward should also be informed.

The following brief generic approach may be helpful.

1. The risk assessment is completed on the role not on the individual, but it should be borne in mind that ultimately an individual cannot be totally separated from the role.
2. The role specification should be included in the assessment, taking into account the skills and abilities of the individual and identifying any training needs to ensure there is no possible conflict between ability and role.
3. A range of measures that may be appropriate to control the risks to staff should be considered. It is likely that a combination of control measures will be required.
4. Summary actions/further possible controls may be included in the final action plan.
5. If the risk is estimated to be low, no further action may be necessary. If the risk is estimated to be medium or high, additional control measures will be required.

LEVEL OF RISK	ACTION AND TIMESCALE
Low	Minimal/no further action necessary: monitor to ensure controls are maintained.
Medium	Actions are required to reduce risk. Resource demands to be considered in reduction/elimination of potential stressors.
High	Urgent efforts are required to reduce risk. Consideration should be given as to whether work should be started or continued.

6. Try to identify the key stressors and underlying causes with the potential to develop work-related stress in a particular area. Accurately identifying these will help focus resources and find the controls most likely to reduce the risk.
7. Consultation with staff is essential. Managers may not feel that there is a problem; staff, however, may feel differently. Staff should be encouraged to communicate their views or where they identify stressors within their particular role(s) to enable a complete picture to be built up. Employees are more likely to be committed to control measures if they helped to develop and put them into practice. Take an overall view and try to balance the risks to employees against business needs.
8. Having identified the necessary additional control measures, develop an 'Action plan for implementation' listing the measures that need to be implemented, a date for implementation (taking account of resources, etc) and the person responsible for ensuring implementation.

9. Once all the additional control measures have been implemented, carry out a further evaluation of the risk. If the risk is estimated to be low no further action is necessary. If the risk is still estimated to be medium or high, a further review and additional control measures will be required.
10. The control measures must be regularly monitored and reviewed to ensure that they remain effective.
11. The entire process must be recorded in writing, and be openly and transparently available to all those employees who are affected. Copies of assessments and outcomes should also be provided for TU safety representatives/shop stewards.

### *Control Measures*

Having identified and confirmed the risks, associated hazards and potential actions required, the next step is to put together the appropriate control measures and action plan, in order that the matter can then be taken forward.

The measures can be categorised under key headings, and appropriate tools put in place as necessary. Key focus areas will include the following factors which form the basis of the HSE Stress Management Standards.

#### *Demand*

Demands on the individual are often quoted as the main cause of work-related stress. It is important that job demands are fully evaluated to identify their true extent and to ensure that these demands do not become unmanageable. Workload, capability/capacity to do the work, physical and psychosocial environments would be looked at here.

#### *Control*

Research has shown that where an individual has little control in how their work is carried out, this can be associated with poor mental health. Research also suggests that where there are greater opportunities for decision making there is better self-esteem and job satisfaction. An obvious issue for consideration here would be task design.

#### *Relationships*

'Relationships' is the term used to describe the way people interact at work. Other people can be important sources of support but they can also be sources of stress. At work, relationships with colleagues at all levels can dramatically affect the way we feel at the end of the day. Two potential aspects of these relationships that could lead to work-related stress are bullying and harassment.

#### *Change*

Many organisations have had to undergo change in recent years, sometimes to incorporate the introduction of new technology, new working practices or procedures. Downsizing and complete or partial restructuring are other motivators of change in the workplace. The changes could be to implement one

clear, overall objective or could be a series of smaller, ongoing, more subtle, frequent changes. Poor management of any change can lead to individuals feeling anxious about their employment status and reporting work-related stress. Therefore, it is very important that any change is properly managed.

### *Role*

The potential for developing work-related stress can be greatly reduced when a role is clearly defined and understood and when expectations do not produce areas of conflict. The main potentially stressful areas are role conflict and role ambiguity, together with the burden of responsibilities.

### *Culture*

Organisational culture is a key factor in determining how successful an organisation is in managing work-related stress. Organisational culture is often very strong and difficult to change. A healthy culture will be one where communication, support, and mutual respect are the norm. This would include attention to communications and staff welfare for example.

### *Support, training and factors unique to the individual*

To eliminate/reduce any potential stressors identified within a particular role, all the above elements are key in conducting a risk assessment.

All training should be undertaken jointly where possible and both should be aware of the total training programme and its content.

