

**Hazards
Campaign**



www.workstress.net

The UK National Work-Stress Network

SPRING NEWS 2006

Safety Regulation & Enforcement?

The ongoing debate centred around corporate liability, directors' duties and the Hampton Review of enforcement and regulation are key aspects of the safety agenda, and a matter of great importance in the workplace where there is a distinct lack of recognition of responsibilities towards the workforce. Equally well the Government's Corporate Manslaughter Bill and the Commons Select Committee's review of the Bill have drawn some interesting differences of opinion into the public arena.

At the recent Centre for Corporate Accountability (CCA) conference, Lord Hunt of Kings Heath (Safety Minister at the DTI) was amongst speakers who examined the current risk aversion agenda and looked towards new alternative penalties designed not only to bring about better enforcement but also the possibilities of more appropriate and direct penalties against organisations and companies where necessary.

Lord Hunt referred to successes achieved through the work of HASAWA since 1974 and that UK has one of the best records worldwide for safety. He asserted that there could be no complacency over workplace health and injury records, good as they mostly were, sensible H&S was the cornerstone of civilised society. He spoke about Regulation being *proportionate to risks*, through targeted efforts, backed up by enforcement where necessary and confirmed that Government was committed to sustained improvements in the Occupational Health challenge.

Hampton had identified key components for improved regulation which included a) better targeted intervention, b) continuation of enforcement as necessary; c) lighter touch for the rest of the business community with reduced admin burden; and d) high quality easily accessible advice. Hampton's proposals for simplification emphasised a change in culture and the need for more joined up enforcement.

Director responsibilities were recognised and HSC is currently reviewing need for change in the law. The draft Corporate Manslaughter Bill is making progress although no date for enactment is yet known. He recognised the role of all stakeholders, and referred to the key role of TU Safety Representatives.

TUC Policy Officer, **Hugh Robertson** concentrated on Directors' Duties and referred briefly to the safety record and statistics from HSE. He noted that prosecutions had declined by 35% in 2 years; enforcement notices were also down by 25% in 1 year; LA enforcement notices were down by 75% and fines and penalties were far too low. In outlining solutions, he called for greater resources for enforcement activity; higher fines and more severe penalties; a greater range of penalties a Corporate Killing Act and new and enforced duties on Directors.

Jonathan Russell (HSE) addressed some of the thinking on alternative penalties, confirming that enforcement remained a central tool of action for regulators. He noted that Improvement and Prohibition Notices were effective tools, but not directly punitive, however he felt that inclusion in the Notices Database could impact on loss of reputation and business. Frequently, prosecution was reserved for the more significant breaches of the law, but fines were accepted as being too low. Additionally courts can impose HASAWA Section 42 sanctions e.g. 'Court Remedy Orders' and can disqualify Directors.

IN THIS ISSUE

- 1/2 REGULATION & ENFORCEMENT?**
- 2 CONVENOR/ DIARY/
REGULATION & ENFORCEMENT**
- 3 STRESS BITS**
- 4/5 MORE STRESS BITS
DIARY DATES**
- 6 CONFERENCE 2006, DETAILS
AND BOOKING FORM**

Alternative penalties must relate to duty-holder behaviour, and be right for the circumstances. A range of options is being considered:-

- fixed, variable and on-the-spot fines;
- restorative justice orders, where victims (and witnesses) can play a part in determining outcomes; rehabilitation can be helped;
- conditional cautions and enforceable undertakings as used in some Australian examples and can generate local community benefits as an outcome;
- adverse publicity orders, where offenders are required to publicise their shortcomings and failures and probation orders for companies and directors.

Whatever the outcome, enforcement had to remain evidence based, alternative penalties should be effective, satisfy the principles of enforcement and practical, costing no more to run than the value added, and should not undermine current enforcement arrangements.

Janet Asherson of the CBI asserted that most employers were responsible and that there was no real need for any major change to legislation or to regulation. Save in the very small minority of cases where there were rogue employers was there any requirement for tougher approaches.

The day further explored issues around the Hampton Review and the Select Committee report of the draft Corporate Manslaughter Bill.

Where next?

