



Stress at work

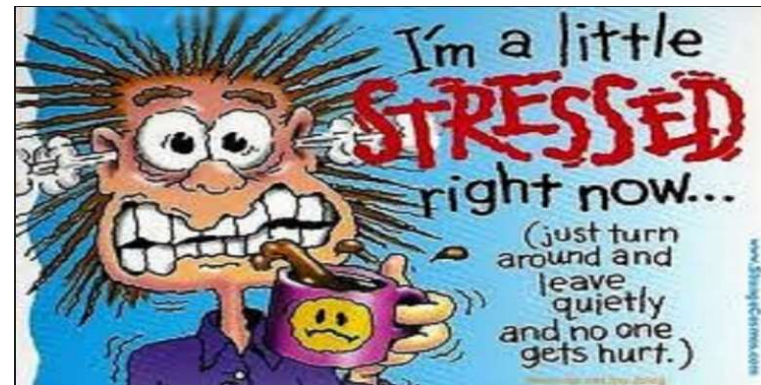


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What is stress?

- “the adverse reaction people have to excessive pressures or other types of demand placed on them”.
- Stress can affect people mentally – in the form of anxiety and depression – and physically – in the form of heart disease, back pain and alcohol and drug dependency.
- Positive pressure (the 'buzz') v pressure that is beyond a person's ability to cope.



Stress – the stats

- HSE estimates that 13.5 million working days were lost to stress, depression and anxiety in 2007/08.
- According to the HSE, in 2014/15, 440,000 people in the UK reported work-related stress at a level they believed was making them ill. That's 40% of all work-related illness.
- Work-related stress costs society about £3.7 billion every year (at 1995/96 prices).
- Each new case of stress leads to an average of 31 days off work.
- Work-related stress is widespread. About one in five people in a stress study said that they found their work either very stressful or extremely stressful.

Legal duties

- Criminal - HSWA / MHSWR - ensure the health safety and welfare at work of employees.
- Civil - duty under common law to take reasonable care to ensure the health and safety of employees.
- Both include minimising the risk of stress-related illness or injury.
- If one of your employees suffers from stress related ill-health and the court decides that you should have been able to prevent it, then you could be found to be negligent (civil) and in breach of HSWA (criminal).
- Also, employment law risks.



Case Study

Deutsche Bank



- Former Deutsche Bank worker awarded £828,000 in damages following what the judge described as a relentless campaign of mean and spiteful behaviour by colleagues.
- A high flyer at the bank was admitted to hospital suffering a major depressive illness as a result of a 3-year campaign of bullying. This included amongst other things, ignoring her, laughing at her when she walked by, making lewd comments, and hiding her post.
- Employee raised the problem with her manager and HR department but her complaints were ignored.
- In judgement, Mr Justice Owen said that:
 - ‘line managers knew or ought to have known what was going on. They collectively closed their eyes to what was happening, no doubt in the hope that the problem would go away’.
 - ‘there were obvious steps that could have been taken. It ought to have been made clear that such behaviour was simply unacceptable, and those involved warned that if they persisted disciplinary action would follow. By whatever means the bullying could and should have been stopped’.

Case Study

- Manager of one of B&Q's stores started to suffer from depression and was absent from work for five months, before making a phased return.
- A few days into the return, he was re-certified as unfit for work due to depression after he felt he came under pressure to accept the regional manager's offer of a temporary post at another branch.
- Maintained his depression was caused by occupational stress which was due to the employer's negligence or breach of statutory duty and claimed that the employer was in breach of duty in its management of his return to work so as to cause a relapse of his illness.
- B&Q accepted that the employee had suffered a psychiatric illness and that the illness, at least in substantial measure, was caused by occupational stress.
- However, it argued that the illness had not been foreseeable at any stage and that it did not breach any duty.



Case Study – B&Q (cont...)