The ensuing action plan will also incorporate the following:

- evaluation of current risk (with existing controls in place);
- action plan for implementation of additional control measures;
- evaluation of risk with additional controls in place: calculate the risk based on the perceived reduction in potential stressors with additional control measures in place.

## **Workplace Audits**

HSE provides helpful advice on workplace audits as part of its Management Standards process. Visit [www.hse.gov.uk/lau/lacs/81-3.htm](http://www.hse.gov.uk/lau/lacs/81-3.htm).

In addition, much published trade union guidance also suggests audit ideas. The Network website also carries links to examples of audits.

UNISON provides both online and paper-based advice including a sample workplace survey/audit at [www.unison.org.uk/acrobat/12879.pdf](http://www.unison.org.uk/acrobat/12879.pdf).

Other sources of information include published articles such as [www.counsellingatwork.org.uk/journal\\_pdf/acw\\_winter04\\_e.pdf](http://www.counsellingatwork.org.uk/journal_pdf/acw_winter04_e.pdf).

### *International Stress Management Association UK*

Website: [www.isma.org.uk](http://www.isma.org.uk)



PSYCHOLOGICAL SYMPTOM:

**tension**

**HSE MANAGEMENT STANDARDS**

## The HSE Management Standards 2004

[www.hse.gov.uk/stress/standards/index.htm](http://www.hse.gov.uk/stress/standards/index.htm).

Following widespread consultation in the mid to late 1990s in which over 75% of respondents called for improved legislation, regulation and enforcement, backed up with appropriate ACOP, HSE decided to take no action until they introduced, in November 2004, six Stress Management Standards. The Standards are aimed at employers whose responsibility it is to assess, using recommended tools, the levels of work-related stress that exist in their workplace. The Standards look at the six key areas of work and if properly managed, can help to reduce work-related stress:

- **Demands** – Includes issues such as workload, work patterns and the work environment;
- **Control** – How much say the worker has in the way they do their work;
- **Support** – Includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues;
- **Relationships** – Includes promoting positive working to avoid conflict and dealing with unacceptable behaviour;
- **Role** – Whether all workers at every level understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles;
- **Change** – How organisational change (large or small) is managed and communicated in the organisation.

The Standards help to measure performance in managing work-related stress. Each standard provides simple statements about good management practice in each of the six areas. They form the basis of an effective risk assessment process.

HSE does not expect every employer to meet all the Standards at their first attempt. The Standards are goals that employers should be working towards through an ongoing process of risk assessment and continuous improvement.

### 'Willing 100' project

HSE has launched a project to highlight and encourage use of the Stress Management Standards by employers. By July 2005, despite their being available since November 2004, very few businesses had taken them up. Not surprisingly, the considerable work that went into their development had seemingly failed to reach fruition up to that point.

Over the 2005/2006 period, HSE will be encouraging a range of businesses in both public and private sectors to adopt the standards. A special two-phase HSE joint project for schools, colleges and local authority education managers is expected to spread the implementation of the standards across the public education sector during 2006 and beyond.

Research has been published at [www.hse.gov.uk/research/rrpdf/rr133.pdf](http://www.hse.gov.uk/research/rrpdf/rr133.pdf) identifying the work so far carried out by a range of Beacon Employers, showing good practice that is highly recommended.

A range of case studies is described in the research paper, and it highlights several local authorities as good models, especially Somerset CC, which is flagged up as a particularly good example.

### *Case Study*

#### *Somerset County Council – Using a stress audit to identify risks*

Somerset County Council has developed a comprehensive approach to stress-related risk assessment. There are three key elements to their approach:

- stress auditing: a major audit was carried out last year;
- proactive preventative risk assessment;
- reactive risk assessment.

In addition to these three elements, the analysis of sickness absence data is improving, including efforts to detect patterns of absence that may indicate stress-related problems.

### **Developing a workplace stress policy – creating a caring, supportive culture**

It is not possible to create a model stress policy applicable to all situations and workplaces. At our Conference in June 1999, a workshop looked at what a policy should contain and came to the following conclusions.

A good policy will have been created after thoughtful consultation (between workers, their representatives and management). All workers' representatives should liaise closely with their unions to obtain best advice during the consultation process.