It is clear that the enforcement agenda has yet to be fully reviewed to ensure that full responsibility is clearly placed on the shoulders of those who carry that duty.

To continue to maintain a voluntary expectation on employers to 'do the right thing' is not going to solve the problem.

Despite the high profile cases of the cockle-picker Gang Master and other employers being imprisoned for negligence, much is still to be done.

Government and the relevant agencies must take these matters seriously and act responsibly too.

Simply saying that the burdens of regulation are too much for business is just not acceptable.

We need meaningful enforcement and compensation that reflects the needs of the injured and bereaved ensuring that penalties are imposed on those who persist in cost cutting and ignoring their common law duty of care.

Convenor's Report

Record Web Activity – in March we hit the highest ever record for the network of activity, with over 25,000 hits, and 11,334 documents downloaded by readers.



The Network has now obtained its own display facilities, which were first used at Wembley Conference Centre on March 2nd.



Our revised Information

Pack will soon be available in printed form and we are grateful to NASUWT, AMICUS and UNISON for their sponsorship. Adobe Acrobat .pdf copies can be obtained on the downloads page – see below.

We are now very pleased to announce details of our **November 2006 Conference on Sickness Absence Management**. Speakers include Peter Kelly from HSE, Hope Daley UNISON and Dave Parr, Disability Champions Project. There will be general discussion in plenary session as well as workshops.

Book your place early to avoid disappointment.

A copy of the application form is included with this newsletter and additional copies can be obtained from our downloads page at:-

<http://www.workstress.net/downloads.htm>

Ian Draper

Diary Dates

Hazards Campaign Meeting, Manchester, May 25th 2006.

Stress Network Steering Group, Rednal Birmingham, June 24th 2006

Hazards Conference, UMIST Manchester July 14th to 16th

Stress Network Steering Group, Rednal September 9th 2006

European Hazards Conference, Jurmula, Latvia 28th September to October 1st 2006

Stress Network Conference November 18th 2006

Long Hours culture unhealthy

A report claiming that Britain's long working hours lead to an unhealthy, unproductive workforce was launched by Jean Lambert, MEP for London on the eve of *Work Your Proper Hours day – February 24th*.

The report, named *I Must Work Harder*, available at www.greenparty.org.uk/news/2435, found that Britons worked the longest hours in Europe yet created far less gross domestic product (GDP) per person than many countries. The French work to a maximum 35 hours a week and create a third more GDP than the British.

Mrs Lambert, vice-chair of the Green Party in the European Parliament and co-ordinator of the committee on employment and social affairs, called on the Government to end Britons' ability to opt out of the working time directive.

"We are now seeing record levels of sick leave due to long hours and stress. Sadly the British work culture is such that stress is seen as a weakness and so instead of being treated gets worse, costing both the individual and the business," said Mrs Lambert.

Nearly half workforce want to work fewer hours

Nearly half of people at work (45 per cent) want to work fewer hours, and more than two million people (one in ten employees) would downshift by giving up pay for a better work-life balance according to a TUC analysis of official figures published in the run up to *Work Your Proper Hours Day*.

People working in mining and quarrying are the unhappiest with their hours, and have the largest proportion who want fewer hours even if it means losing pay. Hotels and restaurant staff are the least likely to want fewer hours or give up pay for more time off - probably reflecting the large numbers of part-time and low-paid jobs in hospitality.

Other than the relatively small mining and quarrying sector, the two groups who most want to downshift are the education and the financial services sectors. In both nearly one in six employees (14 per cent) want to reduce their hours even if it means giving up pay. Manufacturing, transport and communication complete the list of sectors where more than half the workforce wants fewer hours. TUC General Secretary Brendan Barber said, 'Most

people enjoy their jobs most of the time, but nearly half would like to work fewer hours. Worryingly, more than two million are so desperate to downshift that they would give up pay in return for a better work-life balance.

'But all our long hours are not making us more productive. Too many workplaces are gripped by a long hours culture, which staff and managers could easily work together to tackle.'

Improved Sickness Absence Management can boost business

Positive action by businesses to improve their sickness absence management will lead to productivity improvements, the Health and Safety Executive says.

