

Future proofing the
workforce

HR conference – 27 April 2015

Managing Stress

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RUSSELL-COOKE | SOLICITORS

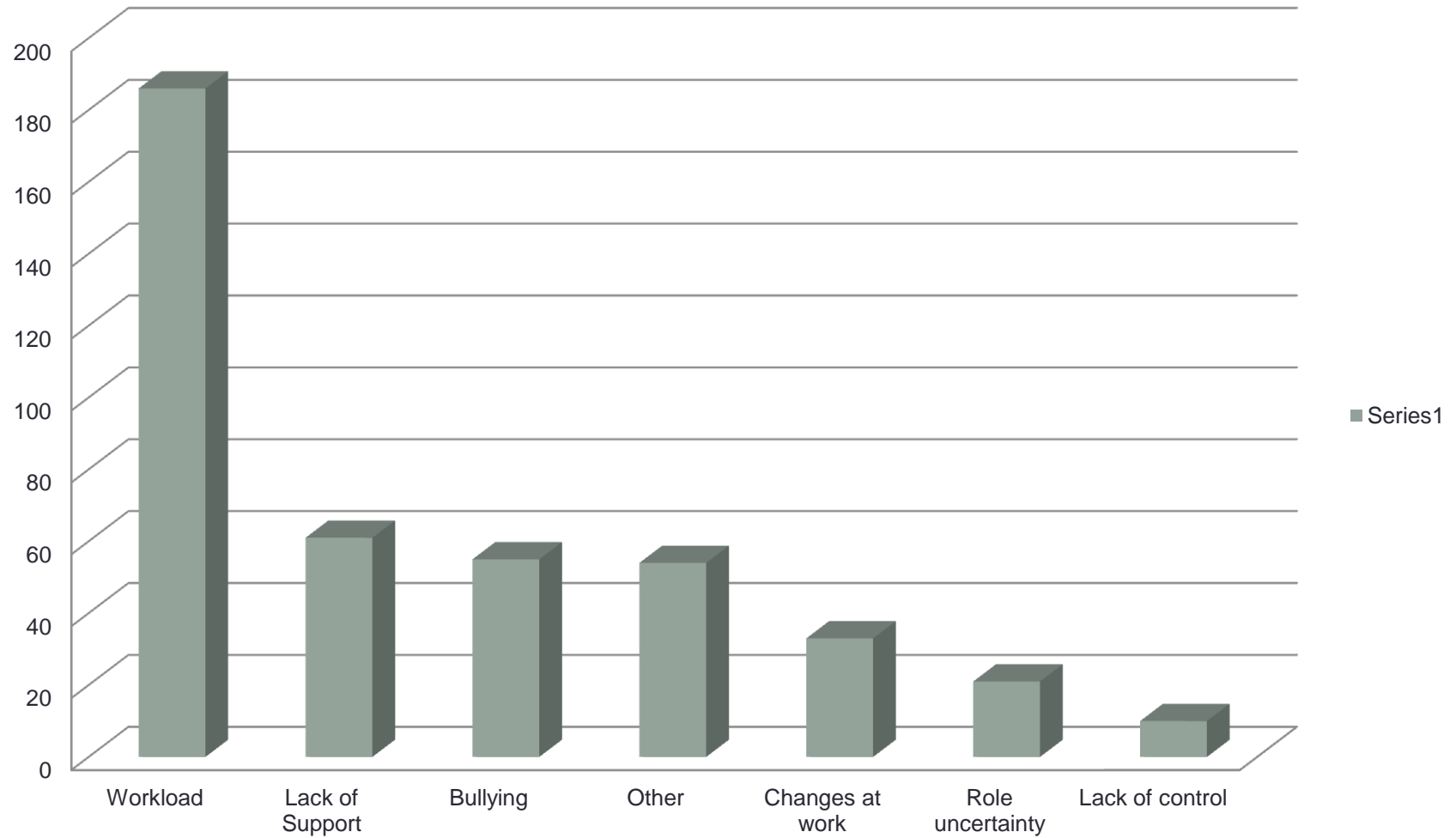
OBJECTIVES

- Think through the elements of a **Stress management system**
 - What is stress?
 - Stress and the LAW including Health and Safety Requirements
 - Tools for Managing stress issues
 - Managers' responsibilities
 - Handling allegations of `stress'
 - Well being at work initiatives
 - Tips for Managing your own stress

