

Work-Related Stress

Usdaw
*Union of Shop, Distributive
and Allied Workers*

**Executive Council
Statement to the
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Delegate Meeting**

Work-Related Stress – An Introduction

Introduction

As we approach the end of the 20th Century there can be no doubt that life is becoming increasingly stressful. Nowhere is that more evident than in the work that people do.

The evidence that work-related stress is a significant and growing problem is overwhelming. Figures from the Government's Health and Safety Executive show that in any one year work-related stress affects the mental and physical health of over half-a-million workers. Around six million working days are lost every year as a result of work-related stress. In fact, stress is the second most important cause of occupational ill-health after musculo-skeletal disorders.

Other research has identified the main causes of that occupational stress, most of which could be prevented by better management. Since 1995 guidance from the HSE has pointed out that work-related stress is a health and safety hazard. As with other work-related hazards, employers have duties under the Health and Safety at Work Act to prevent or control the damaging effects of stress.

Yet many employers still ignore the problem. Others may take steps to try to patch up individuals who suffer as a result, but still fail to tackle the root causes which are to do with the working environment and the way in which work is organised. There is little, if any, evidence that the enforcing authorities for health and safety are using their powers to make employers comply with their legal duties on this issue.

It is against this background that the Union has published this ADM Policy Statement on work-related stress.

In this document we review the wide range of health effects that can be caused by work-related stress and we list the causes which have been identified by scientific research.

We summarise the legal duties on employers to do what they can under health and safety law to prevent or control the ill-health which can be caused by work-related stress.

As a result of the scientific research and from discussion with members there are a range of specific issues which we have identified that must be addressed to reduce stress levels. Sections of the document deal with those specific issues:

- the basic risk assessment approach under health and safety law;
- managing change and uncertainty;
- managing working time;
- managing the risk of violence to staff;
- preventing bullying and harassment.

We also recognise that there are individual legal rights under Employment Laws which are designed to protect workers from the worst excesses of

stress. We detail rights against constructive or unfair dismissal, sexual or racial discrimination, disability discrimination and rights to enforce contractual pay or to claim for compensation for work-related stress.

In all of these areas it is clear that the Union has a vital role to play. That is why the sections on the specific issues include a checklist for activists and why we spell out the essential support the Union can provide to make sure that members can exercise their individual rights.

The research the Union has carried out in the preparation of this document shows that there is much more that needs to be done to ensure that work-related stress is prevented or controlled.

In conclusion, we identify the steps which the Government must take to fulfil their commitment to reduce the problems of work-related stress and the approach which employers must take to comply with their legal duties. We also spell out what we have to do as a Union if we are to carry forward the work we already do on this issue.

Finally, we recognise that, while effective trade union workplace representatives are the key to reducing the problems of work-related stress, the role of Union representative brings its own extra pressures and demands. Usdaw values and understands the vital role that Union representatives play for our members. In turn, we realise that our workplace representatives need support to deal with the extra pressures involved. So we conclude with a commitment to the Union's workplace representatives through training, resourcing and support.

Work-related stress is a difficult and serious problem. Just as the causes and effects of stress are many and varied so the solutions are likely to be complex.

But it is clear that the Union's role is crucial in making sure that this major occupational hazard is effectively controlled. This Policy Statement is a major contribution to the issue.

In this Policy Statement, we commit ourselves to working closely with the Government and with employers to reduce work-related stress. However, ultimately, the Union's ability to make a real contribution to the problem lies with the effectiveness of our organisation in the workplace.

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Work-Related Stress – A Growing Problem

The Government Health and Safety Executive definition of stress is:

“The reaction people have to excessive demands or pressures, arising when people try to cope with tasks, responsibilities or other types of pressure connected with their jobs.”

Usdaw supports this definition and believes it is a useful one for everyone to adopt.

The key point of the definition is that it clearly states that stress is the result of **excessive** demands or pressures.

A certain amount of pressure is inevitable in any job. Dealing successfully with pressure can help to give people a sense of achievement and can help to motivate people.

In fact a job which provides positive stimulation or challenge is likely to be less stressful than one where the worker is forced to slog away at boring, repetitive or monotonous work.

Some experts use the term ‘positive’ stress to describe the beneficial effects of challenges and demands which are within the worker’s abilities. They argue that problems only start when pressure becomes excessive and ‘negative’ stress begins to affect health.

There are dangers in this ‘good stress/bad stress’ model. It can be used to legitimise aggressive management techniques and levels of pressure which are actually harmful. And it makes it too easy to argue that the problem lies with individual workers who fail to cope rather than the way in which work is organised.

The Union does not accept the argument that some stress is good for you. We share the HSE view that it is when demand and pressure become excessive that they lead to stress. And it is clear from the recognised symptoms of stress that it is a health hazard.

The Effects of Stress

Stress is not itself a disease or illness. It is the natural reaction we have to excessive demand or pressure. When we feel pressured various hormonal changes are triggered in the body.

This is sometimes referred to as the ‘fight or flight’ reaction, which evolved so that people would be better prepared to deal with dangerous or life threatening situations. It appears that our bodies are well adapted to coping with such short-term stress. It can even be quite enjoyable to trigger the stress reaction in situations of our own choosing – which is why many people enjoy horror films, theme park rides and action sports.

However, if pressure is prolonged or too frequent and out of the person’s direct control, the stress reaction leads to ill-health and damage.

Work-related stress is a major cause of ill-health in our society. According to the latest HSE Self-Reported Work-Related Illness Survey¹, in 1995 half-a-

¹“Self-reported Work-related illness in 1995 – Results from a Household Survey”, HSE Books, ISBN 0 7176 1509 X, 1998.

million people were suffering from illness caused by work-related stress. Something like six million working days are lost each year as a result of people taking time off with stress-related illness.

Other research in Europe also highlights the importance of work-related stress. In its 1996 study of working conditions in the EU, the European Foundation found that 28% of workers were suffering direct health problems from work-related stress. As with the HSE survey it was the second commonest cause of illness after musculo-skeletal disorders.

Stress affects the physical and mental health of workers who are exposed to it.

Short-Term Symptoms

The short-term symptoms which arise from the hormonal changes include:

- headaches
- indigestion
- raised blood pressure
- disturbed sleep
- skin rashes
- muscle fatigue
- anxiety
- irritability
- forgetfulness
- drop in performance
- increased accidents
- increased use of alcohol, tobacco, drugs

Long-Term Effects

In the longer term this range of symptoms can be linked to a variety of illnesses:

Heart and circulatory system:

- hypertension
- strokes
- heart disease
- heart attacks

Digestive system:

- chronic inflammation
- peptic ulcers
- diarrhoea

Immune system:

- reduced resistance to infection
- possible increased cancer risk
- chronic asthma/dermatitis

Reproductive system:

- infertility
- increased risk of low birth weight babies
- increased risk of miscarriage

Mental health:

- chronic anxiety
- mental breakdown
- alcohol/substance abuse
- depression
- suicide
- social isolation

These effects are well-documented in the research literature. A Health and Safety Executive report from 1993 gives a very thorough review of the studies which have been done.²

There are also economic effects for the employer and for society as a whole. For the employer there are obvious costs from sickness absences, loss of skilled workers who become too ill to return, training costs for replacement staff, etc. The taxpayer also picks up the cost of longer term care for victims and their families.

However, for employers there are other less obvious costs. If stress is a significant problem in their business it does not only affect the victims who develop serious illness. Their colleagues who continue to come into work are also likely to be affected. Reduced morale, poor performance, higher accident rates, disciplinary problems are all likely to have an adverse effect on the business.

The Causes of Stress

We are all vulnerable to stress and can be exposed to a variety of pressures both at work and in our private life away from the workplace.