- Question was whether the kind of harm had been reasonably foreseeable, which depended upon what the employer knew or ought reasonably to have known about the employee
- Employee spent his 10-year managerial career in charge of large retail outlets and had had no history at all of any psychiatric or psychological problems. Nothing about him gave anyone any clue that he might succumb to a psychiatric illness. All of those who knew him well at work had no idea that he might do so.
- In addition, there was nothing about store managers in general giving rise to foresight of such a risk.
- As to his relapse, it was true that the employer by then knew that he had suffered a psychiatric illness and so was on notice that he was vulnerable. However, he was, on his own account, ready and keen to return to work. He was an experienced manager. Notwithstanding the employee's recent illness, the employer had been entitled to act on the basis that he would be able to assess whether he wished to take up a particular opportunity. Thus the employee's return to work did not amount to a breach of duty. Nor could the employer have foreseen that offering him a temporary post at another store would cause a recurrence of the psychiatric illness.

Case Study – Somerset CC

- B had been employed by the local authority as a teacher.
- In September 1995 there was a restructuring of staffing at the school at which B was employed, and B was told that in order to maintain his salary level he would have to take on further responsibilities.
- B worked between 61 and 70 hours per week, and often had to work in the evenings and at weekends.
- In February 1996 B spoke of "work overload" to the school's deputy headteacher, and made enquiries about taking early retirement.
- In May 1996 B was absent from work for three weeks, his absence certified by his GP as being due to stress and depression.
- On his return to work B met with members of the school's senior management team and said that he was not coping with his workload and that the situation was becoming detrimental to his health.
- No steps were taken to assist him.
- B contacted his GP on a number of occasions about work related stress and in November 1996, after losing control and shaking a pupil, he left the school and did not return.
- Since that time B had been unable to work as a teacher, or to do any work other than undemanding part time work.

Case Study – Somerset CC (cont...)

- Held
 - The duty to take some action had arisen in June or July 1996 when B had seen members of the school's senior management team.
 - The breach of duty had continued so long as nothing was done to help B.
 - The senior management team should have made inquiries about his problems and seen what they could have done to ease them, instead of brushing him off unsympathetically or sympathising but simply telling him to prioritise his work.
 - The fact that the school as a whole was facing severe problems, with all the teachers stressed and overworked, did not mean that there was nothing that could have been done to help B.



Case Study

- O2 ordered to pay damages of nearly £110,000 to an accountant who suffered ill-health due to excessive working hours and demanding workload.
- Employee had warned managers that she couldn't cope and was 'at the end of her tether'. She had raised issues in appraisals and had asked for a sabbatical from work so that she could recover.
- The warning signs were evident 'yet managers did nothing of substance about it'. Managers had not referred employee to Occupational Health for specialist help, nor provided her with time away from work to recover from exhaustion.
- Passing judgement Lady Justice Smith said 'the employee told her employer that she needed help with her work and no help was provided, she asked for a less stressful job and was told to hold on for 3 months. She tipped over the edge because nothing significant was done to address her need for a rest and to change her work requirements'.

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Case Study – Post Office

- Former Post Office worker awarded nearly £94,000 in damages after suffering a stress-related illness that the court found was caused by his work.
- Workshop manager suffered a breakdown as a result of overwork and lack of training on new systems.
- After four months off sick he returned to work with Post Office managers promising flexible working arrangements to allow him to gradually take on his normal work.
- Seven weeks later however he went off sick again with depression.
- The court heard that managers had failed to implement the measures they had promised and as a result manager's illness recurred.
- The court found that the first breakdown could not have been foreseeable to his managers, however when he returned to work there was a good chance his health would suffer if circumstances didn't change.
- Hearing the case Lord Justice May said that the manager 'had already suffered from psychiatric illness and his employers knew this, in my view it is entirely foreseeable that there might be a recurrence if appropriate steps were not taken when he returned to work'.

Dealing with stress – HSE Management Standards

- Aim - to help employers measure their performance in managing the key causes of stress at work and identify areas for improvement.



Dealing with stress (cont...)