HSE's Director for Scotland Stewart Campbell said, "the loss of productivity when staff were off sick was relatively greater for small firms and could have an impact on their business success or even survival".

Mr Campbell was introducing a Seminar on Absence Management for Small to Medium Sized Enterprises, organised by The University of Glasgow's SAM project. Speakers included representatives from the University of Glasgow, STUC, Scottish Engineering and the Scottish Centre for Healthy Working Lives.

The seminar aimed to provide participants with a greater insight into how they manage, and subsequently reduce, sickness absence rates within their organization.

Companies which take active steps to reduce accidents, improve health and safety will see benefits in terms improved productivity.

Participants were offered the opportunity to test a free absence management-recording tool (SART) in their companies.

Stewart Campbell said: "The current campaign being run by HSE 'Better Business', argues that good health and safety management results in business benefits. "Companies which take active steps to reduce accidents, improve health and safety will see benefits in terms improved productivity."

For small firms the risk of losing productivity when key staff are off sick is relatively greater, and can have a major impact on business success or even survival. The Institute of Occupational Medicine was commissioned by HSE to develop SART (Sickness Absence

Recording Tool), and the project is being evaluated by Glasgow University's Healthy Working Lives Research Group.

The SAM project is a new initiative offering a free software package with on-demand help and support for small and medium sized enterprises in Scotland. SART provides a straightforward way of recording, classifying and analysing absence. The University of Glasgow will monitor the usefulness of the tool and gather data on the management of sickness absence and return to work, as well as the tool's contribution to wide organisational health and safety matters.

Work stress findings in Wales NHS survey

Almost 40% of NHS staff in Wales suffer from work-related stress, according to a survey. A majority of the 33,000 staff who took part also said they do not have enough time to complete their work and that half regularly work unpaid overtime. But it was also found that 88% felt satisfied with the support they received at work.

The staff survey was commissioned by the Welsh Assembly Government, employers and unions, and was conducted between September and December 2005.

The survey also found that 16% of those who responded have experienced physical violence in the workplace.

Almost half said that they regularly work unpaid overtime. The most common reasons given for working longer hours were:

- staff did not want to let down the people they work with;
- it was necessary to meet deadlines;
- it was impossible to do the job otherwise; or
- that they enjoyed the job.

Almost 60% said that they did not have enough time to carry out all their work. Just over 43% of staff indicated that they often think about leaving their employer, but about 66% said that if they left their current job, they would stay within the NHS.

However, many of the staff who responded said they liked working for the NHS in Wales. 88% of staff felt satisfied with the support they were given to carry out their work, 80% said they always know their responsibilities and 76% said they have clear objectives for their job.

Welsh Health Minister Brian Gibbons said it was important to hear the views of front-line staff.

"Overall, it seems as if the majority of staff are happy working for the NHS. I am pleased that staff have been so honest in this survey. The fact that 39% of staff have reported suffering work-related stress is a major concern."

£138,000 payout over stress case

Stephen Mellor, 58, from Malvern, took several months off from his post as a senior manager at the HM Customs & Excise VAT office in Droitwich. However he said his responsibilities increased significantly on his return.

Mr Mellor said he had asked for compulsory early retirement, but this was refused and he was given further additional responsibilities. "Instead of earning a good salary, Mr Mellor now finds himself dependant on a medical pension, which is simply not enough," said solicitor Adam Wilson. Mr Mellor, whose action was supported by the Public & Commercial Services Union, is now medically retired.

Mr Mellor commented that, "It was a combination of things, a variety of confrontations from various sources. My psychotherapist said, 'Anybody would have cracked under that sort of pressure'."

Her Majesty's Revenue & Customs (HMRC) said: "HMRC wishes to give as much support as possible to our staff and we review the circumstances leading to claims against the organisation to ensure we learn from them and where appropriate, change our policies and processes to reflect good employment practice."

TUC welcomes progress on corporate manslaughter bill

Welcoming the recent announcement that the Government is to proceed with its proposed Corporate Manslaughter Bill, TUC General Secretary Brendan Barber said: "We are pleased that ministers have listened to concerns over the way that the original Bill focused overly on failures by senior managers and will instead now look for ways of broadening the basis for liability within an organisation.