This has led many employers to see the problem of stress mistakenly as something out of their control which affects those individuals who are prone to it because they are less able to cope. They use pre-employment screening and sickness absence monitoring to try to weed out the people who appear most vulnerable.

There are more enlightened employers who have a more caring attitude to their staff. They may offer Employee Assistance Programmes – access to confidential counselling, advice on financial matters, health promotion, etc. – or stress management training to help individuals cope with the stress they are exposed to.

But even with the better employers, this individualist approach to the problem misses the point.

Stress is not the problem of a failing individual unable to cope – it is a collective issue.

Stress is a health and safety issue which potentially affects all employees. It is about the structure and organisation of the workplace.

Stress is a workplace health and safety hazard which should be managed by recognising the causes that exist in the workplace and taking steps to eliminate or reduce the risk of injury.

Research has identified the following factors as key causes of work-related stress – physical environment, nature of job, contract issues, work relationships.

²HSE Contract Research Report No. 61/1993, "Stress Research and Stress Management – Putting the Theory to Work", Tom Cox, HSE Books, ISBN 0 7176 0684 8, 1993.

Physical Environment

- Noise
- Humidity
- Lack of space
- Hot or cold temperatures
- Exposure to dust or fumes
- Poor workstation design

The damage caused to hearing by loud noise is well understood. The stressful effects of noise are less well researched. Stress can be caused even by quiet noises if they are intrusive.

Where work involves concentration on other people's speaking, background noise which interferes with the ability to hear what is being said can be particularly stressful. This is often seen as a problem in open-plan offices such as telephone call centres.

For Usdaw members in retailing temperature problems are often cited as a source of stress – eg lack of heating for night shift shelf-fillers, cold draughts for checkout operators and poor ventilation in hot summer weather.

A small number of our industrial members in food manufacture and in the glass industry work long shifts in extremely high noise levels and extremely high temperatures. Heat stress problems are exacerbated by the need to wear hearing protection against the noise. Researchers have shown that these conditions increase the risk of stress-related illness.

Nature of the Job

- Workload/workplace
- Shiftwork
- Lack of control
- Risk of violence
- Overload/underload
- Contact with the public
- Isolation

46% of people suffering stress-related illness in the 1995 Self-Reported Work-Related Illness Survey blamed their stress on workload and pace.

Many Usdaw members work in jobs where they have little or no control over the pace of their work – machine-pacing in factories, productivity targets in distribution, etc.

Workload is a considerable cause for concern in many areas. In discussions on stress with groups of retail workers the issue of staffing levels and the pressure this causes is a common theme. Delivery drivers say that very tight scheduling which does not make enough allowance for delay because of traffic or difficulties in finding customers and dropping goods off adds considerably to their workload.

Isolation is often cited as a factor for staff working on their own in petrol filling stations – particularly when linked to fears of violence.

Shift working is also widespread both in retail and in manufacturing. A common complaint from shelf-filling staff who work permanent night shift is the lack of canteen facilities compared to day shift staff. Given the known effects of night working in eating patterns and digestive disorders, it is understandable that this causes stress.

'Contractual' Issues

- Job insecurity
- Pay
- Unsocial hours
- Working time
- Rest breaks

Many members work in jobs where excessive overtime is an established practice – transport drivers, store managers, distribution centre staff, etc., but it is not often realised that working time can cause stress problems for members who work part-time as well.

Several part-time workers hold down more than one part-time job. Juggling the different jobs and domestic responsibilities can often prove stressful.

The way that hours are allocated is also a potential source of problems. Members who work part-time do find it difficult when they are given no control over the hours they are expected to work or when they are pressured into altering their hours with little or no notice.

Many Usdaw members work in low paid jobs and suffer stress because of financial insecurity. But another commonly quoted source of stress in relation to pay is difficulty and delay in getting the money that they are entitled to – for example, problems in getting correct payment for overtime work. This is another area where Usdaw can help.

Job insecurity and change in the workplace, including redundancy, merger, takeover, new technology, reorganisation are all stressful factors, made worse when decisions are taken behind closed doors and rumours run rife and where change is autocratically imposed. Good employer/union relationships, an open and honest exchange of information and negotiations can make a real difference.

Work Relationships

- Bullying
- Impersonal treatment
- Lack of communication with fellow workers
- Sexual/racial harassment
- Lack of support
- Poor supervision

Good contact with fellow workers and positive and supportive management by supervisors can help people cope with other stressors in the workplace. But if relationships at work are not supportive, problems can quickly escalate.

Bullying is perhaps one of the most telling examples, particularly when it involves bullying by supervisors of staff under their control. Surveys and initiatives such as the TUC hotline show that it is all too common.

The above list illustrates the wide range of factors which contribute to stress at work. It is fundamentally caused by issues of change, uncertainty, lack of control and high workload all of which have become characteristic of work in the 1990s.

Employers themselves may have little control over much of the change and uncertainty that exists as they struggle to survive in increasingly competitive markets. But the way in which they manage these fundamental issues and the climate which they promote in the workplace can make a big difference and can either add to the stress or considerably alleviate it.

Work and Home

Work is not the only source of stress in people's lives. There are clearly recognised domestic events which can also be stressful.

Things like:

- death of a close family relative
- illness in the family
- divorce or separation
- moving house
- caring responsibilities for children
- caring responsibilities for elderly or disabled relatives
- financial difficulties

can all add to the burden of stress.

The point about the work-related stress factors listed in the previous section is that they are all things over which the employer has direct control. As far as the employer's legal duties under health and safety law are concerned they are the issues on which the employer is obliged to act.

The employer cannot be expected to have the same duties as far as non-work causes of stress are concerned. However, a caring employer who understands the value of loyal and committed staff and wants to retain experienced workers should see that it is in his own interests to give support to people when they are facing external problems which cause stress.

Just as with other major work-related health hazards like back pain or upper limb disorder, there is a considerable overlap between domestic causes of stress and work-related problems.

It must be recognised that people's ability to cope with pressure at work will vary over time depending on the other stresses they face in their lives. But equally the pressures caused by work may themselves add to the domestic or personal stress for individuals.

For example, excessive hours of work may put too much pressure on domestic or personal relationships and, in turn, difficulties at home may make it harder for an individual to cope with pressure at work.

Women, Work and Stress

Given what we know about the work-related causes of stress and their interaction with other stresses in people's lives, it is clear that there are particular groups in the workplace who may be more at risk than others.

In this respect, the stresses faced by women workers are particularly important. Most working women share the double burden of their paid employment and childcare and domestic duties. They have all the extra pressures of juggling working hours with the demands of those domestic duties. From time to time, for example, when children are sick, these pressures are even greater than normal. They are also more likely to have the caring responsibilities where there is someone elderly, disabled or infirm at home.

Women are more likely to be found in low paid, low status jobs. Their work is more likely to be repetitive, monotonous and highly paced with little room for autonomy or decision making – typical characteristics of job 'underload'. In addition, they are more likely to be exposed to discrimination and harassment both by fellow workers and by members of the public.

Women currently make up half the workforce in this country. The fact that they are more likely to be employed in jobs in retail, cleaning, office work, or

routine packing or light assembly work in factories has often led to the assumption that they face fewer health and safety risks than men.

The history of the development of the health and safety framework is founded in the old heavy industries where there were well established and easy to identify safety risks and the jobs were traditionally done by men. To a certain extent the framework in both the UK and Europe is still focused on these industries and it is imperative that we in Usdaw ensure that the modern health and safety agenda reflects equally the service sectors and the new industries.

Even on the issue of stress, where in the past it was recognised as a work-related problem it was traditionally associated with the pressures on senior executives who were predominantly male. In fact most research shows that it is workers lower down the command chain who are most at risk from the effects of stress because they lack control over their jobs.

