



Briefing 09 -09 February 2009

HSE local authority circular 81/4

Work related stress

This briefing is provided to APSE members throughout the UK to and in particular to human resource professionals and those with responsibility for directly managing staff.

The HSE from time to time issues circulars providing advice and guidance on work related risks to health and safety. This briefing provides details of the latest updated circular on work related stress, provided to their inspectors, and highlights issues for the public sector, specifically local authorities, including the management of sickness absence and how an HSE inspector might consider and react to breaches of health and safety requirements.

Key Issues:

- The HSE (Health and Safety Executive) has responsibility for ensuring enforcement of health and safety requirements and regulations.
- Work related stress is covered under the relevant health and safety regulations
- This briefing highlights the latest guidance to inspectors specifically designed for local authority health and safety enforcement managers and health and safety regulators and provides a timely reminder to local authorities, police and fire authorities about their duties under health and safety regulations.

1. Introduction

Stress is defined as *'the adverse reaction people have to excessive pressures or other types of demands placed on them'*. It arises when they perceive they can't cope with those demands.

The incidence of work related stress in recent years is a real cause for concern with the cost to British employers estimated at over £500 million per annum. Work related stress

depression and anxiety are the leading causes of working days lost through injury or ill health. Each incidence of work related stress leads to an average of 30 days loss due to sickness absence.

HSE inspectors have carried out survey research into causes of work related stress and their findings show the most significant factors that impact upon work related stress are:

- Work organisation is capable of inflicting both psychological and physical ill health in members of the workforce
- Management style has the potential to impact upon the health of employees. In particular there is evidence that social support to employees, particularly from managers, has a protective effect on the development of future psychiatric disorder health functioning and spells of sickness absence.
- Interventions are only likely to be effective if applied to management systems and work organisation, rather than at the individual level.
- Many groups of workers including teachers, nurses and managers reported being 'highly stressed'.

2. Management standards for work related stress

Stress has been designated as a priority programme for the HSE as part of the ill health reduction strategy. The management standards for work related stress include:-

- An indicator tool based on a short questionnaire to give a broad overview of potential organisational issues, designed to measure six elements of work design which comprise the management standards and:
- Consultation with employees to provide a mechanism to check back on the results of the tool and to develop locally relevant interventions to improve working conditions and:
- Implementation of interventions and subsequent reviews to evaluate their success.

The management standards looks at six areas of work design / organisation, which if not correctly managed can lead to work related stress these include:

- Demands - such as work load, quantity, pace and content and work scheduling, such as shifts, breaks, uncertain hours and physical environments including violence, noise, thermal comfort
- Control – lack of control over workflow autonomy, little decision making
- Support – skill shortfall, lack of support from organisation, management and colleagues
- Role – role conflict, role ambiguity, low perceived status, inappropriate levels of responsibility
- Relationships – interpersonal conflict and harassment
- Change – poor or absent strategies for involving staff and for minimizing adverse effects of implementation

Each of the six areas comprises of three elements:-

- The stressor – demands, control, support role, relationship, change
- The standards e.g. for demands is that ‘employees indicate that they are able to cope with the demands of their jobs; and systems are in place locally to respond to individual concerns’ and;
- What should be happening / states to be achieved which define a desirable set of conditions to work; typical of characteristics of an organisation where this stressor is likely to be managed effectively.

The HSE standards reiterate the importance of organisational culture as a significant contributor to the stress profile of an organisation. Poor culture is characterized by lack of support for employees, poor communication, lack of commitment to employee well being and employees not being valued.

The standards and supporting materials are available as web based resource tools at www.hse.gov.uk/stress/standards/index.htm

These standards can help large organisations such as local authorities meet their legal duties under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999.

The management standards approach is not one that is exclusive and other organisational measures are open for employers to use such as:-

- Employee consultation and involvement throughout
- Focus interventions at the organizational not individual level and
- Gap analysis based on continuous improvement.

3. Intervention to prevent and deal with work related stress for employers.

Researchers have found that intervention at different levels can be appropriate. These included:-

- Primary interventions – proactive organisational strategies aimed at reducing or eliminating exposure to stressors
- Secondary interventions – provision of training for employees to enable them to cope more effectively, such as stress management course
- Tertiary interventions – such as helping employees recover from illness - typically by the provision of counselling services.