- It is important that the policy is 'owned' by those it is intended to protect.
- All policies should commence with a statement of intent and include links to the relevant health and safety legislation.
- Acknowledgement of the issues and commitment from the very top of the organisation is essential. Employers need to say that they find the creation of workplace stress unacceptable and that they will work towards its eradication.
- An acknowledgement of the cost of stress in both personal and financial terms should be contained in the policy.
- The policy should begin with the acceptance of employee responsibility for the stressors and for the illnesses that follow.
- There should be clear arrangements for the carrying out of risk assessments.

- The policy should state clearly the steps the employer intends to take to eradicate the problem of work-related stress injury.
- It should contain arrangements for supportive and confidential health monitoring.
- There should be commitment to the provision of suitable training available to the workforce (including managers) throughout their working lives.
- The effectiveness of the policy should be carefully monitored and evaluated. The mechanism for doing this should involve all parties and be contained in the policy statement itself.
- The policy should be widely publicised among the workforce by individual letters and workplace posters.
- If the policy is to succeed in creating a climate of openness it should make sure that all its provisions are confidential. Workers should be able to refer themselves to health or counselling services without going through a permission-seeking procedure.

HSE provides a helpful model policy, available via [www.hse.gov.uk/stress/standards/pdfs/examplepolicy.pdf](http://www.hse.gov.uk/stress/standards/pdfs/examplepolicy.pdf).

HSE also provides a number of helpful tools for workplace audits, together with a wide range of additional support materials. Visit the HSE stress page for examples at [www.hse.gov.uk/stress](http://www.hse.gov.uk/stress).

## **The international dimension – work-related stress is a problem of the developed industrial world**

Over the last few years, the Network has been contacted by stress sufferers from the USA, Canada, Japan and Australasia. The issues raised are similar to those previously mentioned and the common theme of workplace attitudes and climates is readily apparent.

There have been some enquiries from workers in the developing world, which indicates the insidious effect of globalisation spreading unsatisfactory working practices in the name of profit. We have been aware for some time of the way in which we export our health and safety problems to the third world while at the same time congratulating ourselves on the reduction of our own problems, but we seem to close our eyes to the horrors in other countries.

There is a need for a worldwide campaign to ensure workers' safety in every country and we would happily become part of such a movement.

Through our contacts in the European Work Hazards Network (EWHN) and by working in the European Conferences we have established useful links with workers suffering from and tackling these issues in Europe.

The European Union estimates that work-related stress affects at least 40 million workers in its member states and that it costs the European Union at least €20 billion annually.

A major study of stress by the International Labour Organisation, *ILO Safe at Work*, can be found on the web at [www.ilo.org/public/english/protection/safework/stress/intro.htm](http://www.ilo.org/public/english/protection/safework/stress/intro.htm) and gives a significant international focus on the subject.

This includes ILO action on work-stress prevention presented at [www.ilo.org/public/english/protection/safework/stress/iloactn.htm](http://www.ilo.org/public/english/protection/safework/stress/iloactn.htm).

During the 1990s, the European Foundation for Living and Working Conditions (EFLWC) compiled a report, from regular studies of workers across the EU, that many workers complain of work-stress. Their complaints focused on:

- intensification of demand on workers;
- irregularity of work hours (especially for shift workers);
- increased demands and low autonomy;
- higher work speed and increased time pressures;
- demands of the job; and
- repetitive tasks.

All were found to be high stressors in the workplace. Cross-border comparisons of the levels of work-stress and the amount of impact that it has in various nations made interesting reading.

Factor	EU	UK
High speed	50%	54%
Tight deadlines	75%	56%
Rhythms induced by demand	78%	67%
Inability to change speed	20%	28%
Inability to change work method	27%	28%
Inability to change task	27%	35%
Violence	7%	4%
Intimidation	16%	8%
Stress	27%	28%
Working at very high speed	25%	25% (38% in Netherlands)

The EFLWC, holds a number of quite recent studies of stress in European workplaces.

Check for details at [search.eurofound.europa.eu/search?q=stress&site=default\\_collection&btnG=Search&ie=&output=xml\\_no\\_dtd&client=default\\_frontend&lr=&proxystylesheet=default\\_frontend&oe=UTF-8&getfields=DC%252EDate%252Emodified&curent\\_date=2007-09-19](http://search.eurofound.europa.eu/search?q=stress&site=default_collection&btnG=Search&ie=&output=xml_no_dtd&client=default_frontend&lr=&proxystylesheet=default_frontend&oe=UTF-8&getfields=DC%252EDate%252Emodified&curent_date=2007-09-19).