Not only are women more likely to be employed in those jobs where stress levels are highest but they have the additional burden of stress from their domestic and caring responsibilities.

This is obviously a significant concern for Usdaw because of our membership profile. It is essential that Government and employers recognise this extra dimension when planning policies which could either increase or reduce the stress burdens that women workers face. The Union must ensure that this consideration is always taken into account when policies on stress and policies on other issues such as working time, parental leave, etc. are being discussed.

Stress and Health and Safety Law

The Management of Health and Safety at Work Regulations 1992

Under the Health and Safety at Work Act 1974, employers have a legal responsibility to ensure that the workplace is healthy and safe so far as is reasonably practicable. The Management of Health and Safety at Work Regulations 1992 further require employers to assess any significant risks in their workplace and to devise and implement control measures to prevent or protect against the risks.

Stress is a health hazard. If there are factors at work which are causing stress then the employer has a legal duty to deal with it just as they have for any other health hazard in the workplace.

The Approved Code of Practice to the Management Regulations specifies that there is a hierarchy of control measures to be adopted when dealing with any workplace risk:

- Eliminate the risk by removing the hazard altogether.
- Where this is not possible, introduce controls which provide collective protection to the largest number of workers.
- Only as a last resort use personal protective measures for individual workers when there is no other way to control the risk.

This applies to work-related stress as much as it does to any other work related risk. The point can be illustrated by comparison to a more straight-forward risk such as a chemical which is known to be hazardous to health.

Hazardous Chemical	Work-Related Stress Factor
Eliminate the Risk	
Remove the chemical from the workplace (eg by substitution with safer substance).	Remove stressors from the workplace (eg by reducing workload, preventing bullying, improving working conditions, etc.).
Control the Risk	
Engineering controls to prevent exposure (eg enclosure, exhaust ventilation).	Reduce stress levels (eg by protecting against risk of violence, improving communication, job rotation, rest breaks, increasing worker's autonomy, giving workers more control over workload/workplace).
Protect the Individual	
Use of personal protective equipment (eg gloves, masks, overalls).	Providing employee assistance programmes, stress management training, access to occupational health services.
Monitor the Effectiveness of the Control Measures	
Health surveillance to detect specific symptoms of exposure, measuring exposure levels.	Monitoring for signs of stress-related ill-health, surveying employee attitudes.

TUC Call for an Approved Code of Practice

The Management Regulations give a legal framework for tackling work-related stress as a health and safety issue. But many employers still find it difficult to grasp their legal duties.

To some extent this is understandable given the wide range of potential causes of stress and the range of individual response to exposure. However, the fact that it may be more complicated to deal with does not mean that employers can choose to ignore it.

Where employers have begun to tackle the issue, they have often concentrated on individual protection – stress management training, access to counselling, etc – rather than adopting an approach based on risk analysis and prevention.

The TUC is calling on the Health and Safety Commission to publish an Approved Code of Practice (ACoP) on stress. An ACoP will help employers to develop a clearer understanding of their duties in relation to stress and give them a practical framework for managing the issue. Usdaw strongly supports the TUC in its call for such a Code.

The Working Time Regulations 1998

Working long hours and shift working are both issues which are clearly linked to stress. The health hazards arising from excessive working hours and from working awkward shift patterns are classical examples of stress-related illness.

The Working Time Regulations are, therefore, welcome as a long overdue measure to set legal standards in this area. It is important that the Regulations not only deal with the basic working week – setting 48 hours as a maximum – but also deal with night shift working, daily and weekly rest periods and holidays.

Another positive aspect of the Regulations is that variations from the basic minimum legal standards can be agreed through collective bargaining. Having some control over the work you do is one of the factors which can help to reduce stress levels at work. There is evidence from industry that workers who are collectively consulted on the shift patterns they work find it easier to cope with the stress which is inevitably caused by shift working.

The key point is that the variations are agreed through collective bargaining. The benefit of collective bargaining is that it helps to protect individual workers from being pressurised into working hours that they do not want to do. The decision by the Government to include the “right” for individuals to opt-out of the 48-hour week was regrettable. Individual opt-outs are too open to abuse, even though it is illegal for an employer to exert pressure to force someone to sign one. Fortunately, the opt-out is likely to be a short-term measure and will almost certainly have to be withdrawn by 2003.

Usdaw’s strategy for negotiating phased reduction of hours with maximum pay protection is already established and set out in the Usdaw Guide to the Working Time Directive and model agreement.

In industries where long working hours have been the norm, negotiating the move to healthier hours with the Union is the least stressful way of dealing with the change involved.

Preventing Stress at Work

Risk Assessment

The HSE has produced lots of advice on the way to use “risk assessment” to tackle workplace health and safety problems. As they point out in their guidance on stress published in 1995:

“Ill-health resulting from stress caused at work has to be treated the same as ill-health due to other causes present in the workplace.”

According to the HSE there are five steps to the “risk assessment” process which can be summed up as:

1. Identifying the hazards.
2. Deciding who is exposed to the hazards.
3. Deciding on preventative and protective measures.
4. Keeping a record of the assessment.
5. Reviewing and revisiting the assessment.

These five steps can be applied to health hazards arising from stress at work just as they can to other hazards.

1. Identifying the Hazards

As we have seen there are a wide range of factors which can contribute to stress at work. The point of this stage of the risk assessment approach would be to establish just how much of a problem stress is and to determine the most significant causes of it in the workplace. This would involve:

- Checking the lists of risk factors published in HSE guidance and other sources against what happens in the workplace.
- Listening to staff concerns so that there is a clear picture of what actually happens in the workplace rather than what senior management would like to think is happening.
- Monitoring sickness absence or staff turnover to help identify a general problem, or to spot particular jobs which appear to be more stressful.
- Use of anonymous surveys to assess the opinion of staff.

Some of the factors may be difficult for the organisation to admit to – eg poor communications, unsupportive management. Other ways of checking whether stress is a problem and identifying causes need also to be considered.

The trade union safety representatives can play a very important part at this stage. They can use their investigation and inspection rights under the SRSC Regulations to talk to members about the work they do, to carry out their own surveys of the membership and to pursue concerns raised by members. This provides a far more reliable way of consulting with the workforce and getting a true picture of their concerns about work-related stress.

2. Deciding Who Is Exposed

Some of the causes of stress may be widespread throughout the whole workforce. For example:

- problems in general management structures which encourage a bullying or threatening approach;
- lack of communication;
- lack of clear objectives.

These are likely to affect staff at all levels throughout the organisation.

On the other hand there will also be particular factors which are more of a problem for particular groups. For example:

- stress from fear of violence will be more of a problem for staff who came into contact with the public;
- machine-pacing will only be a problem for workers on the assembly line;
- certain groups of workers may have less clearly defined roles and responsibilities than others;
- some workers may be forced to work longer or more irregular hours than others.

It is important that the assessment identifies both general and specific causes of stress so that a comprehensive policy can be developed.

3. Deciding on Preventative and Protective Measures

This is the most important and most difficult part of the process. The best solutions are the ones which eliminate the cause of stress or reduce stress to the lowest possible levels.

Protection for individual victims of stress in the form of access to confidential counselling or Employee Assistance Programmes may be welcome as part of an overall policy, but on its own it does nothing to get at the root causes of the problem.

Some of the solutions to some of the causes of stress may be relatively straightforward:

- where a physical environment problem such as excessive noise or poor temperature control is involved there may be straightforward technical solutions;
- where the problem is poor communication, better use of existing consultative arrangements may help;
- where there is a fear of violence, simple improvements in physical security measures may help.

Others may require wider changes in management culture or may extend to areas which are not traditionally regarded as "health and safety". For example:

- if there is evidence of bullying or harassment it will be necessary to introduce policies and procedures to deal with it and to make sure that the procedures are followed;
- if the organisation is planning major restructuring or is facing the threat of redundancies wider consultation with the Union will be needed.