Stress – facts

- Stress is one of the most important factors behind absence at work
- 40% of all work related illnesses
- 11.3m days in 2013/14 – 23 days per case
- Most stressed occupations -
 - Nurses
 - Teachers
 - Health and Social care professionals

Causes of Work Related Stress



Stress Facts 2

- Stress is a state not an illness

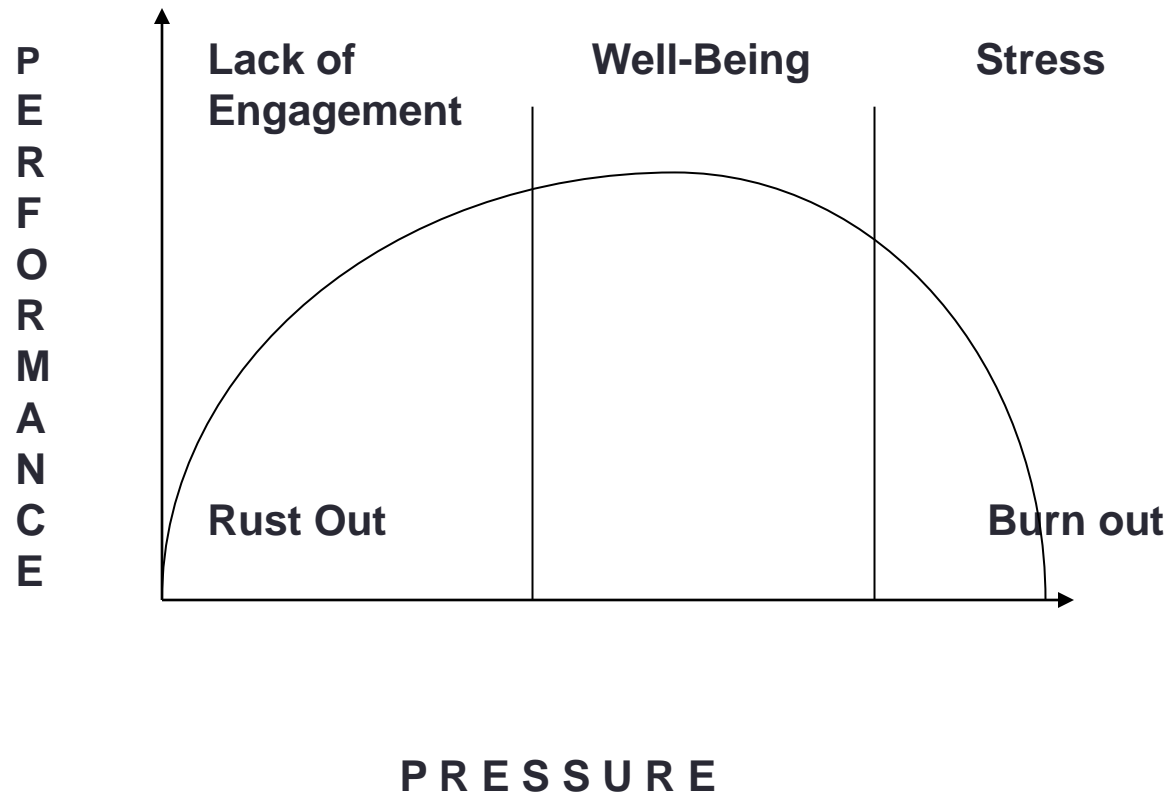
HSE Definition

- Stress is the reaction people have to excessive **pressure** or other types of demand placed on them. It arises when they worry that they can't cope

What is Pressure?

