

UK National Work-stress Network News

UK and European Hazards Campaign

Winter 2002

5th Annual Stress Network Conference successful once more

December 1st 2001 Conference at NASUWT Hillscourt Centre
Some 60 people assembled at NASUWT Hillscourt Conference Centre on December 1st to consider stress in the workplace.

Despite strenuous efforts to encourage representatives of employers to attend, other business or just an unwillingness to engage in dialogue meant that we were unable to hear an employer's view. We are anxious to engage with all sides and to listen to all points of view, as well as hoping that they would hear UK National Work Stress Network views.

In the absence of **Brian Robinson**, Network Convener, **Ian Draper**, declared Conference open and welcomed those who were new and the regular visitors to this event. Best wishes were extended to Brian in his absence.

Speakers for the day were Steve Tombs (Liverpool, Hope University) and Owen Tudor (TUC and HSC). Short presentations from speakers preceded question and answer sessions followed by 'table discussions'. The mid morning session involved 4 workshops, which are reported later.

Dianne Jones, Network Treasurer, welcomed **Steve Tombs** and invited him to address Conference. Steve indicated that he had no detailed knowledge of work-related stress, but wished to explore the roles of law in pursuance of workplace Health & Safety. Just two days earlier the Simon Jones court case had announced no conviction for manslaughter, but a fine of £50,000 levied on Euromin for failure to comply with

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UK National Work Stress Network Website is now **LIVE**

Recently launched and attracting interest

www.workstress.net

visit our exciting Website for information on our activities, to view our recent newsletters and (eventually!) join in the forum for discussion. Our newsletters can be downloaded. Some aspects of the site are still being developed, but we hope that it will help to broaden our field of influence and attract more interest.

We are not a support network, and cannot offer counselling or individual case-handling - that is provided by professionals and Trades Unions as appropriate.



The Dignity at Work Bill 2001 has been introduced in the House of Lords.

It provides that all employees "shall have a right to dignity at work", and that a dignity clause shall be implied into all contracts of employment.

It prohibits harassment, bullying and any conduct which causes the employee "to be alarmed or distressed", including:

- behaviour on more than one occasion which is offensive or abusive;
- unjustified criticism on more than one occasion;
- punishment imposed without reasonable justification;
- changes in the duties or responsibilities of the employee to the employee's detriment without reasonable justification.

The right applies to contract workers as well as to employees.

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safety legislation.

The distinctions between civil and criminal law were important in the context of whether action is required. The majority of employers are good, acknowledge their common law duties. The Law was used as a means of accountability to justice, had a legitimacy and was a deterrent.

This Government had increased penalties under Safety law, and with the introduction of corporate killing law - however how effective would these changes be? The HSE remained under-funded and largely unable to pursue cases. There were however, now more notices and prosecutions, but within the same resources. Revitalising Safety would firm up relationships and institutionalise partnerships.

Legal cases on stress had been on the severe or acute examples. The law was but a tool in the armoury of weapons in the fight against stress-injuries. European law emerging on Social responsibilities and UK law on Dignity at work would be additional batteries.

Owen Tudor addressed the afternoon session and considered a range of issues. He referred to the incredible growth of stress as a workplace illness, noting that it was a key are for the HSC. A draft ACoP would he hoped emerge, but the major issue was how enforceable might it be.

Only one month earlier Stress Awareness Day had passed by - probably with little notice. Owen examined the roles of the various 'partners' in the workplace and questioned how a Safety Rep might go to HSE with evidence and to seek action. The key elements of dealing with stress were to acknowledge the issue, and to deal with all aspects of work not just the nuts and bolts.

Work was ongoing on the creation of a set of Management Standards. ACoP could describe process and emulate the 5-steps to risk assessment. Benchmarking would not be easy as categories were different. Workload, levels of control, working time and issues of management style were commonly known factors, but not easy to measure.

Owen looked to the impact of the 2002 European Safety Week, with its emphasis on Stress as a useful lever to move things forward. There remained a need to show HOW action might be progressed. There was sufficient empirical evidence, although some clearly did not agree that work factors could be measured and acted upon, when in their perception employee-'shortcomings' might be largely to blame.

Improved resources, better jobs, better working conditions and hours would go a long way to overcoming the problem.

Workshop:- Action in the Workplace

The Workshop was well attended and the variety of backgrounds from which participants were drawn made for an interesting discussion.

WORKPLACE PARTNERSHIPS

The Workshop considered the value of employer/employee partnerships as a way of driving forward the Health & Safety agenda. Consensus was that 'Partnership' approaches had a part to play in achieving our objectives, but that they often suffer from an imbalance of power between the employer

and the worker representatives.

Equally, we must be careful that we are not drawn into a 'cosy' relationship with the employer that stifles vigorous debate. Fears were expressed that there is some evidence of the employer exercising control over the partnership process to the detriment of workers. Where criminal and civil law offer little redress to workers, there would, however, always be trade union solidarity as a mechanism for change. Tyneside teacher trade unionists gave the example of a negotiated stress management package focusing upon the organisational causes of stress.

CHANGING THE CULTURE

Participants believed that the nature of British workplaces was a major cause of stress, through long hours culture, and impossible workloads in an atmosphere of bullying and harassment. Tackling these problems would contribute greatly to protecting workers from stress. Trade Union Safety Reps were the key to cultural change. There was a desperate need for more Safety Reps. As a matter of urgency we must raise their status by winning better facilities relieving the workload that many of them carry.

It was vital that employers and managers became better educated in Health & Safety matters. Many managers were considered incredibly ignorant of their responsibilities to workers, including their mental health. Many seemed oblivious of the causes of stress in the workplace or of their contribution to the problem. Experience is that Trade Union Safety Reps know far more than those who manage them in the workplace. Some civilian police force workers were able to give examples of their success (and that of fellow Safety Representatives) in beginning to change the deeply ingrained macho management culture in which they worked.