The EFLWC investigation also looks at preventative measures, including:

- workplace design;
- worker participation;
- ergonomic improvements of work demands and workstations;
- holistic approach to working environment;
- the organisational culture;
- workers' special needs;
- evaluation and monitoring;
- economic feasibility.

**help**



**SOURCES OF INFORMATION**

## Sources of Information

### Network website links and sponsors

The UK National Work-Stress Network provides a number of direct links via its website. Our sponsors can also be found at [www.workstress.net](http://www.workstress.net).

### General Information

HSE website at [www.hse.gov.uk](http://www.hse.gov.uk).

HSE Books  
PO Box 1999  
Sudbury  
Suffolk CO10 2WA  
Tel: 01787 881165

HSE Information Centre  
Broad Lane  
Sheffield S3 7HQ

Fax: 01787 313995 Info line 0541 545500

[www.hse.gov.uk/pubns/stresspk.htm](http://www.hse.gov.uk/pubns/stresspk.htm).

HSE provides a number of helpful tools for workplace audits, together with a wide range of additional support materials.

Visit the HSE Stress page for examples at [www.hse.gov.uk/stress](http://www.hse.gov.uk/stress).

### Citizens Advice Bureau

A wide network of Advice Bureaux exists where general information can be accessed. Equally good online information on specific information and rights can be gained at [www.adviceguide.org.uk](http://www.adviceguide.org.uk).

### ACAS booklet on Stress at Work

As always, it is a model of good practice, very readable and has useful worked examples.

It can be used in civil personal injury claims as evidence of the standard of reasonable care, as well as in tribunals as evidence of what may constitute a reasonable adjustment in DDA cases.

Check the ACAS website publications section at [www.acas.org.uk](http://www.acas.org.uk).

**Teacher Support Network** [www.teacherline.org.uk](http://www.teacherline.org.uk). Free 24-hour telephone counselling service for teachers 08000 562561.

**Work Positive** in Scotland is providing helpful advice at [www.hebs.org/workpositive/whatiswork.cfm](http://www.hebs.org/workpositive/whatiswork.cfm).

Many employers are now running wellbeing, employee assistance and counselling services of a confidential nature. It is advisable to check out your employer's provision. HSE advice is available through [www.hse.gov.uk/stress/events/bully2005.htm](http://www.hse.gov.uk/stress/events/bully2005.htm) and via ACAS at [www.acas.org.uk](http://www.acas.org.uk).

**National Stress Awareness Day** an annual event in November – details can be found at [www.isma.org.uk](http://www.isma.org.uk).

## **Sickness absence management information can be found at:**

- [www.hse.gov.uk/sicknessabsence](http://www.hse.gov.uk/sicknessabsence);
- [www.hse.gov.uk/gse/sickness.pdf](http://www.hse.gov.uk/gse/sickness.pdf);
- [www.cipd.co.uk/subjects/hrpract/absence/absncman.htm](http://www.cipd.co.uk/subjects/hrpract/absence/absncman.htm).

## **Trade Unions**

### *TUC*

**Most TUC-affiliated trade unions have their own websites and also publish advice related to work stress. Check out unions such as UNISON, GMB, UNITE (ex AMICUS and TGWU), PCS, and the NASUWT through your web search engine.**

TUC Publications  
Congress House  
Great Russell Street  
London WC1 B3L

[www.tuc.org.uk](http://www.tuc.org.uk)

## **Hazards Centres**

### *Greater Manchester Hazards Centre*

Windrush Millennium Centre  
70 Alexandra Road  
Manchester M16 7WD

Tel 0161 636 7557/7558

[www.gmhazards.org.uk](http://www.gmhazards.org.uk)

### *Merseyside Hazards and Environmental Centre*

Toxteth Town Hall  
15 High Park Street  
Liverpool L8 8DX

Tel 0151 726 9595

E-mail [centre@merseyhazards.org.uk](mailto:centre@merseyhazards.org.uk)

### *London Hazards Centre*

Hampstead Town Hall Centre  
213 Haverstock Hill  
London NW3 4QP

Tel 0207 794 5999

[www.lhc.org.uk](http://www.lhc.org.uk)

### *West Midlands Hazards Trust*

c/o 109 St Saviour's Road  
Saltley  
Birmingham B8 1HN

E-mail [Kathy@westmidlandshazardstrust.co.uk](mailto:Kathy@westmidlandshazardstrust.co.uk)