These examples demonstrate the convergence of health and safety and industrial issues.

It is essential that the representatives and the Union structures are not compartmentalised but work effectively together to ensure the most effective route is adopted to achieve the best outcome for the membership.

Whatever solutions are devised, it must be done in consultation with the Union representatives. This is the best way of ensuring that the measures decided on are practical and realistic.

It will also help when it comes to implementing the measures if the trade union representatives are in a position to explain to staff why they are being introduced.

4. Recording the Assessment

It is a requirement of health and safety law that a written record is kept of risk assessments identifying the hazards, the groups at risk and the control measures.

A written record of the assessment is particularly useful in large multi-site organisations. If a safety representative at a particular site identifies stress as a problem they can check what is happening at their workplace against the assessment.

It may be there is a local problem because local managers are failing to implement the policy properly. If this is the case then the safety representative can use the agreed procedures to raise the matter and to get local management back into line.

Alternatively, the safety representative may have discovered an additional cause of stress which could have implications for other sites as well but which is not currently recognised or dealt with by the risk assessment. If this is the case the safety representative would need to use the procedures to make sure that the risk assessment was reviewed and amended to take account of the problem.

5. Reviewing and Revising the Assessment

The danger with the widespread use of the term "risk assessment" for the modern approach to health and safety duties is that the assessment is seen as an end in itself. In fact it is only the first stage of a process.

Its purpose is to make sure there is a thorough and systematic attempt to identify the significant risks in the workplace. The legislation makes it clear that the employer must go on to monitor the effectiveness of the control measures they introduce and to periodically review and revise the assessment.

Because the causes of stress are varied and are liable to change over time, the process of reviewing and, where necessary, revising the assessment is even more important.

The overall performance can be reviewed by monitoring sickness absence and staff turnover, but this is a fairly crude measure. More realistic and detailed evidence on the effectiveness of the policy can only be found by having effective structures for communication with employees so that there can be proper consultation on the effectiveness of the policy.

The Value of Safety Representatives in the Assessment Process

The trade union safety representatives are in a unique position to provide the feedback the employer needs to review the effectiveness of their policy. They have specific legal functions to inspect the workplace, to consult with members they represent, to investigate complaints and to inspect information the employer holds on health and safety matters. They also have the benefit of training and supporting advice from the Union. This gives them the degree of independence which is necessary to make them effective as employee representatives in the consultation process.

At all stages in the assessment process, consultation with the Union representatives is essential. All risk assessments depend on good communication with the workers who are potentially exposed to the risk. But this is even more important on a sensitive issue like stress. Trade union safety representatives provide the most reliable channel for that communication to succeed.

A Stress Prevention Policy

In order to be successful, there also needs to be a clear commitment from the most senior levels of management to the process. To help make that commitment clear a stress prevention policy as part of the overall health and safety policy would help. A good policy should:

- recognise that stress is a health and safety issue;
- recognise that stress is about the organisation of work;
- be jointly developed and agreed with the Union;
- indicate commitment from top management;
- guarantee a "blame free" approach;
- apply to everyone.

It should have clear objectives:

- to prevent stress by identifying the causes in the workplace and eliminating them;
- to recognise and deal with stress-related problems by educating all employees about stress and encouraging participation and co-operative working;
- to rehabilitate employees suffering from stress through the provision of independent confidential counselling and where necessary by phased and supported return to work.

It should also be clear that rehabilitation of individuals who do suffer as a result of stress will not result in more work overload for their colleagues. This would simply serve to increase the stress on other workers and make it more likely that others would suffer illness as well.

Risk Assessment – An Activist’s Checklist

- Is stress a significant problem for members where you work?
- Check to see if your employer already has a policy on stress. If not use the appropriate channels to suggest that one is negotiated with the Union.
- Does the policy adopt a risk assessment approach to the problem?
- Does the policy meet the Usdaw guidelines on page 16 of this document?
- If there is a policy, check that it is being followed properly in your workplace.
- Does the risk assessment correctly identify the main causes of stress where you work? If not use the procedures to have the risk assessment reviewed.
- Does the risk assessment cover all the members who are at risk? If not use the procedures to have the risk assessment reviewed.
- Use the Usdaw questionnaire in Appendix 2 or talk to the members to identify the specific work-related causes which they consider important and to see if they have any suggested solutions.
- Make sure that Union safety representatives are using their legal powers to take up members’ concerns about factors in the workplace which add to the stress.
- Make sure that individual members know how to contact their Union representative if they have a particular problem which is causing them stress.
- Use the grievance procedure or other appropriate procedures to help individual members who are suffering as a result of stress.
- If the individual problem reveals a more general issue which needs to be dealt with discuss the way forward with the other Union representatives.

Managing Change and Uncertainty

One factor which has definitely added to the stress which people feel at work in recent years has been the pace of change. In the 1996 TUC National Survey of Safety Representatives, change in work organisation and job insecurity were identified as major causes of stress by over 50% of the respondents. These problems were exacerbated by other stress factors identified in the survey. Three-quarters of the representatives complained of poor communication and two-thirds identified work overload as a major problem.

Fears over job security are one of the biggest causes of stress and have been fuelled by the restructuring, mergers, takeovers and closures which have been a feature of business in the 1990s.

But even where such major changes have not had an impact, the introduction of new technologies and new working methods in many businesses have caused problems.

The forces which drive that change may well be beyond the control of individual employers. But if it is not managed properly, the introduction of change can be very stressful and can add to people’s uncertainty about their role in the organisation.

There are ways of managing the introduction of change which can help to reduce the uncertainty and stress it may cause:

- Employees should have information in as timely and complete a form as possible.
- In particular, where possible, there should be consultation about the impact of change **before** it is introduced.
- There should be clear and unambiguous understanding of workers' roles as a result of the change.
- There should be clear policy statements on the purpose of change which should be applied consistently.
- There should be mechanisms for workers affected by change to raise and resolve any problems it may cause.
- Information about the change should be open and available to all.
- Selection procedures (for new posts, redundancies, etc) should be fair and should be seen to be fair.
- The Union provides the most effective channel for communication.

While change may be inevitable in the competitive world of the 1990s, its more damaging effects can be controlled by good management.

Central to that principle of good management is the need for effective communication before, during and after the change. The role of the trade union is crucial.

While change itself may not be avoidable, the uncertainty and stress which it can cause can be eliminated by effective partnership between the employer and the Union.

Consultation – Health and Safety

Under health and safety law, employers have legal duties to consult "in good time" with safety representatives on:

- the introduction of any measures which may affect health and safety;
- arrangements for appointing competent persons to implement health and safety management;
- any health and safety information the employer is required to provide by law;
- the planning and organisation of health and safety training;
- the health and safety implications of the introduction of new technology.

Shop stewards and safety representatives provide the best channel for effective consultation when change has to be introduced. Structured consultation with the Union's representatives gives us an opportunity to negotiate to oppose negative change, to resist the most damaging effects of any proposed change or to suggest to the employer better ways of achieving the aim the change is intended to produce.

Consultation – Redundancy

Employers have a legal duty to consult with employees when contemplating redundancy. Where we are recognised this should be done through the Union.

Such consultation should take place at the earliest opportunity. Usually 30 days or where 100 or more people are affected 90 days.

The consultation should not be a sham but a meaningful exchange looking at:

- ways of avoiding redundancy;
- ways of reducing the numbers;
- fair selection methods;
- severance packages.

The company should provide information as to the reasons, the numbers and classes of people affected, the proposed selection method, timetable and payment package.

Failure to properly consult will render the company liable to an application from the Union for a failure to consult and consequential protective award payments to individuals affected.

