



Stress at work— a guide for safety reps

**A guide for UNISON
safety representatives on
prevention for members**



*Organising for
Health & Safety*

Stress at work—a guide for safety reps

Stress is one of the biggest health issues at work today. Over half a million people will have their physical or mental health damaged as a result of stress at work.

The real extent of stress-related problems has been hidden because very few people are prepared to admit they are suffering from stress, or to seek help for it. Few people who have not experienced the depression, anxiety and despair which often accompanies stress, fully appreciate the effect it can have on people's lives.

Even today, there are employers who claim that stress is good for you. This is nonsense. Stress can have serious consequences upon your health. The Health and Safety Executive (HSE) accepts that there is no such thing as a pressure free job and UNISON agrees. Challenge and stimulation are necessary, but stress is not, and if a job is to be done well, stress should be avoided.

The levels of stress experienced will vary between people, as will their reactions to stress. Stress is also difficult to measure. Employers often portray stress as an individual problem rather than one affecting the whole workplace and may claim that it is caused by problems outside of work. While much stress can be caused by factors such as relationships, health and noisy neighbours, work is still one of the main causes of stress. Stress at work can also compound problems which result from stress caused by personal factors.

Stress—a definition

The HSE defines work-related stress as ‘the adverse reaction people have to excessive pressures or other types of demand placed on them’.

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

Causes of stress

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

- long hours,
- shift work,
- too much or too little work,
- lack of control and conflicting demands (especially amongst the lower grades),
- poor management,
- bad relations with other work colleagues,
- repetitive work, boredom and lack of job satisfaction,
- working alone,
- job insecurity,
- job or organisational change,
- low pay,
- jobs with heavy emotional demands,

- either actual, or threatened, violence, bullying and harassment, and
- a poor working environment (such as excessive noise, the presence of dangerous materials, over-crowding, poor facilities, or extremities of temperature or humidity).

The cost to employers

The HSE recognises that stress is a major contributor to work related illness and sickness absence. They estimate that 6.5 million working days are lost in Britain every year due to stress, with an average of 16 days off work for each person suffering from the condition. The Confederation of British Industry has put the cost of mental health and stress problems to employers at £5 billion per year. The Institute of Management has estimated that 270,000 people take time off work every day due to work related stress. A cost to the UK economy of £7 billion per annum, in terms of sick pay, lost production, and NHS costs, etc.

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

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

If employers successfully tackle workplace stress the HSE has noted that they enjoy a healthier workforce, lower sickness absence, better performance and improved service, less frequent

and less severe accidents, better relationships, between colleagues and with clients, and a lower staff turnover.

Clearly action on stress can be very cost effective.

Stress and the law

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

The most important regulations that can be used to protect members are the Management of Health and Safety at Work Regulations 1999. These require employers to assess the nature and scale of workplace risks to health and to ensure that there are proper control measures in place to avoid these risks wherever possible, and reduce them so far as reasonably practicable, where not.

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

These risk assessments are the key to preventing illness through stress. The HSE guidance to managers *Tackling work-related stress* states, ‘undertaking a risk assessment for work-related stress is more complicated than for physical hazards, but it involves the same basic principles and process’. It goes on to explain that ‘the purpose of carrying out a risk assessment is to find out whether existing control measures preventing harm are sufficient, or if more should be done. Completing a risk assessment will not itself reduce work-related stress. However the actions you take as a result should do so’.

Basically there is nothing special about stress that makes it significantly different from many other hazards. It must be identified, and then removed or controlled in order to ensure a

safe workplace. If stress is a potential hazard it should be identified in risk assessments the same way as physical hazards such as dangerous chemicals or fire risks.

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

UNISON’s success in bringing cases against employers who fail to protect members from stress demonstrates that the courts will not allow employers to avoid their legal duty.

The John Walker stress case—nervous breakdowns

In April 1996 UNISON member, John Walker, a senior social worker for Northumberland County Council, accepted £175,000 in compensation. This was for the two nervous breakdowns he suffered as a result of the stress from an impossible workload. The High Court had ruled in November 1994 that:

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

Therefore, the employer was negligent.

Janet Ballantyne—bullying manager

In June 1996 UNISON member Janet Ballantyne, a deputy officer-in-charge at a home for the elderly for South Lanarkshire Council, accepted £66,000 in an out of court settlement for stress which led to anxiety, depression and panic attacks. The stress arose from

the bullying behaviour of a new manager. Despite numerous complaints about the problem and the effect that it was having, the employer took no action.

