

rmp

Stress



Stress

What is work-related stress?

There is a difference between stress and pressure. We all experience pressure on a daily basis and need it to motivate us and enable us to perform at our best. It's when we experience too much pressure, without the opportunity to recover, that we start to experience stress. The HSE definition of stress is 'the adverse reaction a person has to excessive pressure or other types of demands placed upon them'.

How can this affect you as an employer?

It's your duty in law to ensure that your employees don't suffer illness as a result of their work. Stress can lead to illness. Also an employer's actions to reduce stress related absence can be very cost-effective. Costs of stress to your organisation may show up as an increase in sickness absence, high staff turnover, poor timekeeping, reduced performance and more complaints from customers. Stress in one employee can lead to potential problems with other staff having to cover for their colleagues.

Health and safety law

As an employer you must continually assess the risk of stress in your employees. A risk assessment for stress involves:

- looking for pressures at work that could cause high and long lasting levels of stress
- deciding who may be vulnerable to these pressures
- deciding whether you are doing enough to prevent them.

Work-related stress can be tackled by working with your employees to identify issues at source and agreeing realistic and manageable ways to tackle these. To help achieve this, the HSE has produced new management standards and guidelines on work related stress for employers and employees and their representatives (available at www.hse.gov.uk/stress). What are the HSE's new management standards and how do they work?

Under UK law, employers have a 'duty of care' to protect the health, safety and welfare of all employees at work. They also have to assess the risks arising from hazards at work including work-related stress. The HSE has identified six key areas (or 'risk factors') that can be the cause of work-related stress as follows:

- the demands of your job
- your control over your work

- the support you receive from managers and colleagues
- your relationships at work
- your role in the organisation
- change and how it's managed.

As an employer you need to understand what these risk factors look like in your particular place of work, identify problem areas and work in partnership with your employees to try to reduce areas of concern. The HSE has produced the new management standards, including targets for organisations to aim towards. One standard applies to each risk factor. 'Demands', for example, covers issues like workload, work patterns and the work environment and includes guidance on what should be happening in your organisation if the standard is being achieved. As well as assisting managers to understand the causes of stress at work, the standards process provides a means of assessing how your workplace is performing and gives ideas on how to make improvements. The target is for all organisations to match the performance of the top 20% of employers that are successfully minimising work-related stress. To do this the employer will need to:

- assess risk and potential causes within your organisation. This may involve studying sickness absence records or by conducting attitude or specific stress-related surveys
- use the above to compare how the organisation is performing in relation to the six risk factors
- decide on improvement targets and action plans in consultation with the staff or their representatives.

The leading judgement on stress is *Hatton v Sutherland* – 2002. In this case, the Court of Appeal set out specific guidelines on how the courts should consider future cases of stress and these are detailed on the following page.

Hatton v Sutherland - 2002

In this case the Court of Appeal held that there were no special rules for stress or other psychiatric illness cases and the usual rules of employer's liability apply. This means that employers can continue to rely on the guidance given by the Court of Appeal in the *Hatton* case namely:

- an employer is entitled to assume that employees can withstand the normal pressures of the job unless the employer is made aware of some vulnerability of problem

- an employer is generally entitled to take what he is told as face value
- employees have an obligation to raise any difficulties that they are experiencing with their employer
- an employee must have a psychiatric injury and not merely be experiencing occupational stress
- the psychiatric illness must be the direct result of work, not caused by factors outside of work
- no occupations are to be regarded as inherently risky
- an employer who offers a confidential advice service with referral to appropriate counselling or treatment services is unlikely to be found in breach of duty
- given a foreseeable risk of injury the employer must still be shown to have failed to take reasonable or adequate steps to reduce the risk of harm. The size and scope of an employer's operation is relevant to the reasonableness of the steps he should have taken.

The guidelines given by the Court of Appeal in *Hatton* were instrumental in reducing the number of claims for compensation for stress at work. This is clearly a massive issue and the above article is designed to give you a flavour of some of the issues to look for and ideas to help tackle them.

For further information you may like to visit some of the websites detailed below or, if you feel you need some practical assistance, you may wish to speak to your broker or RMP account director. Gallagher Bassett run a one day course on occupational stress management which is designed for line managers and supervisors with the primary focus of developing an understanding of the individual nature of stress and its causes. The course also covers the legal requirements, how the organisation can be affected by stress and looking at the development of a proactive management strategy for tackling the issue.

Health & Safety Executive –
www.hse.gov.uk/stress

The International Stress Management Association –
www.isma.org.uk

Advisory, Conciliation and Arbitration Service
www.acas.org.uk

Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

Get in touch

For more information, please contact your RMP consultant or account director.

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