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# Tools to tackle workplace stress

What is the current legal position in relation to workplace stress? What are its causes and effects? And what can organisations do to combat it?



*Carole Spiers*

The most recent moves by the Health and Safety Executive (HSE) to tackle work-related stress may have focused many organisations' attention on the subject;<sup>1</sup> but stress has been covered by Government legislation for almost 30 years.

Section 2 of the Health and Safety at Work Act (1974) states that the broad principles of an employer's 'duty of care' are to ensure, as far as reasonably possible, the health (including mental health), safety and welfare of all employees while at work, and to create safe and healthy working systems.<sup>2</sup> This general duty of care includes pre-emptive action to prevent and control work-related stress.

Work-related stress is also covered by the Management of Health and Safety at Work Regulations 1999.<sup>3</sup> Requirements on employers include that an assessment is undertaken by the employer of all risks and potential risks to the health and safety of employees, in order to ascertain the effectiveness of

pre-emptive and control measures regarding known hazards (including stress). Where control measures do not exist, these need to be formulated and implemented as soon as practicable after the risk assessment is completed.

### Health and Safety Framework

To assist organisations with meeting these requirements, the Health and Safety Commission (HSC) has developed a strategy for work-related stress, based on its long-term occupational health strategy 'Securing Health Together'.<sup>4</sup>

The first stage in this process was embodied in the HSE's guidance for employers, issued in 1995. This was the first time the HSE advised employers that they had to assess the risks of occupational stress – just like any other injury. However, the guidance was limited because it did not tell employers how to go about assessing for stress, as it was contained in the general guidance on risk assessment. More specific guidance was published in 2001 – *Tack-*

## 'Inadequate or poor communication is one of the most common organisational stressors'

*ling Work-Related Stress – A manager's guide to improving and maintaining employee health and well being.<sup>5</sup>*

The guidance describes a risk assessment approach to work-related stress, based on the same approach used to assess all other workplace risks.

This guidance was followed in June 2003 by the HSE's announcement of its tough new code and management standards,<sup>1</sup> according to which employees will be asked to rate six key stress-related aspects of their working environment – demands, control, support, relationships, role and change – for each of which their employer must achieve a specified satisfaction level.

The HSE has been running pilot studies into the practicality of these new standards, and is expected to report back later in the year with the final launch in early 2004. The management standards will be designed to help employers meet their existing legal duties by providing clarity on what is reasonable for them to do.

In August 2003, the HSE also issued its first improvement notice against West Dorset Hospitals NHS Trust,<sup>6</sup> requiring the Trust to assess stress levels amongst its doctors and nurses and introduce a programme to reduce these or face prosecution if it fails – a move that the trust itself has welcomed because it believes it will help to improve its working environment.<sup>7</sup>

While leading employers' organisations such as the CBI and IoD have reacted negatively to both the management standards and improvement notice,<sup>6</sup> the overriding impression created by all of this activity is that the HSE is serious about stress, and determined to ensure that those organisations that have problems with stress take prompt action to reduce or prevent it. Already, HSE inspectors are being trained to carry out inspections on stress in the same way as they inspect for other workplace risks.

### The current legal position

Key elements to understand regarding the current legal position on stress are:

- Every employer has a general duty of care to protect its employees from foreseeable injury, and that includes pre-emptive action to prevent stress-related injury

- Breach of the Management of Health and Safety at Work Regulations 1999 or the Health and Safety (consultation with Employees) Regulations 1996 could lead to a criminal prosecution, and claims for compensation might also be made through the civil courts. Employers are already under a duty to consult with employees' representatives about matters affecting their health and safety (Representative Regulations 1977 as amended)

- A written health and safety policy is mandatory for all firms with five or more employees. This policy should include a stress and bullying and harassment policy. (A good starting point for any organisation considering adopting a policy on stress at work is the HSE's model policy, published in February 2003. See [www.hse.gov.uk/stress](http://www.hse.gov.uk/stress))