Richard Pocock—driven to suicide

In February 1998, the widow of Richard Pocock, a mental health nurse driven to suicide through stress, received a £25,000 settlement from North East Essex Mental Health NHS Trust. UNISON had argued: that he was subjected to a vindictive, oppressive, ruthless and macho style of management; and that whilst management were made aware that Mr Pocock was suicidal, they failed to do anything about it.

Cath Noonan—bullying, harassment, and intimidation

In July 1999 Cath Noonan, Domiciliary Care Manager of 11 years for Liverpool City Council accepted an out of court settlement of £85,000. This was to compensate for the harassment, bullying, and intimidation, which she had suffered at work over a number of years, eventually leading to a breakdown and subsequent ill health retirement in 1997. Despite requests from herself, her GP, and even her employers own Welfare and Counselling Adviser, the council had failed to take any remedial action.

Beverley Lancaster—employer admits liability, a legal first

Also in July 1999 Beverley Lancaster, a housing worker employed for Birmingham City Council was awarded £67,000 damages after her employer admitted liability. Beverley had worked for the authority for 26 years in a variety of posts before being forced to retire on ill-health grounds. For the first 21 years, she had an exemplary work record, but when her post was abolished, she was transferred to another job.

Despite new repeated requests, Beverley did not receive training for the job or on how to deal with members of the public in potentially violent circumstances, nor did she get the

administrative support given to other staff in the same post. Eventually, Beverley found the levels of stress unbearable.

Randy Ingram—record pay out for stress

In January 2000, Worcester County Council admitted liability and offered Randy Ingram £203,000 for the prolonged stress, which had forced him to take ill-health retirement, at the age of only 39. Mr Ingram had successfully worked as a warden managing travellers' sites for two years. However, when site management was transferred from the District to the County Council, there was a marked difference in the support that he received. Mr Ingram was now responsible for a site with a history of problems, and the residents quickly appreciated that the wardens no longer enjoyed the support of the council. In fact, it actually undermined their authority. Worcester's own internal enquiry later criticised its management of the sites.

A minority of residents took advantage and subjected the wardens to violent and abusive behaviour. Mr Ingram was the third warden on the site to suffer from stress, and increasingly felt powerless and isolated. The stress and subsequent depression affected his home life, necessitated two stays in hospital, and still requires him to take medication.

Whilst UNISON is delighted with these awards, no amount of money can compensate for the suffering that each of these members and their families have had to endure. It is a tragedy that Richard Pocock had to take his own life before his employers were forced to listen. This is why bringing a stress compensation case must only be seen as a last resort.

It is far more important to prevent other members from suffering and the best way to do this is for employers to have a good stress policy that is put into practice. To this end, Branches may use these cases to demonstrate that otherwise, employers will be found responsible.

Enforcing the Law

Taking compensation cases may help make employers sit up and take notice, however they only work after someone has had their health seriously damaged as the cases listed previously show.

In addition, stress cases are not always easy to win. The courts have imposed a very high standard of proof, and a number of principles have to be applied before stress cases can be won.

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

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

HSE and local authority inspectors are often very reluctant to force employers to take action on stress, but several UNISON branches have successfully demanded that the inspectors act against their employer. This has resulted in employers being forced to conduct their risk assessments all over again.

However it is better to try to negotiate a good stress policy with your employer rather than seek redress in the law.

What should a good stress policy contain?

For a stress policy to be effective, it must:

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

The objectives of the policy should be:

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

A draft stress prevention policy is given in *Appendix A* of this guide.

Risk Assessment

The HSE have produced a guide for managers called *Tackling work-related stress*. Every employer should use it when considering how to address a problem of stress.

The guide puts risk assessment at the heart of any plan to reduce the risk of work-related stress.

However the HSE stresses that before a risk assessment is undertaken the employer should:

- talk to their staff about work-related stress and explain what they want to identify,
- explain that they are setting up a group to help (which includes trade union/employee representatives, the unit health and safety officer, one or more supervisors or managers and, if available, someone from the occupational health service),
- share what they are trying to achieve with staff and explain that the first step is to undertake a risk assessment,
- ask the group to undertake the assessment, and
- agree a date by when you want to see the key findings of the risk assessment.

UNISON safety representatives should ensure, that if they do get involved in any group set up to oversee risk assessments on stress, they make it clear that they are there simply to give advice and that the risk assessment is the responsibility of management. This is important because UNISON safety representatives will want to ensure that they can make representations if the risk assessments are inadequate, or if they do not lead to the necessary action or resources being made available.