"The Health and Safety Commission is currently working on new safety duties for directors, and the combination of these and the Bill could help make a real difference to the health and safety of UK workers. All responsible employers would welcome the changes, as would the relatives of those killed as a result of corporate negligence.

"The TUC is calling on the Government to introduce the Bill as soon as possible, and definitely during the current parliamentary session."

Network Comment

It is often difficult to prove a direct link between employer actions and stress-related illnesses and subsequent deaths – often suicide – and as such any Corporate legislation MUST be capable of holding employers responsible for such tragedies.

How stress triggers heart attack

It is known that stress causes heart attacks but not exactly how. Scientists believe they have found some vital clues to how stress can trigger a heart attack in vulnerable patients. UK researchers focused on men who had suffered a heart attack or acute chest pain triggered by stress. They found evidence that stress can elevate blood pressure over an extended period, and trigger the release of high levels of clot-forming platelets.

The University College London (UCL) study findings conclude amongst other things that "we can all help ourselves by recognising what stresses us out and coming up with coping strategies to help control how we respond.

However, this does not remove the cause of that stress and associated illness. The UCL team looked at 34 men who had suffered a heart attack or severe chest pain an average of 15 months earlier. From these they identified 14 whose symptoms had been preceded by acute stress, anger and depression.

Stressful situations

The volunteers were given a series of stressful tasks to do, including imagining stressful situations and making a speech. Measurements were then taken of their blood pressure and chemistry. In all men the blood pressure, heart rate and cardiac output increased in response to the induced stress. But in the group identified as particularly vulnerable to stress blood pressure took longer to return to normal levels. This group also recorded higher levels of platelets - the small blood cells that form clots to stop bleeding - in their blood.

Professor of Psychology for the BHF Andrew Steptoe said: "What's been suspected for a number of years is that emotional stress can trigger heart attack in people who are vulnerable. What this study does is to provide some information about the biology

underpinning that response and why it is that certain people may be vulnerable.

"It is something to do with the way particular people react to emotional stress." He said the finding of high platelet levels was key. Platelets clump together to stop bleeding when a tear occurs in the vessel wall during a heart attack.

However, they in turn can cause a blockage in the heart which prevents the blood from flowing in the heart.

Alison Shaw for the British Heart Foundation which funded the study, said it provided vital clues into the biological reasons why stress can trigger heart attacks. Currently, we can't easily tell whose bodies respond poorly to stressful events, but we can all help ourselves by recognising what stresses us out and coming up with coping strategies to help control how we respond to these situations."

Dr Nick Brooks, president of the British Cardiac Society and consultant cardiologist at South Manchester University Hospital NHS Trust, said "For those in whom stress provokes these major changes - they seem to be at a greater risk of a coronary," he added.

Stress 'may cause depression and Alzheimer's'

STRESS may be the cause of depression and Alzheimer's disease in old age, researchers at Edinburgh University have found. For the first time, researchers have identified an area of the brain which shrinks in old age to cause depression and Alzheimer's disease.

The scientists now believe they may have the key to new treatments, as they think that the shrinkage of a region of the brain called the anterior cingulate cortex may be caused by high levels of stress hormones.

Lead researcher Dr Alasdair MacLulich said: "The discovery deepens doctors' understanding of ageing, depression and Alzheimer's diseases, and will help in the development of treatments based on reducing high levels of stress hormones."

'Stressed' PC took her own life

The stress of a Merseyside police officer's job in a firearms unit contributed to her taking her own life, a coroner has ruled. WPC Paula Tomlinson, 35, was found hanged at her home in Birkdale near Southport, Merseyside, in January 2004. She had recently been dismissed from the police Firearms Department for failing several proficiency tests.

Ms Tomlinson was one of just two women in the 90-strong unit and one of the first female snipers in the country. The coroner was told she felt she had got on the wrong side of an influential clique of officers after complaining that some of her colleagues had watched a pornographic video during a residential course.

Mr Sumner said: "To conclude that a person has deliberately taken their own life, I must be satisfied that that person was not only physically responsible for their own death, but that they intended such to be the consequence of their actions. I am so satisfied."