- Employers also have a legal duty to carry out a risk assessment, the purpose of which is to identify and avoid or reduce workplace hazards that cannot be avoided – not only for physical but also psychological risks

- The risk assessment process recommended by the HSE is a straightforward



### The five steps of risk assessment are:

- Step 1** Identify the hazards
- Step 2** Decide who might be harmed and how
- Step 3** Evaluate the risks and decide whether the existing precautions are adequate or whether more should be done
- Step 4** Record the significant findings of the assessment
- Step 5** Review the assessment and revise it at appropriate intervals – particularly following any major organisational change

and logical procedure that can be a positive benefit to both your organisation and your employees, and ensures you meet your legal duty.<sup>8</sup> It is only by carrying out such assessments that you can attempt to prevent your staff from being adversely affected by stress, because you will then be able to plan the most suitable interventions to effectively reduce or eliminate stress.



An important development in relation to workplace stress is the February 2002 Court of Appeal ruling in the case of *Hatton v Sutherland* (IRLR 236).<sup>9</sup>

The case overturned compensation payments for stress awarded in three previous rulings, and among the most wide-ranging implications of the appeal were that the court stated *inter alia* that "employers are usually entitled to assume that the employee can withstand the normal pressures of the job unless they know of some particular problem or vulnerability"; and that "any employer who offers a confidential counselling service with access to treatment is unlikely to be found in breach of duty" [of care] by the courts. These findings are under appeal.

## The causes and effects of stress in the organisation

The Government is clearly concerned that stress is a major issue for British industry, and that organisations should do everything they can (within reason) to reduce and ultimately minimise its effects. But what causes workplace stress, and how can its effects be identified?

Clearly, the causes of stress in the workplace are many and varied, and the following will give you an idea of where some of the most important potential sources may lie.<sup>10</sup> None of these are insurmountable, and one of the keys to effective stress management is to maintain an awareness of where these 'stressors' may occur – and be ready to address them before they become real problems.

- Poor communication is one of the most common organisational stressors
- Home and work-based stresses can

both feed off and reinforce each other

- There needs to be a correct correlation between the work demands made on an individual, his or her ability, and the amount of control over working practices that are available to them

- Both work overload and work 'underload' can lead to stress

- Shift work and night work can be inherently stressful, and may lead to an increased risk of accidents

- Home workers may feel isolated and require structured support

- 'Hot desking' and short-term contracts bring their own particular pressures

- Role conflict, ambiguity and changing roles all contribute greatly to stress

- Management style needs to achieve a balance between consultation, support and control

- Managers often need more training in communication and people skills

- Dealing with redundancy brings its own specialist training requirements

- Careful attention needs to be paid to the planning of physical workspace in order to ensure that staff are comfortable and motivated and thus more likely to perform to their maximum potential

- The introduction of new technology, if not approached in a planned and gradual manner, can add to stress levels

- Organisations can mistakenly encourage a culture of 'presenteeism', in which employees feel the need to be seen to be working at all times

- A correct work-life balance is essential to good health and efficient performance.

Workplace stress is not something that if left alone will go away of its own accord. It can only be tackled through a process of consultation, identification,

intervention and management, and not through short-term initiatives or one-off 'quick fixes'. As a result, stress awareness and related training are of benefit to all employees – enabling them to cope with stress at work and in their personal lives.

## The effects of stress

A company's success depends upon the individuals who work for it. Stress is an extremely complex phenomenon that can affect individuals in many different ways and to differing degrees, and can therefore severely affect the performance of an organisation to the detriment of its staff and hence its end product or service.