The risk assessment should then follow five steps. These are:

- **Identify the hazards.** Before doing anything the employer has to find out if there is a problem. There are seven broad categories of risk factors for work related stress: culture, demands, control, relationships, change, role, and the support, training and other factors unique to the individual.

The HSE recommends that employers identify the hazards using a variety of methods including looking at sickness records, using focus groups and using questionnaires.

- **Decide who can be harmed.** Work-related stress can effect any member of staff, however some staff may be more vulnerable than others because of their job or if they are returning to work after a domestic crisis or illness. It is important that measures to combat stress do not focus on any particular individuals who employers feel may be more likely to become ill, and instead relate to the work of the organisation as a whole.
- **Evaluate the risk.** Basically the employer has to look at what action they are already taking, decide whether it is enough, and what more they need to do.

It is at this point that the employer has to decide what measures they need to take to move or reduce the levels of stress within the organisation.

The HSE says that, in controlling risks, employers must apply the principles below and in the following order:

- avoid risks (e.g. make the work environment safer so that staff are not anxious about the threat of violence);
- combat risks at source (e.g. by organising the work sensibly and giving people clear roles);

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

It is important that safety representatives ensure that employers do not look at individual protective measures, such as employer assistance programmes before they have looked at the four previous principles.

- **Record the significant findings of the assessment.** All employers should already be conducting risk assessments and recording the findings. It is therefore very easy for stress to be included within these risk assessments, or at least recorded in a similar way.
- **Review the assessment at appropriate intervals.** The HSE recommends that the assessment is reviewed every six months initially, and then annually if there are no significant changes.

Support for stressed workers

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

Clearly the first thing is to ensure that the stress is removed. There is also a lot more that managers can do to support staff including ensuring that they are not penalised for feeling the effect of too much pressure.

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

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

Employee assistance programmes and paid time off for counselling can also help.

Often members who do suffer a stress-related illness do not come back to work or are offered early retirement.

With support, and changes to the job, most stress related illnesses are curable and there is no reason why a worker should not be able to return. More importantly the employer needs proper arrangements to support workers who are made ill through stress, including arrangements to have an early return to work interview, and possibly allowing people to return to work

on a phased or gradual basis with reduced responsibilities or part-time working until the person feels confident enough to return to their full duties.

Post Traumatic Stress Disorder

Some UNISON members who, through their work are exposed to a traumatic situation through an event like a major disaster, fire, or multiple murder, or who experience constant exposure to suffering as a result of their work, have been diagnosed as suffering from Post Traumatic Stress Disorder. This is a very severe reaction to a highly stressful and emotional situation and the causes, and measures needed to prevent this are different from those covered in this guide.

Remember to use safety representatives rights

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

- consult with members – meetings and surveys on stress for example,
- carry out inspections – perhaps in search of the problems identified as causes of stress for example,
- information from employers – of relevance here, are the results of anonymous stress surveys; consultants' reports; sickness absence data; and risk assessment results, and

- consultation with management in good time (i.e. well in advance of changes taking place) on:

- work equipment, the workplace, job content, hours of work, and any proposed changes to these,
- the planning and introduction of new technologies including new equipment, new computer software, and the need for subsequent training,
- the appointment of competent persons, including outside professionals and in-house counsellors. Those responsible for carrying out stress risk assessments will need extra training, and the provision of adequate time, resources, and authority to take decisions,
- health and safety training for members including that on stress management or stress awareness, and on
- health and safety information: literature, leaflets, and posters on stress for example, which the employer wishes to use.

There are also rights to access facilities (a private room to talk to members, and the use of internal mail systems to circulate a survey for instance), assistance, and paid time off to carry out safety representatives functions (meetings with other safety representatives or members for example) and to attend UNISON or TUC training. More detailed guidance on the rights and role of safety representatives is available in UNISON's Guide for Safety Representatives.

What branches can do

- talk with members about the way work can damage health. Emphasise that stress is an illness caused by work in just the same way as RSI, back pain or dermatitis;
- tackle management about:
 - its legal responsibility: for the health, safety and welfare of its employees, including risk assessing and preventing hazards at work, and about
 - the necessity of having a stress prevention policy;
- help any member who is suffering from stress by getting as appropriate:
 - a change of, or changes in the job,
 - more training,
 - more support,
 - more flexibility in how the job is done,
 - access to independent counselling, and representation at any disciplinary or dismissal procedure (many of the statements in the HSE guide will be of use for grievances and disciplinaries);
- encourage members to keep a written record of any problems, and to put things in writing to management, so that there is evidence of any problem and that management were aware of them;
- conduct a survey of the extent of stress within your workplace. An example is included in this guide as *Appendix B*; and
- distribute UNISON's leaflet on stress to all members and potential members.