*Please note that at time of publication, there is no West Midlands Hazards Advice Centre provision*

### *Scottish Hazards Campaign Group*

Kathy Jenkins, Campaign Secretary  
Scottish Hazards Campaign  
113 Kingsknowe Road North  
Edinburgh EH14 2DQ  
Tel 0131 477 0817

Email [info@scottishhazards.co.uk](mailto:info@scottishhazards.co.uk)

Web [www.scottishhazards.co.uk](http://www.scottishhazards.co.uk)

*The Hazards Charter* can be obtained from Hazards Campaign, at Greater Manchester Hazards Centre. The charter sets out a wide range of demands from the Campaign.

[www.hazardscampaign.org.uk/charter/chab.htm](http://www.hazardscampaign.org.uk/charter/chab.htm).

It also sets out the campaigning stances for making 'work' a less life-threatening place.



*Hazards Campaign* [www.hazardscampaign.org.uk](http://www.hazardscampaign.org.uk).

*Hazards Magazine* [www.hazards.org](http://www.hazards.org).

*Risks e-zine* TUC weekly health and safety publication [www.tuc.org.uk/h\\_and\\_s/index.cfm?mins=242](http://www.tuc.org.uk/h_and_s/index.cfm?mins=242).

*Changing Times News* is the TUC's fortnightly online bulletin on work/life balance issues. Visit the website at [www.tuc.org.uk/changingtimes](http://www.tuc.org.uk/changingtimes).

## **Occupational Health and Worker Support Projects**

### *Sheffield Occupational Health Project*

37 Exchange Street  
Sheffield S2 5TR

Tel 0114 275 5760

[www.sohas.co.uk](http://www.sohas.co.uk)

### *Leeds Occupational Health Project*

88 North Street

Leeds LS2 7PN

Tel 0113 294 8222

E-mail [info@leedsohas.org.uk](mailto:info@leedsohas.org.uk)

### *Keighley Worksafe*

136 Malsis Road

Keighley BD12 1RF

Tel 0845 458 2615

Fax 01535 91264

E-mail [advice@worksafe.org.uk](mailto:advice@worksafe.org.uk)

Web [www.worksafeproject.org](http://www.worksafeproject.org)

### *Bradford Workers Health Advice Team*

UNISON OFFICES

2nd Floor Auburn House

Upper Piccadilly

Bradford BD1 3NU

Tel 01274 393949

E-mail [hazards@what-bohp.freemove.co.uk](mailto:hazards@what-bohp.freemove.co.uk)

### *Rotherham Occupational Health Project*

Room 9 Imperial Buildings

Corporation Street

Rotherham S60 1PA

Tel 01709 302584

## **Labour Research Department (LRD)**

Recognised publisher of helpful advice on a range of trade union, employment law and associated issues [www.lrd.org.uk](http://www.lrd.org.uk).

### *Labour Research Department*

78 Blackfriars Road

London SE1 8HF

Tel 0207 928 3649

### *Bullying and other helplines*

The late Tim Field wrote about bullying, based on his own personal experiences, and published several volumes, as well as delivering presentations. There was a helpline for those who suffer bullying at work. Contact and information can still be found at [www.successunlimited.org.uk](http://www.successunlimited.org.uk). Sadly Tim Field died in 2006.

Since Tim's death, his son and others have taken up the challenge and continue to provide support, guidance and advice on [www.bullyonline.org/index.htm](http://www.bullyonline.org/index.htm).

Other advice and support for bullying cases can be found through:

### *National Bullying Helpline*

Tel 0845 22 55 787

[www.nationalbullyinghelpline.co.uk](http://www.nationalbullyinghelpline.co.uk)

### *The Andrea Adams Trust*

Maritime House  
Basin Road North  
Hove BN41 1WA

The Trust runs a confidential helpline on 01273 704900.

[www.andreaadamstrust.org](http://www.andreaadamstrust.org)

### *Dignity at Work Partnership*

[www.dignityatwork.org](http://www.dignityatwork.org)

### *The Suzy Lamplugh Trust*

National Centre for Personal Safety  
Hampton House  
20 Albert Embankment  
London SE1 7TJ

Tel 0207 091 0014

Fax 0207 091 0015

[www.suzylamplugh.org/home/index.shtml](http://www.suzylamplugh.org/home/index.shtml)

### *Beatbullying*

Rochester House  
4 Belvedere Road  
London SE19 2AT

Tel 0845 338 5060

[www.beatbullying.org/docs/contact-us.html](http://www.beatbullying.org/docs/contact-us.html)

Other information can be accessed from [www.workplacebullying.co.uk](http://www.workplacebullying.co.uk).