The HSE however do emphasise that the key to tackling work place stress is to tackle the causes and ensure workplace conditions are managed correctly. If work related stress is not dealt with in this way it can become prevalent at an organisational level.

4. Managing sickness absence

The majority of long term sickness absence is due to common health problems such as stress, depression, anxiety and musculoskeletal injuries.

Common health problems are best addressed through considering not only the biological or health issues but also the personal, social and work related barriers that would prevent a return to work.

Employers have legal duties under the Health and Safety at Work Act, Employment Rights and Disability Discrimination Acts. These include making sure organisational records and monitoring sickness absence are kept which will help employers spot any potential work related stress issues, allowing for intervention. Maintaining contact with the employee to provide support and a managed to return to work is also important. This helps in stress cases to ensure that the returning employee is not met with excessive demands.

5. Legal enforcement and powers of HSE inspectors

Whilst work related stress is not reportable under RIDDOR HSE inspectors could decide to investigate complaints if a number of staff are experiencing work related stress or stress related ill health and if there is scope for effective organisational intervention.

Individual cases of ill health would not be investigated unless there is a clear breach of health and safety legislation however a blanket policy of 'no investigation' is not in operation as the HSE would potentially investigate a small number of individual cases if it were considered to be appropriate to do so.

Employers have a duty under the Management of Health and Safety at Work Regulations 1999 to assess risks to health and safety from work, including risks of stress related illnesses arising from work activities.

Formal enforcement action has been discouraged in order to allow employers to time to act on advice however the new guidance to HSE inspectors reiterates that enforcement action could be taken where:-

- There is an indication of or a pattern of stress related illness affecting a number of staff in an organisation or
- There is an indication that a number of staff are experiencing work related stress and that this is intense and prolonged, and following advice from HSE,
- The organisation fails to complete a risk assessment or
- The risk assessment is inadequate or
- The organisation is failing to take reasonable steps to address any issues that are identified in the risk assessment.

6. Stress related ill health in local authorities, police and fire authorities.

The public sector organisational structure typically includes large structures with sickness absence management procedures being devolved to line management level.

However this does not in any way exempt local authorities, police or fire authorities from their relevant health and safety responsibilities particularly in regard to work related stress. Organisational employing bodies need to ensure they can demonstrate they have appropriate risk assessment processes, record keeping, and ability to address risk and take appropriate measures to control risk.

The guide to HSE inspectors includes a reference to a case within the NHS known as the 'West Dorset' experience. A brief summary of the facts are as follows:-

'In July 2003 the HSE served an improvement notice on the West Dorset General Hospital NHS trust for failure to assess risk relating to work related stressors. The HSE has visited the Trust in April 2003 following a complaint. The investigation revealed that there was no work related stress policy in place or planned – despite an earlier inspection in 2000 and the Trust also admitted knowing of several stress related cases of ill health, and resignations, and that they suspected there were other cases {of work related stress} but had no management information to quantify this. Two staff surveys had also cited stress as an issue but no action had been taken. As the Trust had indicated that this was not a priority and that they did not anticipate taking any action within 12 months the HSE decided to serve an improvement notice.

The Trust then co-operated with the HSE who invested considerable inspector and specialist resources to help them work towards compliance. The West Dorset experience highlighted that time resources and structured support will help those who hold duties under health and safety regulations to comply.'

APSE comment

The HSE guide to inspectors serves as a reminder to ensure that work related stress is taken seriously. Consequences in terms of HSE action may be rare but would nevertheless potentially reflect badly in terms of reputational damage on the recipient employer,

damage employee relations and more importantly would indicate that the health and safety of employees at risk of work related stress had not been taken seriously, leading to serious ill health.. The business case for treating work related stress seriously is made by the cost of absence caused through stress related illness. Many employers will have employees who have external stressors relating to the current economic climate and this could potentially exacerbate any work related stress issues as well. Comprehensive sickness absence management arrangements therefore, as well as an awareness of work related stress issues remain of paramount importance.

It is important to remember that even where absence management issues are developed at department levels within large public bodies' sufficient analysis and record keeping is maintained corporately. This will ensure any problems are picked up in the early stages. It is also important to ensure that health and safety risk assessment processes are regularly reviewed and improved as necessary and amended to accommodate any changes in working environments, work patterns and so forth.

Further guidance for employers is available through the HSE at www.hse.gov.uk and through APSE's membership resources.

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