

Stress at work

Occupational stress arises when workers perceive they cannot adequately cope with the demands made on them or with threats to their jobs and the circumstances in which they are carried out. Stress is on the increase as employment conditions become tougher and new systems of staff supervision are introduced (CCTV, electronic productivity monitoring); it disproportionately affects people at the lower end of the job hierarchy. It is an issue for safety representatives because workers health, jobs and careers are on the line and because for many years now it has been the top concern of people at work in the UK.

Causes and symptoms

The main factors which cause stress at work are lack of job security (threat of redundancy, short-term contracts, etc.), excessive workload (arising from inadequate staffing, long hours, unsatisfactory shift patterns), harsh supervision and discipline, lack of control over work organisation, and inadequate training and career prospects.

Stress can result in both health and behavioural problems. It can lead to stomach and heart disease and a variety of psychological illnesses including reduced immune system efficiency. It is related to absenteeism, increased accident rates, relationship problems and drug and alcohol abuse. The most extreme form of stress is sudden death, i.e. people work themselves death. However, many symptoms are transient and disappear when the source of stress is removed. But if stress is prolonged,

permanent illness, either physical and/or mental may result.

Legal requirements

Employers have a duty to safeguard the health and safety of their employees under Section 2 of the 1974 Health and Safety at Work Act (HASWA).

Under Regulation 3 of the 1992 Management of Health and Safety at Work (MHSW) Regulations, employers are obliged to carry out an assessment of the risks in jobs and reduce these as far as possible. These legal duties apply to occupational stress and employers are legally required to consult with safety representatives on all aspects of health and safety, including stress risk assessments.

HSE's management standards for stress

These standards point out the issues to be taken into account when addressing occupational stress. While they are only guidance and therefore carry no weight in criminal law, they can be useful in negotiations, especially on the content and extent of stress risk assessments, which should cover all the aspects spelt out in the HSE standards. They are not as useful a tool as new laws on stress would be but these were blocked by, to their shame, the government's own Health and Safety Commission (HSC).

Also, in the Civil Courts when a stress compensation claim is being considered, the courts will use these HSE standards to judge whether an employer as gone 'as far as is reasonably practicable' in addressing the issue of stress brought to their attention by the stressed worker or their trade union safety representative. This fact is also persuasive when negotiating.

The Management Standards cover six key aspects of work:

Demands: Includes issues like workload, work patterns, and the work environment.

Control: How much say the person has in the way they do their work.

Support: Includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.

Relationship: Includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.

Role: Whether people understand their role within the organisation and whether the organisation ensures that the person does not have conflicting roles.

Change: How organisational change (large or small) is managed and communicated in the organisation.

Disability law

Under the Disability Discrimination Act 1995 stress and some related conditions are covered. If someone is made unwell with stress then in certain circumstances it is within this Acts power to seek 'reasonable adjustments' to working arrangements to reduce the risk of stress occurring. While this is a useful piece of law it is not simple to apply in these circumstances and help should be sought if trying to use it in a stress case.

Case law

There is quite a lot of case law on stress compensation now. One of the key cases is that of *Walker v. Northumberland County Council*. John Walker was a social worker who suffered two breakdowns related to his work. The employer took no action to modify his employment conditions upon his return to work after the first breakdown. The Court ruled that all the conditions of employer liability were present – breach of the duty of care, injury, causation and foreseeability. The employer appealed but eventually an out of court settlement of £175,000 in compensation was reached. In another out of court settlement, a social worker in Scotland received £66,000 after she

was forced to retire through ill health caused by bullying by her superior. A supervisor employed by the Royal Ordnance who suffered post-traumatic stress illness after exposure to toxic fumes was awarded £125,000 in an out of court settlement. These cases are to be seen as the exception rather than the rule as most stress cases do not get this far. However they are persuasive if used in negotiations.

More recent cases have blurred these clear precedents but successful cases have been made against employers and large payouts to stress damaged workers have been gained.

The key point for safety reps and workers to bear in mind is that the Court will not consider a payout if the injured person has not made it known to their employer that they are suffering from stress and that the employer has been given a clear opportunity to address the issue.

Safety representatives

Safety reps are trade union reps created by the Safety Representatives and Safety Committees Regulations 1978 which entitle them to:

- ▲ inspect the workplace.
- ▲ investigate incidents and accidents.
- ▲ have paid time off for training and for the performance of their duties.
- ▲ represent their members interests on health and safety.

Safety reps must be consulted by employers on all issues around occupational stress, especially risk assessments.

Education and awareness

Whilst stress is such a major issue of concern to workers they may need to be persuaded that their health is at risk

or that action by themselves and their safety rep can improve their conditions. This can be done by:

- ▲ circulating leaflets, feature articles and posters on the hazards of stress.
- ▲ holding discussions at workplace meetings, perhaps with an invited speaker.
- ▲ investigating key indicators of stress such as sickness absence figures.
- ▲ conducting a survey of the incidence of stress among members.

Representing individual members

The first priority is to protect the workers health and job where these are threatened by stress or by management responses. The second is to try and secure the solution the member wants. This could entail:

- ▲ ensuring behavioural problems are not treated as a disciplinary issue.
- ▲ negotiating leave, a transfer or reallocation of work.
- ▲ obtaining a second medical opinion if required.
- ▲ resisting retirement on medical grounds or dismissal on grounds of inability to work.

- ▲ helping the member get the right sort of professional help.
- ▲ pressing the management to remove or reduce the causes of stress.

Collective agreements

These can be of two types, an overall agreement aimed at eliminating or reducing stress or specific agreements on particular employment conditions. The alternative is to negotiate anti-stress provisions into employment conditions such as staffing levels, working hours, shift patterns, performance etc. The two approaches are not incompatible.

Employer responses

Employer responses to occupational stress have favoured the provision of counselling, occupational health programmes, employee assistance programme and healthy life-style campaigns. These do not address the factors in the job which produce stress and they tend to transfer responsibility for the condition from the employer to the individual worker.

Further reading

Hard Labour: stress, ill-health and hazardous employment practices, London Hazards Centre, downloadable from:
www.lhc.org.uk/members/pubs/books/hl/hl_toc.htm

Management standards for stress HSE
www.hse.gov.uk/stress/standards/standards.htm

TUC stress resource pages www.tuc.org.uk/h_and_s/index.cfm?mins=37

Other information points www.workstress.net

Factsheets online www.lhc.org.uk London advice 020 7794 5999



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