Consultation – Transfer of Undertakings

Similar obligations arise when there are takeovers, mergers, transfers and contracting-out which are covered by TUPE – the Transfer of Undertakings (Protection of Employment) Regulations 1981.

Consultation must take place in good time and the Union must be informed about what is happening and when.

The employees have a legal right to know exactly what will happen to them after the transfer and how they will be treated. They are also entitled to protection of their terms and conditions.

Failure to properly consult can lead to applications to Tribunal and compensation payments to the affected individuals similar to Redundancy Protective Awards.

Variation of Contract

A company cannot unilaterally vary the contract of employment. Contract terms can only be varied by express agreement.

There is a myth in circulation that contract terms can be unilaterally varied by companies provided they give notice. That myth is not correct.

If you face proposals for unilateral change which you are not happy to accept you should contact your Usdaw representatives immediately for advice and assistance and so that a proper consultation process can begin.

Not all changes to working practices are contract terms, but they should all be implemented through consultation and agreement.

In many cases it will be sensible to accept contract changes. However, where you are not happy to agree the changes there may well be steps you can take to protect your position provided you seek early advice from the Union.

Collective Bargaining Information

Where the Union is recognised it has a legal right to information for collective bargaining purposes under S181 TULRA (the Trade Union and Labour Relations Act 1992) and a failure to be provided with the required information can be referred as a complaint by the Union to the CAC – the Central Arbitration Committee.

This section can be utilised to secure information in connection with all changes in the workplace, transfers, mergers, takeovers, redundancies, etc.

Managing Change and Uncertainty – An Activist’s Checklist

- Does your employer have a good track record on consulting with the Union on proposed changes in working methods, staffing levels, etc?
- If not discuss with your Union officials or at local, regional or national consultative committees how consultation can be improved.
- Do members all know how to contact their workplace Union representative if they are worried about the effects of change on their jobs or working conditions?
- If you are a safety representative are you consulted on the health and safety impact of any proposed changes or any new equipment before it comes in?
- If not raise the issue at your health and safety committee or through other appropriate procedures.
- Contracts cannot be unilaterally changed by your employer. If they try to do so, contact your Area Organiser for advice.
- Remember that employers have legal obligations to consult on proposed redundancies or transfers.

Managing Working Time

Excessive working hours are a well-established source of stress. Irregular and unsocial hours can also be a problem.

According to the British Heart Foundation shift-workers are between 30-50% more likely to suffer from heart disease than other workers. Another American study has shown that people who work in excess of 48 hours a week are twice as likely to die of coronary heart disease.

The 1996 TUC Safety Representatives’ Survey found that 40% of respondents cited excessive working hours as a major stress factor.

Shift work and irregular working patterns can have a particularly bad effect because they interfere with the natural bodily rhythms (our so called “body clock”). Long hours also lead to fatigue which increases the risk of accidents and interferes with domestic and social life.

Too many organisations in this country rely on a long working hours culture. Statistics show that British workers work the longest hours of any in Europe. Many Usdaw members rely on large amounts of overtime working to boost their low basic earnings.

The Union has welcomed the Working Time Regulations but recognises the difficulties caused by members' dependence on long hours to maintain a decent standard of living.

Fortunately the Regulations recognise the value of giving workers some control over the working patterns and the hours that they do. Many of the basic standards in the Regulations can be varied by collective bargaining, provided workers are given compensatory rest.

The Union has produced guidance to help workplace representatives deal with the complexities of the working time issue and to explain how we can use the Regulations to negotiate improvements and gradually reduce reliance on excessive overtime working – “**The Working Time Directive: where do we go from here?**”.

Employers must realise that relying on smaller numbers of workers to work longer and longer hours is not the most efficient way to run their business. Research going back as far as the munitions factories in the First World War has shown that reducing excessive hours and giving more frequent breaks actually increases productivity.

It is not only members who find themselves forced to work excessively long hours who can suffer stress as a result of working time. Members who work part-time may have problems as well. They may find themselves routinely being pressured into working more hours than they are contracted to do or working at times that they did not choose. Uncertainty in the hours they will be called upon for work can make planning for social and domestic arrangements difficult.

For all workers the key point is that they should have as much control as possible over the hours that they work. When shift patterns are being worked out it should be done in consultation with the workers involved. Scheduling and rostering for part-time workers should be done so that they can share in decisions about who works when. Individual members who feel they are being bullied or pressurised into working hours that are not suitable for them should be encouraged to use the grievance procedure to get their concerns resolved.

Managing Working Time – An Activist’s Checklist

- Are there members in your workplace who feel stressed because they are working too many hours or find their shift patterns unsuitable?
- Have they raised their concerns through the grievance procedure?
- Is there a problem with individual workers being victimised or picked on by their supervisors?
- Do members work night-shifts or routinely work more than 48 hours per week?
- Make sure you have a copy of the Union’s guide to the Working Time Regulations.
- Use the advice and checklists in the guide to identify the issues where you work which are covered by the Regulations (working week, shift-working, daily/weekly rest periods, rest breaks, holidays, etc).
- Use the appropriate procedures to start negotiations to improve the situation where you work. Where necessary contact your Area Organiser for advice or assistance.

Managing Violence

For Usdaw members in retail, distribution and insurance and financial services, exposure to the public means that there is a real risk of violence.

Where there is a risk of violence, fear of violence is a major cause of stress to the workers concerned.

As a result of the work the Union has done over the last fifteen years it is now well established that violence is a health and safety risk which employers must control because of their legal duties under the Health and Safety at Work Act. In 1995, the HSE published guidance aimed specifically at employers in the retail sector – “**Preventing Violence to Retail Staff**”, HS(G) 133, HSE Books.

The guidance from the HSE makes it clear how employers should use the risk assessment approach to identify the potential causes of violence (both verbal and physical); to devise measures to prevent or control the violence and to monitor and review to ensure the effectiveness of the preventative measures.

In order to be effective, the risk assessment approach requires close consultation with the workers exposed to the risk. Where we are organised the Union’s safety representatives can use their legal powers to make sure that the risk of violence is properly assessed and that employers devise preventive solutions and implement them effectively. The Union produces its own guidance – “**Violence to Staff – An Usdaw Guide**” – to help safety representatives to tackle the issue.

The Union has pointed out from the start that fear of violence is as much of a problem as violence itself. The issues pursued by the Union over the years have reflected that concern. For example, the production of a leaflet on late night working and violence as a result of extended trading hours was prompted by members’ fears about difficulties of transport to and from work.

It is only by recognising the fear of violence as well as the physical risk of attack that employers can really get to grips with the health hazards involved.

Employers have the same legal duties on violence as they do on any other workplace hazard. To comply with the law they need to follow the same process – identifying the risk, deciding on preventive or protective measures, recording the results of their assessment and monitoring to ensure the effectiveness of the control measures they introduce.

For violence there is unlikely to be one simple single solution. Controlling the problem will mean taking a number of steps such as:

- improving physical security;
- changing working practices;
- employing specialist security staff;
- training staff to use protective measures and procedures;
- supporting staff who are victims of violent incidents.

More detailed advice on protective measures can be found in the Usdaw guide.

Where an employer complies with the law and introduces a proper and effective policy for dealing with violence, they will do a great deal to reduce the fear of violence and the stress that this causes for so many Usdaw members.

Managing Violence – An Activist’s Checklist

- Is violence or the threat of violence a serious health and safety concern for the members where you work?
- Check to see if your employer has already got a policy on violence. If not use the appropriate channels to suggest that one is negotiated with the Union.
- Make sure you have copies of the Union’s guidance materials on tackling violence at work.
- Check your employer’s policy against the advice in the Usdaw guide.
- Make sure that the policy is being followed correctly in your own workplace.
- If the policy is being followed, is it effective? Is there anything else your employer can do to further reduce the risk of violence.
- If there are any individual members who are victims of violence, make sure they complete a Legal Help claim form so that the Union can assist them with any claim for Criminal Injuries Compensation.
- If you are successful in getting improvements to further reduce the risk let the Union’s Health and Safety Officer know so that we can publicise examples of good practice.