Appendix A

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Stress prevention policy—draft

1. The parties to this agreement recognise that stress at work is a health and safety problem and that employers have a duty under Section 2 of the Health and Safety at Work Act, to take all reasonably practicable measures to prevent stress at work. Under Section 7 of that Act, employees have a duty not to endanger themselves or others and to co-operate with their employer in meeting statutory requirements.
2. The Management of Health and Safety at Work Regulations 1999 require employers to assess health and safety risks, including stress, and to introduce prevention and control measures based on those risk assessments.
3. This agreement will apply to all employees, including those working in the community. The same opportunities for counselling and other help will be offered to all staff, regardless of age, gender, race, sexuality, grade, or job.
4. Priority will be given to assessing the causes of stress at work and introducing measures to reduce or prevent it. The Head of Department or equivalent post-holder, will be responsible for carrying out these assessments in consultation with the union representatives for that department. To ensure their competence, specific training will be provided for people carrying out assessments.
5. Where stress causes deterioration in job performance, this will be treated as a health problem and the sufferer will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress.
6. The Health and Safety Executive's *Guide Stress at Work* gives details of the causes of workplace stress and what employers must do to prevent them. This guide will be used in determining the appropriate action to be taken by the employer.

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7. This agreement for dealing with stress at work forms part of the employer's Health & Safety Policy, and should be read in conjunction it.
8. Employees suffering from stress and stress-related illnesses will be offered paid time-off to attend stress counselling sessions. So that staff can make arrangements for counselling outside their working hours if they do not wish to draw attention to their need for counselling, the names of stress counsellors and how to contact them will be posted on notice boards.
9. Counselling will be offered by independent and trained counsellors. This service will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned.
10. Information and training will be given to all employees. This will include: the causes and effects of stress, a copy of this stress agreement, details on how to seek help, and information on the arrangements for reporting causes of stress and work-related illnesses.
11. Where an employee becomes ill through stress, management will seek to identify the causes of the stress and eliminate them through changing the postholder's duties or working environment. Employees unable to continue in their job because of stress-related illnesses will be offered alternative suitable posts, subject to agreed procedures for relocation. Relocation will be considered as a last resort, unless requested by the member of staff concerned.
12. This policy and its effectiveness will be regularly reviewed jointly by the staff unions and management. The initial review will take place six months after this policy comes into effect and at intervals of not more than 12 months thereafter.

Appendix B

Sample stress survey

This survey is designed for you to provide information on stress in your workplace. All information will be treated as confidential. We do not even need your name.

Please provide the following information:

Gender:

Male

Female

Age:

Under 20 yrs

20-29 yrs

30-39 yrs

40-49 yrs

50+ yrs

Job title and/or description:

Workplace:

I. Do any of the following conditions affect your workplace? (please tick):

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

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

1. _____
2. _____
3. _____

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

(Never/Sometimes/Frequently):

Headaches	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Indigestion	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Continual tiredness	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Loss of concentration	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Feeling depressed	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Anxiety attacks	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Increased smoking/ alcohol use	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
Sleeplessness	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>
High blood pressure	N <input type="checkbox"/>	S <input type="checkbox"/>	F <input type="checkbox"/>

Other (please specify): _____

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

Yes

No

5. If you have experienced stress what three changes would have made the biggest difference?

1. _____

2. _____

3. _____

Please return to: _____

By: _____

Appendix C

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Further Information

UNISON has produced a number of publications that may be useful to branches or safety representatives who are dealing with stress. They are available from the Communications Unit at UNISON Head Office.

- *Bullying at Work*. Guidelines for branches (stock item 1281)
- *Control or Management?* Guidelines on sickness absence policies (stock item 1450)
- *The Health & safety six pack*. UNISON's guide to health & safety law (stock item 1660)
- *UNISON's health & safety representatives guide* (stock item 1684)

In addition UNISON has produced a leaflet on stress for individual members—*Stress at Work* (stock item 0848)

There is also a legal brief on stress available on UNISON's website www.unison.org.uk

Advice

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

UNISON's Health & Safety unit is at:
1 Mabledon Place,
London WC1H 9AJ
Tel: 020 7551 1446
Fax: 020 7551 1766
Email: healthandsafety@unison.co.uk

Your comments

UNISON welcomes comments on this booklet from branch safety officers and safety reps. Either write or email to the Health & Safety unit at the address above.

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or to join **UNISON**,
call lo-call **0845 355 0845**.

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