Independent Police Complaints Commission (IPCC) said the actions of one officer could have been perceived as bullying but, after taking legal advice, it had decided not to take action.

Temp work 'harms women's health'

Women in temp jobs are more likely than men in similar posts to have their employment terminated if they are often off sick, a study has found. Finnish researchers believe more should be done to safeguard the health of temporary employees, A UK expert said more work was needed to know why temps took sick leave - but said the study gave support to calls for more protection for these workers.

Researchers from the Finnish Institute of Occupational Health looked at data from a public health study in the country which compared the work records of hospital and council workers. The study had compiled employment data for 60,600 people aged 16 to 54 during 1996, a third of whom worked as temps.

In Finland, sick leave benefits are the same for temporary and permanent workers. Temp workers were less likely to have more than 15 days sick leave in the year. The researchers then looked at what led to employment being terminated, and the long-term work prospects of people who were sacked.

In addition to the immediate increased risk of unemployment for women temp workers, temp workers who had the highest sick leave rates were at the highest risk of unemployment three years later.

Writing in *Occupational and Environmental Medicine*, lead researcher Dr Marianna Virtanen, said: "Temporary employment involves a significantly increased risk of unemployment. High absence among young temporary women puts them at an even greater risk of job loss and consequent unemployment."

Mike Clinton, an occupational psychologist at King's College London, who has studied the well-being of temp workers, said: "Temporary work is inherently more insecure, particularly when contracts are short or coming to an end and the risks for employee health seem to increase when workers do not choose to be temps. The findings that women in this study were particularly vulnerable is a concern."

Mr Clinton added: "This research provides support for greater protection of temporary workers and indeed from the growing body of research in the area there seems a justification to try to protect those most vulnerable. However these particular findings must be balanced by other recent research carried out in six countries across Europe finding that temporary workers compare similarly to permanent workers in terms of health and well-being."

Devon & Cornwall Police Stress levels double

The numbers of Devon and Cornwall police officers going off-duty from stress has doubled in five years. The equivalent of over 6,000 working days were lost last year because of stress - 2.5 times the number in 2001. The Police Federation said bureaucracy and extra paperwork were to blame.

Devon and Cornwall Police recognised stress could cause a substantial annual loss of days and said systems were in place to deal with the problem.

Feeling constantly tired? You're exhausted

Always tired? Feel like you're running on empty? Join the club - increasing numbers of us are suffering from constant fatigue - is modern life just wearing us out?

If you're almost too exhausted to make it to your doctor for a check-up, be consoled: at least you're not alone. More people are tired today than ever before. On any day, one in five of us

Temporary employment involves a significantly increased risk of unemployment. High absence among young temporary women puts them at an even greater risk of job loss and consequent unemployment.

is feeling unusually fatigued, while one in 10 has persistent low energy, sufficient to undermine quality of life and day-to-day functioning. It's an epidemic that worries sufferers and frustrates their doctors. "It's a very disabling condition, and it's perhaps not surprising that people come to see us desperately looking for a quick fix for a problem that is ruining their lives," says Dr Sarah Jarvis, a GP in west London.

The vast majority of weary people suffer because of the way they choose to live, says Professor Fred Zijlstra of Surrey University. *"People work ever-longer hours and then take files home or check their e-mails in the evening. New technology means they're on call 24/7. With double burden of being a working parent, there's a constant feeling of never getting things finished. It's this that can be so tiring."*

Even so, fatigue is a symptom in a wide range of physical and psychological problems. If exhaustion is now a way of life, you could be one of the "lucky" ones with a "real", or at least treatable, condition. If not, it may be time to ask yourself some difficult questions.

Unusual tiredness is the main symptom of **ANAEMIA**, a group of disorders in which insufficient red blood cells are produced to carry adequate supplies of oxygen throughout the body.

Overwhelming exhaustion, made worse by activity and not helped by rest, could be CFS (or ME, **MYALGIC ENCEPHALOMYELITIS**). One in 100 people, usually in their twenties or thirties, is affected, with three times as many women sufferers as men. CFS appears to be triggered by an infection, even a minor one.