- What most people mean when they say they are Stressed
- Positive – Gives us the motivation to get out of bed
- Necessary and desirable up to a certain level: Prolonged and extreme and exceeds person's capacity to cope = Stress

Pressure and performance



Stress on the inside

- More difficult to cope with simple tasks
- Physical problems rise up
- Sleep patterns become disturbed
- Appetite affected
- Hard to relax without feeling guilty
- Difficult to make decisions
- Minor issues make you angry – you flip
- You feel depressed and distressed at the thought that things won't change
- Use drugs and alcohol more to cope

Stress and the Law

- Negligence
- Contract and implied duty of care
- Implied duty of mutual trust and confidence
- Disability Discrimination
- Case Law
- An injury must be suffered
- Employers must have failed to prevent exposure to the cause (especially when vulnerabilities are known about)
- The injury must have been reasonably foreseeable
- Circumstances at work must have been a material cause of it
- Relates to managing absence and getting medical information

Health and Safety Law

- Health and Safety at Work Act
- Management of Health and safety at Work Regulations
- HSE website
- Every employer must assess (and take action to eliminate if possible) the H&S risks employees are exposed to at work.
- Do not have to do a specific Stress Risk assessment but encouraged to

Process – Identify a Problem

- Health and Safety at Work Act
 - Every employer must assess (and take action to eliminate if possible) the H&S risks employees are exposed to at work.
- Case Law
 - Prevent harm to employee health that is foreseeable and caused by work
- Equality Act
 - Consider any Physical or Mental Impairment that has a substantial and long term effect on employee's ability to work

Prevent Harm

- Health and Safety at Work Act
- Risk assessments
- Develop and implement preventative measures
- Provide information to employees
- Working Time Regulations
- 48 hours per week
- Rest breaks
- Paid leave

Protect Individuals

- Duty of Care
- Equality Act
- Protect employees from injury to health caused by work
- Make reasonable adjustments

Manage the Workplace

- Protection from Harassment Act
- Equality Act
- Working time Regs
- Bullying and harassment policy
- Protect disabled employees from discrimination
- Protect health of night workers

Law related FAQs 1

- How pro- active should an employer be to take steps to avoid stress related claims?
- If I have someone absent who refuses to attend a medical exam – what can I do?
- Duty to be pro-active and preventative and if it is obvious something is wrong
- Get in writing they have refused
 - Might be able to withhold contractual sick pay if a condition is attending medical exam when asked to

Law Related FAQs 2

- If I don't deal with their 'stress' could an employee resign and claim constructive dismissal?
- Might a person with stress be 'disabled'?
- Potentially Yes. The employee would have to show the employer breached the implied duty to provide a safe system of working
- They could have a claim if they have a condition that satisfies definition of disability and are treated less favourably

Law Related FAQs 3

- When can an employer see a Medical Report?
- From GP – access to Medical Reports Act
- From Occ Health – to you
- Can be High – but only when permanent injury to health has occurred
- What is level of compensation?

Why is a Stress Management System Important?

Why is a Stress Management System Important?

Preventative

- Health and Safety
- Mental health
- Well being
- Developing resilience
- **Training managers**

= COST EFFECTIVE

Pro-Active

- Dealing with issues as they arise
- A good pro-active stress management and sickness policy
- EAP programmes
- Using Occupational health
- **Working with Managers Proactively**

HSE Specific Stress Audit

- Identify Hazards or a Problem
 - Evaluate the risk
 - Record the findings and action
- Prevent Harm - Decide who may be harmed and how
- Protect Individuals
- Manage the Workplace
- Monitor and review

Identifying a Problem

- Monitor Working Conditions to spot signs of Stress
- Be aware of Working Conditions that could cause ill health
- Consult with Employees to get their views on the workplace
- Give consideration to employees with specific health needs or disabilities

