

Tackling Stress in today's climate

WORKSTRESS
THE UK'S NATIONAL MENTAL HEALTH NETWORK • 01203 601200

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How is it for you?

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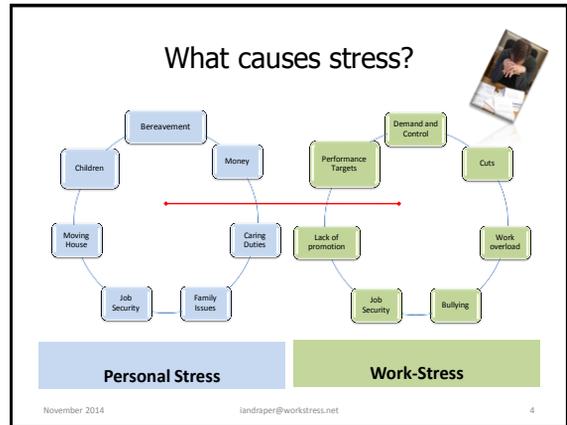
Too Much, Too Soon, Too Quickly, Too few resources –

Too Much Pressure
Too Much Bullying
Too Many Targets

Before Work After Work

Too much sickness absence and heavy management attitudes?

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The body under stress...

- No respite? = Excessive hormone output
- Adrenalin - Heart rate, muscle tension, breathing
- Noradrenalin, Cortisol, Thyroxin – increase blood sugars, energy, quick reactions
- Endorphins – natural pain killers
- Cholesterol – repairs damaged cells, clotting agents
- Chronic release and over production is harmful, auto immune system lowered
- Cardiovascular illnesses, digestive complaints, respiratory problems; Psychological illnesses, Migraines, PMT, Cancers.....
- Premature death? Even Suicide
- Whitehall 2 Study outcomes

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Recognising stress - here are some symptoms

Behaviours	Physical
Irritability	Loss of appetite, craving for food under pressures
Indecision	Indigestion, Heartburn
Loss of Sense of humour	Constipation, diarrhoea/IBS
Feelings of anger and frustration	Insomnia, Migraines, Tinnitus
Rushing from one thing to another	Sweating, Nervous habits
Withdrawn, feelings of victimisation	Headaches, cramps, muscle spasms
Feeling unable to cope	Nausea, breathlessness
Tearfulness, Panic Attacks	Fainting Spells
Lack of interest in doing things outside work	Loss of libido
Constant tiredness	Eczema
Forgetfulness	Cancers, Cardio Vascular illnesses

Do you recognise any of this in yourself or others?

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Stress and Mental Health: the scale of the problem

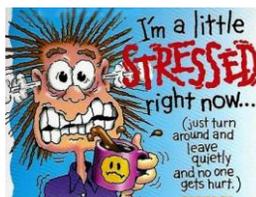
- 11 million working age people are affected by mental health problems
- The cost GB economy > £40 million year
- In England, these cost:
 - £15.1 billion due to **presenteeism**
 - £8.4 billion due to **absenteeism**
- Compared with other disorders, mental health problems account for more:
 - claimants of incapacity benefit (41% of the total - up from 26% 10 years ago)
 - new claimants of DLA (23% of the total) (Royal Coll of Psych 2009)



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7



Who is affected?

- Stress is not reserved only to so-called weaklings who allegedly 'can't hack it'
- Stress can and does affect many people unless they challenge what is happening to them

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8

Legal Requirements - Summary



- Employers' duties to provide safe and healthy working environment and practices
- Statutory requirement to risk assess and apply control measures
- HSE Stress Management Standards – voluntary but expected to be applied
- Equality Act 2010 [DDA etc] requires reasonable adjustments to work
- Stress and Bullying Policies should be in place and regularly reviewed
- Common law duty of care – moral and legal duties not to cause harm
- More difficult to prove, but where damaging harassment has taken place then it needs to be shown to have had a detrimental effect

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The Legal Precedents

- ▶ 1995 – Walker vs. Northumberland CC – the 1st really successful case where the 2nd breakdown was deemed to be employer responsibility
- ▶ 2002 – Hatton and other cases – 4 cases taken together where judgments were overturned on Appeal leading to closer focus on foreseeability and causation and setting out the "Hale 16 principles"
- ▶ 2004 – Barber vs. Somerset CC – one of the group of Hatton cases further appealed, established need for employer to look at employee's condition and to make appropriate adjustments
- ▶ 2005 – Hartman vs. S Essex MH Trust – further reinforced the Hale 16 principles
- ▶ 2007 – Hiles vs. S Gloucs PCT and Daw vs. Intel Corp UK – both claimants had broken down emotionally at work and employers were found wanting in respect of failure to investigate causes
- ▶ 2008 – Dickens vs. O2 – reinforced that employers have a duty to investigate once they become aware of employee health problems

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10

Foreseeability and the Legal Challenge

- Hatton judgment, Lady Justice Hale – 16 points
 - What the employer knows, or ought reasonably to know
 - Mental disorders more difficult to foresee than physical injuries
 - Employer can reasonably expect to assume that employee(s) can withstand normal pressures
 - The nature and extent of the work and if the workload is much more than normal for the particular job – are the demands of the employee unreasonable?