Preventing Bullying and Harassment

Bullying and harassment in the workplace is one of the most significant causes of stress. According to researchers at the University of Manchester Institute of Science and Technology (UMIST), bullying is a contributory factor in almost half of the cases where workers suffer ill-health because of stress.

Harassment on grounds of race or sex is a form of discrimination and is clearly unlawful. But more general bullying of staff is also widespread and is equally damaging. Employers have a clear duty to make sure that bullying and harassment are prevented.

Bullying can take a number of forms. When the TUC ran its ‘bad bosses’ helpline in 1997 40% of calls related to bullying which fell into two broad categories:

- Individual bullying, even in well managed companies, where individual managers get away with making life a misery for staff under their control.
- Organisational bullying where the whole culture of the company meant that line managers were expected to treat their staff badly and were seen as weak if they failed to do so.

The Manchester research has shown that much of the bullying is carried out by managers and supervisors who are themselves overworked and stressed, who take their anger and frustration out on the people with whom they work.

Bullying behaviour includes:

- Undermining an individual in front of colleagues or members of the public.
- Verbal abuse.
- Physical assault.
- Setting unachievable deadlines or tasks.
- Persistent and unjustified criticism.
- Public humiliation.
- Systematic refusal of reasonable requests for leave, training, etc.
- Racial harassment eg racist “jokes”, name-calling, racist threats, graffiti, social exclusion.
- Sexual harassment eg unwanted physical contact, suggestive remarks, jokes, sexually intimidating actions, compromising invitations or demands for sexual favours.

All in all, the effects of bullying are to undermine the victim’s ability to do their job and the resulting stress is both obvious and damaging for the individual workers who are the target of the bullying. The climate of fear it can create in the workplace will also affect the performance of other workers who are worried they may be the next victim.

Prevention of bullying requires a clear policy statement from senior management that such behaviour is not acceptable and, where it is proven, will be treated as a disciplinary offence. Even where such a commitment is made there can still be individual incidents of bullying so the policy also needs to include:

- A commitment to take allegations of bullying seriously and deal with them promptly.
- A commitment that the procedure will be dealt with in strictest confidence.
- A timetable for dealing with complaints.

Victims may find their confidence is so undermined that it is difficult to speak out against it. The role of the trade union in any policy to prevent it, therefore, central.

The policy on bullying should be agreed with the Union and there should be a clear role for Union representatives and officials in the procedures outlined. Usdaw is currently producing its own guidance for workplace representatives on how to tackle bullying in the workplace. It has also published separate guidance on the problems of sexual or racial harassment – **“Sexual Harassment at Work: An advice booklet for Union representatives”** and **“Racial Harassment at Work: An advice booklet for Union representatives”**. These are freely available to any workplace representatives who need to confront these issues where they work.

For many Usdaw members who work with the public bullying and abuse from the customers they deal with is also a problem. The Union’s leaflet **“Abuse is Not Part of the Job”** has information on how Union representatives can tackle the issue of harassment by customers. Harassment and abuse by customers is recognised by the HSE as a form of violence against staff. The Union’s guidance **“Violence to Staff – An Usdaw Guide”** gives further advice on ways of dealing with this problem.

Preventing Bullying and Harassment at Work – An Activist's Checklist

- Listen to the members. Is there a problem with bullying or harassment where you work?
- Use the posters, leaflets, etc produced by the Union to raise awareness of the issues.
- Make sure you have copies of the Union guidance on bullying, harassment and on violence and abuse from customers.
- Find out whether your employer already has a policy on bullying or on harassment. If not use the appropriate channels to suggest that one is negotiated with the Union.
- If you encounter any individual cases of bullying or harassment use the Usdaw guidance to help you protect the member involved. Seek assistance from your Area Organiser if necessary.

Individual Legal Rights

Constructive Dismissal and Stress

An employee who resigns in response to intolerable conditions may apply to a Tribunal for unfair dismissal.

The trigger can be a single significant incident or a build up through a series of incidents.

Bullying, harassment, excessive hours, irregular pay or shortfall of wages, work overload, under-utilisation, dangerous unpleasant working conditions, may all constitute intolerable conditions which amount to a breach of contract and constructive dismissal.

Constructive dismissal cases are notoriously difficult and so a preventative strategy is the best course. Before matters come to a head, members should try and resolve the problems through the grievance procedures and should contact their Union representative or Area Organiser.

However, if resignation is inevitable it should be done promptly in direct response to the intolerable conditions and the letter of resignation should spell that out.

The member should contact their Area Organiser as a matter of urgency and should submit an Application to Tribunal.

The Tribunal form IT1 can be obtained at local employment offices and should be lodged within three months of the date of leaving.

Where a member is making a Tribunal application then an Usdaw form BL2 should be sent to the Legal Department for Union assistance.

Incapacity Dismissal and Stress

A member who is sacked because of their absence from work or their inability to do their normal job because of stress may apply to the Tribunal for unfair dismissal.

However, incapacity due to ill-health can be a fair dismissal if the company handles it properly.

A member with stress should not be treated any differently than an employee with a physical injury.

The company should not be any less tolerant of absence. They should explore with the member and their doctors what their condition is and when they can foresee a return to work. They should examine the causes of the stress in the workplace and seek to remove them so as to facilitate a return to work. Consideration should be given to alternative work and/or adjustments to facilitate a return to work.

No-one should be sacked without a hearing. Usdaw members should have their Union representative with them at such a hearing and the arguments for alternatives to dismissal should be made.

If the member is dismissed then they should be advised of their rights to go to a Tribunal and claim unfair dismissal. An application must be lodged within three months of the date of dismissal. Form IT1 is available from Department of Employment offices. Usdaw form BL2 should be sent to the Legal Department for Union assistance.

When dealing with a dismissal on the grounds of incapacity due to ill-health the effect of the Disability Discrimination Act should be considered.

Health and Safety Dismissal and Stress

Under S100(1)(d) of the Employment Rights Act a dismissal is automatically unfair if an employee leaves the workplace in circumstances where they reasonably believe themselves to be in imminent danger and is sacked because of it. In theory this could apply to imminent danger caused by stress, but in practice it is unlikely.

Sex and Race Discrimination and Stress

Where a member has been the subject of sex or race discrimination, particularly harassment, then stress is likely to be an associated problem.

In ordinary unfair dismissal claims, it is not possible to claim compensation for stress. However, in sex and race Tribunal cases it is possible to recover compensation for injury to feelings and injury to health. In that event the member and/or their official should notify the Legal Department urgently and, where appropriate, the Union will obtain medical reports to support the claim. This may be particularly important if future earning capacity is adversely affected.

However, the adversarial nature of legal proceedings in the UK makes going to a Tribunal a very stressful experience and if matters can be resolved under the procedures without going to Tribunal that is always the best way forward.

The Disability Discrimination Act and Stress

The DDA gives people with disabilities a degree of protection against unfair treatment, including dismissal on the grounds of their disability.

To be covered by the Act it is necessary to show that the person has a recognised disability:

- which is long-term – ie has lasted, or is capable of lasting, 12 months or more;
- which has a substantial adverse impact on your everyday life.

A recognised disability includes a mental impairment as well as physical disability.

If a member qualifies under the Act then before an employer can dismiss them on the grounds of incapacity they must consider all the alternatives including other work, lighter duties, reduced hours, new workstation layout, equipment, waiving certain duties. They should consider anything which might be said to be a reasonable adjustment to enable the member to carry on working or to return to work.