EXTREME FATIGUE, with bowel symptoms such as diarrhoea and bloating, can indicate a flare-up of this lifelong inflammatory condition of the small gut in response to **gluten**, a substance found in wheat, barley and rye. Most commonly diagnosed in people aged 30 to 45, it can come out of the blue or occur in people with a history of stomach upsets.

Severe tiredness and loss of energy that persists for most of the day, nearly every day, for more than two weeks is one of the clearest signals of clinical **DEPRESSION**. This is suffered by up to one in 10 of the population at any one time.

Extreme tiredness that develops slowly, with constant thirst, a need to urinate and episodes of thrush, could be **TYPE 2 DIABETES**. People with the disease have problems converting food into energy because the insulin, a hormone that muscle, liver and fat cells use for this, becomes ineffective, often due to obesity.

Severe fatigue, accompanied by feverish symptoms such as aching muscles, loss of appetite and swollen lymph glands in the groin, suggests **GLANDULAR FEVER** the so called "kissing disease". The infection is most common in the teens and early twenties.

Severe daytime sleepiness is the most obvious symptom of **SLEEP APNOEA**, where sleep is disrupted by snoring.

Tiredness and excess sleep, with symptoms including constipation, sensitivity to cold and weight gain, may be a sign of an under active thyroid – **HYPOTHYROIDISM**. This disorder, most common in older people, is caused by the body failing to produce sufficient thyroxine hormone, thereby slowing the metabolism.

Is your life too tiring?

- Do you demand too much of yourself?
- Have you been affected recently by a stressful event?
- Is regular exercise part of your daily life?
- Is your diet healthy?
- Are you drinking too much?
- Are you sleeping well?

Depending on how you have answered these questions you may need to review your work-life style, and maybe consult your GP?

Britons 'too busy to cook'

Most people do not have time to cook an evening meal every night because of long working hours and a hectic social life, according to a new report. A survey of 1,400 adults showed that a long commute to work and late office hours were now "standard".

A third of those questioned by insurance firm More Th>n said they worked longer than average hours, but still managed to go out up to three evenings a week. Around one in seven spent between 90 minutes and four hours commuting to and from work every day.

Most of those polled said they did not get home in time to cook a meal every evening and one in 10 did not even bother to do a weekly food shop. David Pitt, of More Th>n, said: "Modern work environments put more pressure on people, leaving less time to do important things like seeing friends and family as well as cooking, housekeeping and shopping for groceries. So our homes are becoming more and more like hotels - simply places to sleep and store clothes."



www.workstress.net

The UK National Work-Stress Network

7th Annual Conference
Saturday 18th November, 2006

10.00 a.m. to 4.00 p.m.

Hillscourt Conference Centre, Rednal, Birmingham

(By kind permission of NASUWT)



Managing Sickness Absence with Care

An examination of employers' practices and procedures for managing sickness absence and providing phased supported therapeutic return to work programmes

Speakers:-

- Peter Kelly** HSE, Occupational Health Psychologist
- Hope Daley** National Health & Safety Officer, UNISON
- Dave Parr** Disability Champions Project
- Brian Robinson** UK National Workstress Network

Workshops to include: Employer Sickness Absence procedures; Managing the return to work; Disability issues and sickness absence; Management Standards and absence

Final details to be announced in due course – workshop choices will be made on the day

Delegate Fees: £50.00 (£16 unwaged)
Bed & Breakfast: £32.50/night (£50.00 for Double Room)

Disabled access and accommodation. Dietary needs catered for.
Excellent rural setting, good accommodation and food!

Booking Form – please complete and return to Conference Secretary

Closing date: November 1st 2006

Les Roberts, 33 Old Street, UPTON UPON SEVERN, WORCS WR8 0HN

lesvroberts@hotmail.com

Cheques payable to “UK National Work Stress Network” please

Please reserve places at the “Managing Sickness Absence with Care” Conference on Saturday 18th November, 2006.

Name Daytime Tel No
Home Address

Postcode Email Address

Trades Union/Organisation Workplace Role

Dietary Needs Other Special Needs

Bed & Breakfast Required? Yes No Single/Double – *please delete as necessary*

Payments:- Delegate Fee (£50.00 or £16.00 unwaged)

B&B (£32.50 or £50.00) **Total Payment Enclosed:**