Causes of stress

Demands: employees often become overloaded if they cannot cope with the amount of work or type of work they are asked to do

Control: employees can feel disaffected and perform poorly if they have no say over how and when they do their work

Support: levels of sick absence often rise if employees feel they cannot talk to managers about issues that are troubling them

How to deal with them

- make sure employees understand what they have to do and how to do it – job design
- meet training needs
- consider whether working flexible hours would help employees to manage demands

- involve employees in the way work is carried out
- consult employees about decisions
- build effective teams with responsibility for outcomes
- review performance to identify strengths and weaknesses

- give employees the opportunity to talk about issues causing stress
- be sympathetic and supportive
- keep employees informed about what is going on in the firm

Dealing with stress (cont...)

Causes of stress

Relationships: a failure to build relationships based on good behaviour and trust can lead to problems related to discipline, grievances and bullying

Role: employees will feel anxious about their work and the organisation if they don't know what is expected of them

Change: change needs to be managed effectively or it can lead to uncertainty and insecurity

How to deal with them

- have clear procedures for handling misconduct and poor performance
- have clear procedures for employees to raise grievances
- tackle any instances of bullying and harassment and make it clear such behaviour will not be tolerated
- carry out a thorough induction for new employees using a checklist of what needs to be covered
- provide employees with a written statement of employment particulars
- give employees clear job descriptions
- maintain a close link between individual objectives and organisational goals
- plan ahead so changes can be signposted and managers and employees are prepared
- consult with employees about prospective changes so they have a real input and work together with you to solve problems

How to manage stress? Case Study – Scottish Power

- Why tackle stress?
 - Legal compliance
 - To decrease absence rate
 - To adopt best practice
- What did Scottish Power do?
 - On-line stress survey to approximately 5000 staff
 - Analyse absence data
 - Focus group
- What changed?
 - Stress management interventions
 - Creation of better communication channels throughout the business
 - Line managers made aware of the managerial behaviours that can prevent stress occurring within their team
 - Introduction of 360° feedback at all levels
 - More participation/visibility of senior managers at team briefs
 - Wider use of Occupational Health Services
- Results
 - 11% decrease in overall sickness absence



How to manage stress? Case Study – Bradford & Bingley

- What prompted change?
 - Enforcing authority investigation following complaint from member of staff – no action taken but decided arrangements needed improving
 - Started programme to improve arrangements and re-educate management on managing stress
- Impact of stress on the business?
 - Single biggest cause of work related absence – 6000 days worth of absence across 3000 employees
 - Cost to business – absence, productivity, morale, replacements staff etc.
- What changed?
 - Stress included in general management training
 - Managers to include stress in existing risk assessments
 - Link between HR and H&S
 - Use of existing arrangements - team meetings, resource planning, one-to-one sessions
- Impact
 - Absence fell by 10% in the first year and a further 34% after that

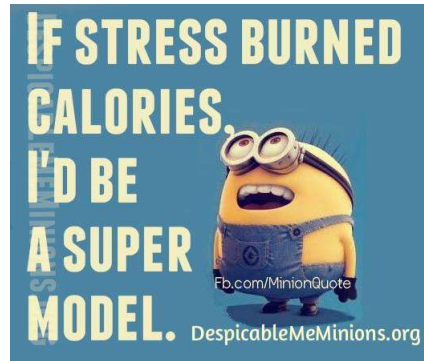
Bradford & Bingley

Conclusion

- As an employer you are entitled to expect that employees can cope with the normal pressures of the job unless you know of a particular problem.
- The law requires you to take action when harm to your employees' health is 'foreseeable'.
- Employers should:
 - take reasonable steps to examine the workplace to identify risk;
 - identify possible sources of stress that could foreseeably cause employee ill-health;
 - take notice of signs of harm to employees that are plain enough for you to realise that preventative or protective action is required; and
 - consider existing health needs or disabilities on the employee's ability to carry out their work.



Questions?



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