## As a result of this:

- The most detrimental effects of stress include high levels of absenteeism, poor job performance, low morale, low commitment, increased incidence of accidents, difficult industrial relations, poor relationships with customers and possible litigation

- The link between absence and stress is so well proven that non-attendance statistics are often used as an indicator of stress 'hot spots' within the organisation

- The effect of stress on work performance is damaging to the extent that individuals suffering from high levels of it may eventually find that their powers of creativity and rational thought have been weakened

- Where an individual is unable to perform their job to the required standard, this will eventually produce its own stress response

- Many stress-related problems can be exacerbated as a direct consequence of management not having the required expertise to deal with them

- Employee morale is vitally important to the success of any organisation. Low morale and lack of recognition by the employer will often lead to the loss of valuable trained personnel

- Where relationship boundaries within the workplace are not clearly defined, this can lead to misunderstandings that cause undue pressure

- Conflict can be endemic within the workplace, and if not addressed will damage both the organisation and the individuals involved

- In its most extreme form, workplace stress can result in bullying, violence or even suicide, either within or outside the workplace.<sup>10</sup>

- Recent research by *Personnel Today* and



Hospitals face prosecution if they fail to reduce stress levels among staff

the Health & Safety Executive has revealed the extent of the UK's overload – estimated to be more than 1.5m working days lost to stress every year with a cost to UK employers in excess of £1.2bn. Eighty-three per cent of HR professionals say they believe stress is holding back the UK's efforts to close the productivity gap, while 60 per cent claim it is adding to staff retention problems. The *Stress in the UK Workplace* survey suggests stress-related illness accounts for around 11 per cent of all sickness absence.<sup>11</sup>

### So what can organisations do?

With stress as a major contributing factor to absenteeism, and a serious organisational issue as far as health and safety is concerned, it is hardly surprising that the HSE is so committed to identifying and removing its causes. So what, in addition to following the HSE's guidelines on risk assessment and acting on the results, can you do to mitigate the effects of workplace stress?

First and foremost, it is recommended and advisable to take a proactive approach to workplace stress. Consultation with individual employees or their representatives is mandatory. Many organisations face deadline pressures, or sudden changes in work demands brought about by new contracts, restructuring, etc, and employees need to have the necessary training and experience to meet the increasing demands made on them. Examples of how this can be achieved include training in resilience, time management, communication skills and, for managers in particular, stress awareness – enabling them to recognise the early warning signs of stress in themselves and others.

Second, where employees have been forced to take time away from work as a result of stress, their rehabilitation back to work needs to be carefully managed. Ideally this process should be agreed with the individual employee, and managed to the mutual benefit of the employee and the organisation. (Clearly this will pay dividends in terms of the avoidance of recruitment, training and associated costs if the rehabilitation is unsuccessful).

Third, for those employees who require specialist support, employee assistance programmes and employee counselling services are a vital component in employee wellbeing. Following the Court of Appeal ruling, they can also be crucial in enabling an organisation to fulfil its legal responsibilities.



**Most police forces in the UK are only beginning to develop anti-stress initiatives**

Fourth, training in communication (and particularly active listening) skills is essential to help ensure that managers are aware of their team members' problems and are in a position to offer early interventions to resolve these.

Finally, employees often view occupational health professionals as 'neutral' people with whom to talk, and 'independent' of the management function. Occupational health professionals are therefore uniquely placed to act as a catalyst – listening to employees, understanding their problem(s) and making referrals to external support agencies, should this be necessary.

Ultimately, reducing workplace stress is largely a matter of common sense, and simply requires employers and employees to work together for the common good. Both share a joint responsibility for reducing stress – which, when this is successful, can help employees to enjoy their work more, and businesses to thrive as a result.

### Conclusion

It is necessary, if not essential, that there is clear and unambiguous support from senior management to show commitment to the health and wellbeing of its workforce through the introduction and maintenance of a good working environment and the implementation of healthy working practices.

A statement should be issued that confirms that the organisation's policies and procedures will be regularly reviewed to maximise employee wellbeing and to minimise any possible stress-related activity. This statement should also include a commitment to the provision of counselling support services that can be accessed quickly and confidentially by any employee in need of help or advice,

as well as training initiatives to enhance employee well-being and satisfaction.

Managers can no longer afford to adopt an 'ostrich' approach and bury their heads in the sand... no longer can industry pay lip service to the health and wellbeing of their employees. Companies will only thrive, in the long-term, when their interest in performance, productivity and profitability is matched and allied to their concern for the wellbeing of their employees – for they are the two sides of the same coin.

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