Prevent Harm

- Address the Potential Impact of Workplace Stressors
 - Identify measures that could prevent ill health
 - Ensure Employees are aware of Preventative Measures
-
- **Protect the Individuals**
 - Take action where harm to individuals is foreseeable
 - Consider the needs of individuals
 - Make reasonable adjustments

Manage the Workplace

- Monitor the ongoing impact of work on vulnerable individuals
- Avoid discriminating against individuals because of their health needs or disability
- Prevent workplace bullying and harassment
- Plan jobs and services that have a manageable workload
- Train Managers
- Review

Risk areas

- Overload
- Difficult or dangerous work with clients
- Poor work relationships with managers or other staff
- Poor work life balance
- Lack of job security
- Lack of job control
- Poor resources and communication
- Poor pay and benefits
- Lack of role clarity
- Unmanaged change

Developing Employees Resilience + Confidence

- Training
- Shadowing more experienced staff
- Debriefing
- Team meetings
- Channels of Communication
- Coaching
- Counselling

Tools for raising Stress issues

- Have a structured first conversation
- Be clear about documenting and confidentiality
- Get through common reactions
- Explore your observations
- Explore causes and problems
- Take it forward
- Prepare well
- Main aim in support and help
- Defend, Deny, Attack
- Say what you have noticed - specific examples
- Work or home related
- Document and have a plan

Handling allegations of `stress`

- Explore carefully
- What exactly are they alleging and what would they like changed?
- What do you know about the manager in question?
- Have a quiet word
- Joint discussion?
- HSE Stress Indicators tool
- Bullying vv Strong management

Skills: Managing Stress and Wellbeing

Organisational environment and climate
Organisational values and culture
Good communication with staff

Management Style - Prioritise people
Management Techniques day to day – be
around + create trust
Enable flexibility and control

Be responsive to individual vulnerabilities
Stress risk assessment
Stress Risk management
Promote resilience in yourself and your staff

Most Common Wellbeing Actions

- Access to counselling (78)
- Employee Assistance programmes (63)
- Stop Smoking Support (32)
- Health care cash plan (30)
- Advice on Healthy eating (25)
- Subsidised gym membership (25)

Is EAP Worth it?

- Typically between 10-30% of a workforce uses the facility once it's in place.
- More where more people know about it and when word of mouth recommendation says the service is good!
- Some schemes allow family members to access the service as well – which is a clear added benefit to employees.

Issues to check in a potential scheme include:

- Does it set out clearly and simply what staff can and can't get access to
- Easy clear round the clock access
- Ensures counsellors are BACP accredited
- Provides clear value for money
 - Integrated with HR and well being strategies of the orgn
 - Provides good quality management information and feedback with regular analyses on encounters and usage

Managing my own Stress

- Put work in its place by **properly disconnecting** every day and every week. Go offline; don't do emails after 6pm; put your phone on silent; take a proper weekend most of the time; it can wait til tomorrow. Take your holidays
- **Move your body** and get out and about. Take a walk round the block at lunchtime; breathe some fresh air; go to the park and be active at the weekend; hug a tree – it really does help control the cortisol.

Managing my own Stress

- **Get enough sleep** – sleep deprivation raises stress hormones all on its own even without added stress.
- **Don't beat yourself up** – (there's always someone else ready to do it for you!). Try not to get into a loop of negative self thoughts. If you find yourself “catastrophizing” – Saying “Never”, “worst”, etc then this in itself it probably a great indicator that you are stressed and need to get some perspective.

Managing my own Stress

- **Get some support in place.** It really is good to talk. Friday nights in the pub is a good time to let off steam about work and have a good kvetch –
- Can you ask colleagues for help? Raise stuff at team meetings (without shouting) so the small stuff gets sorted. Other people may also have better solutions than you.

Further Reading

- HSE website
- ACAS website

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