## **Research enquiries**

We receive regular requests from researchers and students undertaking degree and other projects or dissertations asking for details of where research can be found. We do not hold a library of this information and are unable to help with specific projects.

Our recommendation is to visit the various trade union and HSE websites and connect to links via our own website. You may also wish to visit [www.hse.gov.uk/statistics/causdis/sources.htm#swi](http://www.hse.gov.uk/statistics/causdis/sources.htm#swi).

A useful journal worth consulting is *Work and Stress*, published by Taylor and Francis in association with the European Academy of Occupational Health Psychology.

Details can be obtained via [tf.enquiries@tfinforma.com](mailto:tf.enquiries@tfinforma.com) or direct from Taylor and Francis Group, Rankine Road, Basingstoke RG24 8PR, Hampshire, UK.

Advice on audits and surveys can be found at [www.cipd.co.uk/onlineinfodocuments/surveys](http://www.cipd.co.uk/onlineinfodocuments/surveys).

Other wider research papers from European bodies can be found at:

- [www.eurofound.ie/ewco/2005/02/EU0502NU02.htm](http://www.eurofound.ie/ewco/2005/02/EU0502NU02.htm);
- [www.europa.eu.int/comm/employment\\_social/news/2004/oct/stress\\_agreement\\_en.pdf](http://www.europa.eu.int/comm/employment_social/news/2004/oct/stress_agreement_en.pdf);
- [www.eiro.eurofound.eu.int/2001/11/study](http://www.eiro.eurofound.eu.int/2001/11/study).

## Supporting the UK National Work-Stress Network

We try to minimise our administrative and organisational costs as far as possible. However, we are a voluntary organisation and are totally reliant on donations from individuals and organisations. If you would like to make a donation towards these costs we would be extremely grateful.

Cheques made payable to the UK National Work-Stress Network can be sent to:

National Stress Network Treasurer  
1 Stanninghall Cottages  
Stanninghall Lane  
HORSTEAD  
NORWICH NR12 7LY

Speakers are available to talk about the issue of workplace stress at conferences, workshops and seminars, usually at a cost of travel and subsistence expenses only. Other donations for such input will be very welcome.

Conference speakers, workshop facilitators and seminar organisers can be provided as follows:

- **NOT-FOR-PROFIT ORGANISATIONS** nil fee, but a donation is welcomed, plus expenses.
- **PROFIT-MAKING ORGANISATIONS** please consult the convener on current speaker charges and expenses.

The website can be sponsored as follows:

- **NOT-FOR-PROFIT ORGANISATIONS** – FREE reciprocal links.
- **PROFIT-MAKING ORGANISATIONS** – £75 set up fee and an annually renewable fee of £50.
- Contact the convener for more details and to set up your link.

We are happy to share this information pack but regret we are unable to provide detailed research papers or other materials which can be found via our website links, TUC, trade unions, HSE and similar places where fees may be charged.

If you wish to become involved in the work of the Network or would like to receive paper copies of the newsletter and other relevant information please contact us via the website.

We are always looking for donations, from individuals and from groups such as trade unions, either at branch or district level to help us in our work. Sponsorship towards website costs and general activities is particularly welcome.

Our website **www.workstress.net** receives over 40,000 visitors each month, and many of the resources which are free to copy are downloaded. Our newsletters are published roughly every four months, and are free to copy. They are only produced electronically and can be found at our website newsletter download page on **www.workstress.net/newsletter.htm**.

If you need information about our work to present to a trade union branch in seeking financial support, please refer to our donations page at:

- [www.workstress.net/downloads/We%20need%20YOUR%20help.pdf](http://www.workstress.net/downloads/We%20need%20YOUR%20help.pdf);  
and
- [www.workstress.net/unionletter.htm](http://www.workstress.net/unionletter.htm).

### *Grateful Thanks*

The Network is very grateful to all its sponsors and supporters in kind who have made very generous donations towards our costs.

The Network is especially grateful to those trade unions that have supported our work and, in particular, this publication.

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