It is very important that members who are facing dismissal due to incapacity consider the DDA and that their rights are drawn to the company's attention before any final decisions are made. In this context it will usually be necessary to get the member's doctor involved.

Any member who believes that they have been treated less favourably in work or dismissed may apply to a Tribunal and to the Legal Department for Union assistance. The usual time limits apply and the standard IT1 and BL2 forms apply.

In the context of the DDA, the disability must constitute a clinically well-recognised illness. Stress alone is too vague a concept to qualify. However, stress is often used as a loose umbrella term and may include a number of specific conditions which are clinically well recognised. In that event the member's doctor should be asked to be particularly careful in their diagnosis and to include on the sick notes and in any medical report all specific clinically recognised conditions.

If Tribunal proceedings are contemplated, application should be made to the Union's Legal Department at a very early stage as medical reports may need to be commissioned.

Enforcing Contract Pay

Difficulty and delay in getting the money they are entitled to is commonly quoted by members as a cause of stress.

Usdaw can give practical help in this area. Members who experience problems with their pay packet should contact their Usdaw representative immediately and take it up as a grievance.

If they cannot resolve the problem under the procedures they may be able to take legal action through the Tribunals.

The basic rights are as follows:

- You are entitled to an itemised pay statement.
- The pay statement must show gross pay, deductions, net pay. If the pay statement does not properly list the deduction you can apply to the Tribunal for the money back.
- Your employer cannot make deductions from your wages (other than statutory deductions, such as tax, NI and Court Orders) unless you have entered into a written agreement in advance.
- If your employer makes an unlawful deduction you can go to the Tribunal and ask for repayment.
- If your employer pays less than the wages due to you under your contract that is classed as an unlawful deduction and you can go to the Tribunal to ask for the shortfall.
- Contract issues about pay may also be dealt with in the County Court.
- Tribunal applications should be made within three months of the date of the deduction or short payment.
- Employers cannot lay workers off without pay unless the contract provides for this. If your employer chooses not to require you to work he is still obliged to pay you if you are willing and able to work. Likewise, the employer cannot unilaterally cut your contract hours.

Usdaw will assist members who have legal claims about pay.

Compensation for Work-Related Stress

An employee has the right to sue his employer for compensation whenever the employer has subjected him to a foreseeable risk of injury when it could have been avoided and the employee has suffered an injury caused by that work.

Provided the circumstances fit into this framework it is possible to sue an employer for the effects of stress and it has been successfully done. However, such a claim is not plain sailing and there are a number of significant hurdles to overcome.

Definite medical condition – stress itself is too vague a concept. To bring a claim you have to produce medical evidence of a clinically recognised psychological or physical condition.

Caused by work – to bring a claim you have to produce medical evidence that the condition has been caused by work. That will often be disputed and there are often a cocktail of factors which cause stress-induced conditions, including factors from outside of work.

Even if work has not been the initial cause, a claim may still be pursued if the conditions at work have made the illness worse – this is called exacerbation.

Employers cannot escape liability by saying that the employee was especially vulnerable and others would be more robust.

Foreseeable risk – to bring a claim you have to evidence the fact that the employer should have foreseen the risk of injury arising from the working conditions or the treatment. In many circumstances, it may be easier to establish foreseeability in connection with exacerbation of an existing illness than initial causation.

Foreseeability will very often be a matter of common sense, but factors such as the incidence of stress-related conditions amongst workers in that field should be taken into account as an indicator.

Once a person has suffered one nervous breakdown, the employer will usually be on notice of the risk of reoccurrence unless preventative measures are taken.

It is important that individuals do not keep silent but complain and raise official grievances where necessary if their working conditions are a cause of stress. Records of such complaints can be used to prove foreseeability.

Putting the Employer on Notice

Usdaw health and safety representatives have a vital role in putting the employer on notice.

For example, where production methods are putting people under pressure, where noise or temperature or customer demand or any other factor is winding people up, the risk of stress-related illness should be raised as a health and safety issue. It should be raised through the health and safety complaints procedures and the health and safety committee.

Warning signs may well be first picked up by members and representatives working along-side employees who start showing signs of stress by being withdrawn, snappy, tearful or behaving oddly. These should not be disregarded as the problem of the individual where there are stress indicators.

Taking action through the health and safety procedure not only assists in proving foreseeability in compensation cases, but more importantly constitutes a preventative strategy as a consequence of which injury may be avoided.

Duty to Take Care

Where there is a foreseeable risk of injury the employer has a duty to take steps to provide working conditions which eliminate that risk – to provide a safe system of work.

In the most famous case on stress – Walker -v- Northumberland CC – which involved a social worker who had two nervous breakdowns the Judge said:

“Where it was reasonably foreseeable to an employer that an employee might suffer a nervous breakdown because of the stress and pressures of his workload the employer was under a duty of care, as part of the duty to provide a safe system of work, not to cause the employee psychiatric damage by reason of the volume or character of the work which the employee was required to perform.”

A Safe System of Work – Reasonable Steps

To meet their duty of care, an employer should:

1. Examine the job design and contractual arrangements, taking account of the factors on pages 6 to 8 of this document, and take all reasonable steps to reduce the stress risks.
2. Provide individuals with greater ability to counteract stress factors:
 - Improved procedures for raising grievances and complaints re bullying, harassment and discrimination.
 - Consider communication and line management mechanisms with a view to improving training, development and opportunities for individuals to understand their role and fully contribute.
 - Stress management – warn employees of stress risks and what is expected of them.
3. Provide stress counselling – where appropriate.
4. Conduct industrial and employee relations through open and transparent relationships with the Union.

Making a Claim for Compensation

To apply for Union assistance a member should complete and send to the Legal Department the Usdaw form BL1 – the accident claim form.

The case will usually be passed to our panel of expert solicitors for further consideration.

The Government

There is ample evidence that work-related stress is a significant cause of ill-health in Britain today. There is also consensus among the experts about the causes of that stress. The effects of stress on individual workers and their families are devastating. The costs to employers in terms of absenteeism, poor production and low staff morale are also excessive.

For workers to have jobs that are sustainable and healthy and for British businesses to remain competitive, the problems of work-related stress have to be resolved. The way forward requires action on several different fronts.

The solutions to the problems of stress must lie ultimately with the organisations which cause stress. However, the Government has a central role to play in providing the legislative framework within which these organisations must work.

Stress is a health hazard in the workplace and, as such, is covered by existing health and safety legislation. This point has already been established by guidance produced by the Health and Safety Executive in 1995 and has been reinforced by statements from the Health and Safety Commission and from Government Ministers within the last year.

We welcome the support which Ministers with responsibility for health and safety at work and for public health have given to the trade union argument that work-related stress must be prevented.

The problem we face is that the existing law is not being complied with by many employers and is not being enforced effectively by Factory Inspectors and Environmental Health Officers.

Action is needed through the Health and Safety Commission to make the legal position clearer so that responsible employers know what they have to do to comply with the law and enforcing officers have a clear framework to take enforcement action against employers who fail to comply.

The most effective solution would be the production of an Approved Code of Practice (ACoP) under the Health and Safety at Work Act. At present the main obstacles to an ACoP appear to be resistance from the employers' representatives on the Health and Safety Commission and reluctance from some sections within the Health and Safety Executive because of the enforcement implications of such a move.

Within the HSC, the CBI has argued that the evidence that there is a problem with work-related stress is not convincing. The main reason for the CBI's objection at the HSC appears to be their fear that an ACoP would lead to an increase in the number of personal injury claims for stress-related illnesses. Yet the reality is that the number of such claims is already on the increase and there have already been several large settlements as a result. The only way an employer can be sure of defending themselves against such claims is by complying with the law and doing everything reasonable to manage the risk of stress at work.

