

## Stress in the Workplace: Management Briefing

The Health and Safety Executive's definition of work-related stress is:

'The adverse reaction people have to excessive pressures or other types of demand placed on them at work.'

If stress becomes too excessive and prolonged, mental and physical illness may develop.

### Did you know?

- In 2011/12, there were an estimated 428,000 cases of work-related stress, depression and anxiety with an estimated 221,000 new cases occurring
- 1 in 6 workers suffer from work-related stress
- nearly half a million people in Britain believe stress makes them ill
- stress-related ill health leads to an average of 24 days off work
- poor work design, e.g. where an employee has little or no control over the work they do or where there is little support from managers or colleagues, has been shown to have a real impact on staff performance and reliability, even before an individual takes time off
- 10.4 million working days are lost annually costing the economy over £3 billion.

### Effects of work-related stress:

- staff absence and loss of productivity with a financial impact
- adverse impact on staff retention and recruitment, causing additional costs
- employer's liability insurance premiums may increase; in severe cases litigation by those experiencing the stress.

### Case Law

There have been a number of cases in the Civil Courts and still more have been settled out of Court.

An employee (a social worker) received compensation for psychiatric damage suffered as a result of work-related stress. The judge ruled that 'whereas the law on the extent of this duty has developed almost exclusively in cases involving physical injury to the employee as distinct from injury to his mental health, there is no logical reason why risk of psychiatric damage should be excluded from the scope of the duty of care'.

Cases included a council administrative assistant who fell ill with anxiety and depression – she was awarded £157,541 after a County Court judge heard in evidence that she had to work 'grossly excessive hours' [Jones v Sandwell Metropolitan District Council]. However, the Courts have held employers not to be liable when reasonable precautions have been taken and the employer could not reasonably know that the employee was particularly susceptible to stress.

## Guidelines to employees

Take appropriate measures to control the risk of stress-related ill health arising from work activities. Six Management Standards have been identified:

- demand: workload, work pattern and the work environment
- control: what influence the individual has about the way they do their work
- support: the encouragement, sponsorship and resources provided by the employer, line management and colleagues
- relationships: promoting positive working to avoid conflict and dealing with unacceptable behavior
- role: whether employees understand their role within the organization and whether the organisation ensures that the person does not have conflicting roles
- change: how organisational change is managed and communicated in the organisation. employer/employees duties under them

## Recommendations for employers

- undertake and regularly review stress assessments and implement their recommendations
- support those experiencing stressful situations
- ensure staff have access to a confidential counselling service or helpline
- offer training and development opportunities
- maintain good communications with staff
- monitor and review workloads
- manage poor performance and attendance to prevent a burden on other staff
- ensure staff are not working excessive or unreasonable hours
- ensure that bullying and harassment are not tolerated.

## Legal duties

The prevention of stress is included in the general duty of care that an employer has to his or her employees:

- the Health and Safety at Work etc Act 1974; 'health' includes mental health
- the Management of Health and Safety at Work Regulations 1999 (as amended)
- the Equality Act 2010

Civil law; employer owes a 'duty of care' to individual employees in the course of their employment. This is the area of law with the most important implications for work-related stress.

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