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11

Foreseeability and the Legal Challenge

- Employer is entitled to take what he is told by employee(s) at face value – it is not essential to make searching enquiries
- The trigger point for a duty on the part of the employer to be invoked, must be plain enough for any reasonable employer to realise that impending harm is arising from stress at work and actions need to be taken
- Employer only in breach of duty if he has failed to take steps which are reasonable in the circumstances to remedy the problem

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12

Foreseeability and the Legal Challenge

- Employer can only reasonably be expected to take steps which are likely to do some good
- Employers offering a confidential advice service with access to counselling and treatment, are unlikely to be found in breach of duty
- In proving a case against the employer:-
 - Must be able to show steps that employer could/should have taken
 - Must be able to demonstrate that breach of duty has caused of materially contributed to the harm suffered
 - Assessment of damages will take account of any pre-existing disorders or vulnerabilities and the chance that the employee would have succumbed to a stress related illness

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13

Enterprise Act

- The *Enterprise and Regulatory Reform Act* is now in place and has changed a number of aspects of the law regarding the securing of compensation awards
- Changes to *Employment Tribunal* procedures include
 - The need for prescribed information to be submitted to ACAS as a first step
 - Certain claims can now be heard by legal officers if the parties agree
 - EAT rules amended to allow for a single judge sitting to hear the case
 - Powers to order employers who have breached workers' rights to pay a financial penalty between £100 and £5,000
 - Renaming of Compromise Agreements to Settlement Agreements
- Removal of the right to rely on previous discussions around possible termination held with the employer in a tribunal
- Further details in the Legal Information hand-out in your pack

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14

Understanding the HSE Stress Management Standards

The six areas are:

- **Demands:** workload, work patterns, and the work environment
- **Control:** How much say the person has in the way they do their work
- **Support:** encouragement, sponsorship and resources provided by the organisation, line management and colleagues
- **Relationships:** 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 they do not have conflicting roles
- **Change:** How organisational change (large or small) is managed and communicated in the organisation.

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15

Stress Management Assessment Tool

- 1 I am clear what is expected of me at work
 • Never Seldom Sometimes Often Always
- 2 I can decide when to take a break
 • Never Seldom Sometimes Often Always
- 3 Different groups at work demand things from me that
 • are hard to combine
 • Never Seldom Sometimes Often Always
- 4 I know how to go about getting my job done
 • Never Seldom Sometimes Often Always
- 5 I am subject to personal harassment in the form of
 • unkind words or behaviour
 • Never Seldom Sometimes Often Always
- 6 I have unachievable deadlines
 • Never Seldom Sometimes Often Always
- 7 If work gets difficult, my colleagues will help me
 • Never Seldom Sometimes Often Always

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16

Simple internal Audit?

RISK FACTOR	LOW	MEDIUM	HIGH
Work Demand			
Targets & Deadlines			
Job Security			
External forces			
Team-working			
Management Style			
Work-life Balance			
Aggression/Abuse			
Colleague Absence			

Higher scores will show increased stress hot spots. Collate totals. Then consider causes and effects and apply control measures. Totally anonymous.

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17

Trade Union Action

- Listening to Members and getting them talking openly
- Top-down recognition that there is a genuine problem – regular slot on H&S Committee Agendas
- Pushing the need for effective Mental Health and Wellbeing in the Workplace policy
- Pressures for regular and relevant Risk Assessments
- Emphasis of the need for Stress and Bullying Policies, their monitoring, implementation and impact
- Absence Monitoring support for members
- Supported return to work meetings
- Disability and Equality awareness as required
- Pushing for proper effective management training and understanding of needs
- Creating a *caring, supportive culture* with *dignity in the workplace for all*

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18

Mental Health in the workplace

Mind "found that one in five workers would not disclose stress or mental health issues to their manager for fear of being placed first in line for redundancy".

The same charity also found that 92 per cent of the British public believes that admitting to having a mental health illness would damage their career.

The study revealed that one of the professions most likely to be affected was teachers. (2012)

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DANGER!
RISK OF WORKLOAD AVALANCHE

WARNING!
DUE TO THE CURRENT WORKLOAD, THE LIGHT AT THE END OF THE TUNNEL HAS BEEN SWITCHED OFF

Bang Head Here

Thanks for Listening

"Getting here on time every morning, and never have a day off sick, just isn't good enough Moulding! How are you ever going to get through all the stuff I keep piling on top of you if you don't work through your lunch-break as well?"

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