Many of the more responsible employers are already making efforts to do something about stress but without clear guidance on the measures to adopt much of that effort is misplaced and ineffective. In the 1996 TUC National Safety Representative Survey, 31% of the employers had some form of policy on stress at work but only one in four of the safety representatives in those workplaces felt that the policy had been even partly effective. The TUC survey also points out that three-quarters of the employers concerned had only developed their stress policy after 1995 when the HSE first published guidance on the issue.

The Government must continue to find ways of promoting the issue so that such obstacles can be overcome.

Apart from the specific concerns under health and safety law, many of the causes of stress in the workplace arise from the unequal treatment of individual workers in the workplace. The Government's proposals in the 'Fairness at Work' White Paper which are intended to restore protection to individual employees and rebuild the protection of collective organisation in the workplace are also very important. It is only through collective support provided by trade unions that workers can be guaranteed protection against stress.

Sex and race discrimination are almost always causes of stress.

The law provides that the victims of discrimination may take their complaints through the Tribunal system.

The Tribunal process is adversarial and likely to polarise parties. The Tribunal process is itself a cause of stress.

Usdaw believes that alternative means of resolving discrimination cases should be explored by Government with the unions, the CRE and other interested parties.

The Employers

The fact remains that employers do have duties to minimise the risks of stress in the workplace, whether or not there is any movement on the legislative front.

Employers must recognise that it is in their own interests to reduce work-related stress as much as it is for their employees.

Good management means establishing a policy which:

- recognises that stress is an occupational health issue;
- recognises that stress is about the organisation of work;
- establishes a risk assessment approach to the organisational causes of stress;
- commits the organisation to working with the Union to eliminate or control the causes of stress.

The last point is central to the issue. It is through partnership with the Union that they can best ensure that their policies on stress are properly implemented and that good management is achieved.

In addition to the overall stress policy under health and safety law, employers will also need specific policies on issues such as bullying or harassment which again need to be agreed with the Union in order to be effective.

Employers need to recognise that it is through partnership that proper communication and consultation with the workers can be established to deal with the issues such as changes at work which are potential causes of stress.

The Union

Effective Union organisation is the best solution to the problem of work-related stress. Where we are organised we already make a difference:

- The Union provides the collective voice for the workers.
- Our workplace organisation and relationship with the employer provide the channel for effective consultation over issues such as change in the workplace.
- Shop stewards and officials help individual members when they have particular problems in their work relations or as a result of change in the workplace.
- Safety representatives can use their legal functions under the Safety Representative and Safety Committee Regulations to raise the problem of stress and identify solutions in co-operation with the employer.
- Safety representatives help to reduce stress by tackling the other issues like temperature, violence, etc, which cause members concern.
- The Union provides representation and legal assistance to members adversely affected.

We need to recognise and build on these strengths.

There are a number of steps we must take in order to do so:

- We need to continue to develop our network of workplace activists so that members have a local representative they can contact when they have problems.
- We need to continue to recruit and train safety representatives. Active safety representatives using their legal rights to investigate hazards in the workplace are the key to effective stress prevention.
- We need to make sure that our workplace representatives are provided with the guidance and information they need – both directly on the issue of stress itself and on the other workplace issues which can contribute to stress (eg violence, bullying, working time).
- We need to negotiate stress policies with employers which are committed to reducing stress at work.
- We need to support the TUC campaign for an Approved Code of Practice on Stress to clarify employers' legal duties on the issue.
- We need to identify and publicise examples of good practice where joint work with an employer leads to stress reduction.

Looking After Our Own

The Union recognises that the task of being a shop steward or safety representative can be demanding. It puts extra pressure on the members who volunteer to take the work on.

Yet active workplace representatives are essential for both the union and the employer. The Union is committed to providing its workplace representatives with the support and assistance they need to cope with the extra stress involved:

- We will continue to provide high quality training for shop stewards, safety representatives and branch officers so that they know what the task involves and have effective methods for coping with the workload.
- Where necessary we will provide specific training workshops on stress to give representatives an opportunity to identify issues and practical solutions.
- We will continue to encourage representatives to network so that they can overcome problems of isolation and share experience.

Workplace representatives are important to us because they provide the link between the members in the workplace and the Union's wider organisation. It is our collective role which makes the Union the most effective mechanism for dealing with the organisational causes of stress. Working in partnership with responsible employers we can prevent stress at work.

The Union is the best stress-buster there is.

The Union currently produces a range of guidance for workplace representatives on many of the issues which add to work-related stress. Copies are available from the Stationery Department at Central Office.

Stress

Health and Safety Advice Bulletin (including Questionnaire).

Keep Your Cool

Tackling Heat Stress at Work.

Bullying

An advice booklet is in the process of preparation.

Sexual Harassment at Work

An advice booklet for Union Representatives.

Abuse is NOT Part of the Job

An Usdaw advice leaflet.

Racial Harassment at Work

An advice booklet for Union Representatives.

**Working Time Directive:
Where Do We Go From Here**

An Usdaw Guide to the Working Time Regulations 1998.

Late-Night Working

Preventing Violence to Staff.

Violence to Staff

An Usdaw Guide.

Appendix 2 – The Usdaw Questionnaire

The following questionnaire is reproduced from 'Stress – Health and Safety Advice Bulletin' first published by the Union in 1995.

Copies of the bulletin are available, free of charge, from the Stationery Department at Central Office.

The questionnaire has been designed so that it can be used by workplace representatives to assess members' views about work-related stress.

The Union recommends that representatives who wish to use the questionnaire should circulate copies for members to complete anonymously. If the results show that members are suffering as a result of stress factors in the workplace, the evidence from the questionnaires can be used to take the issue up through the employers' health and safety procedures.

Confidential Questionnaire

Stress Survey

Please ✓ the appropriate box.

1. Do you ever suffer from any of the following?

	<i>Never</i>	<i>Sometimes</i>	<i>Often</i>
Headaches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anxiety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chest pain/palpitations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indigestion or nausea	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sleeplessness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Irritability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Backache	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neckache	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stomach disorders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inability to concentrate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Do any of the following cause problems for you at work?

	<i>Never</i>	<i>Sometimes</i>	<i>Often</i>
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor/inadequate lighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excessive heat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Excessive cold	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overcrowding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor ventilation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dust or fumes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor maintenance of equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Do you find any of the following cause problems?

Shiftwork	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inadequate breaktimes/mealtimes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unsocial hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Very heavy workload	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>Never</i>	<i>Sometimes</i>	<i>Often</i>
Unfair distribution of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Repetitive/boring work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meeting deadlines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Job insecurity, e.g. threat of redundancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Under-utilisation of skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Regarding working relationships, do any of the following cause you problems?

	<i>Never</i>	<i>Sometimes</i>	<i>Often</i>
Poor relations with supervisor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor relations with workmates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harassment and/or discrimination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Impersonal treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lack of communication from management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working with the public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. How much control do you feel you have over your job? Do you feel:

	<i>Never</i>	<i>Sometimes</i>	<i>Often</i>
You are able to plan your own work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You can participate in decision making for your own job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You have some control over the pace/content of your work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You have no control at all	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Do you feel:

You are underpaid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You are undervalued	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You receive appreciation for good work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. How do you feel about your job in general? (✓ one)

I am completely happy and enjoy my job	<input type="checkbox"/>
I sometimes feel dissatisfied but generally enjoy my job	<input type="checkbox"/>
Most of the time I do not enjoy my work	<input type="checkbox"/>
I have no interest at all in my work	<input type="checkbox"/>

8. If you feel you are under stress, please tick which you feel is the main contributory factor:

Problems at work

Problems at home

9. Please list below what you feel are:

a. The main causes of stress in your job.

b. The effects that these have on other workers and yourself.

c. What steps do you think could be taken to ease the situation?

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and Allied Workers*