THE LAW

The contribution that could be made by the legal system to our campaign to eliminate damaging workplace stress was examined. Employers had a greater awareness of the risk of prosecution they faced for serious breaches of health and safety. The debate around 'corporate manslaughter' had helped to sharpen employers' perceptions. However, the law was severely defective. The unwillingness or inability of HSE to use the criminal law to prosecute employers causing psychological damage to workers and the incredible difficulty of establishing causal links between the work environment and stress illness in civil cases rendered the legal route virtually useless at the moment. Current health and safety law is based on a negative premise. The only obligation employers have is to prevent harm. We need to change this equation. We need a qualitative leap in the development of health and safety law so that the obligation on employers is to **ensure that work enhances the health and well being of employees rather than simply doing them no harm.**

We must continue to campaign at European level for EU legislation on stress in the workplace as well as continuing the campaign in the UK. Now, the issue is virtually shelved. Perhaps we need to put a greater effort in to reviving the European Work Stress Network and in organising lobbying activities in Brussels. The Human Rights Act may prove a useful tool for those workers damaged by work-related stress. The Act seems to offer great promise and we need to

have a better understanding of it.

CONCLUSION

The workshop felt that there is a long road ahead. Members were encouraged by the success of campaigns on behalf of victims of asbestos. It had taken many years to gain recognition as a serious health and safety hazard and even longer to secure effective action against it. Members felt that we were now in the position that asbestos campaigners had been in twenty years ago. We were facing the denials, the hand wringing and the evasions of the health and safety authorities they had faced then. Members were convinced that we would win the battle over work-related stress as they had eventually won the battle over asbestos.

Les Roberts - workshop facilitator

Workshop:- Dignity at Work Environment

This workshop examined aspects of the Norfolk LEA Well-being Project, noting that workplaces should be caring supportive environments, according dignity to all workers. 'What is it that we are looking for' and 'what do we understand by dignity at work' were questions considered around the table. The focus was on the removal of harassment and bullying cultures, with managers trained and constrained to effect change. Bullying was compared to child abuse, requiring urgent action. We needed to move away from the Thatcherite 'dog eat dog' atmosphere, and to reverse the common trends of long-term sickness and its impact on co-workers. Where managers were effectively Judge and Jury presiding over complaints about their peers, no action was forthcoming.



Inappropriate use of procedures, was a common tool to isolate 'weaker' individuals. The working environment, lack of resources and the presumption that in 'public services' one had to expect aggressive behaviour, were symptomatic of 'no-action responses'. A distinct lack of praise was common in many workplaces, with failure to acknowledge the worth of employees. 'Failure to thrive' was not uncommon amongst many public sector workers. Raising the Health & Safety profile in the workplace was often set against a frustrating agenda, creating confrontation and lack of employee support. The group examined how H&S Policy played an integral part in ensuring the right culture. The major stumbling block was getting policy into action, providing a commitment and an incentive to deliver. Policy statements had to be top-down and apply to ALL, addressing every pressure point. Manager training and skills development is essential to success, and a degree of impartiality and independence in monitoring the implementation of policy were called for.

Early intervention, with assessment of workplace factors and the effectiveness of monitoring, including the support of Employee Assistance Programmes were a useful tool. Government, Local Authorities and all employers, should be required to 'Health Safety & WELFARE-proof' initiatives, and tailor them to workload constraints. Safety Partnerships, did not yet cover any areas of well-being at work - this is an area for experiment. Sympathetic absence monitoring, together with exit-interviewing, would reveal how work pressures affect

The **Dignity at Work** Bill provides for complaints to be brought before an employment tribunal. The tribunal can make a declaration, a recommendation or order compensation (including damages for injury to feelings).

There is a statutory defence that can be made out if:

- the employer has in force a 'Dignity at Work Policy' and has taken reasonable steps to enforce it;
- the acts complained of are repudiated by the person in charge of the policy within 3 days of complaint ('repudiated' is not defined, but it is stated to include a repudiation in writing to the employee and to any other employees who witnessed or knew of the act complained of); and,
- the employer takes all steps reasonably necessary to remedy any loss suffered by the complainant.

The Bill will also amend section 95(1)(c) of the Employment Rights Act 1996 (the section defining constructive dismissal), to provide that breach of the implied dignity clause can amount to constructive dismissal.

MSF was responsible for drafting the earlier Dignity at Work Bill introduced by Lord Monkswell.

This time round the Bill has been introduced by former National Secretary of MSF, **Baroness Anne Gibson**.

It stands little chance of being enacted into law at the moment but it is likely to arouse some interest.

www.parliament.the-stationery-office.co.uk/pa/ld200102/ldbills/031/2>002031.htm

Safety crimes website

The TUC-supported health and safety journal **Hazards** has launched a "safety crimes" website, to provide the latest news on "corporate health and safety crime at work".

Hazards safety crimes
<http://www.hazards.org/safetycrimes/index.htm>

Court of Appeal Stress judgement

Pronouncing on a recent NUT case, the Appeal Court says stress-related illnesses should be treated like any other work injury, and the same legal principles apply. It quotes the HSE's guidance on stress and the Education Services Advisory Committee guidance. It makes it clear the tests, cases will have to satisfy to be successful. (These tests are possibly lower than unions have been applying such cases so far.) In particular, they effectively say that employers need to be warned that there is a problem before they are liable.

The judgment is not clear enough on employer duties to assess risks, conduct health surveillance, or adapt the job to the worker (although they list a positive set of steps that employers MIGHT reasonably be required to take).

This judgment certainly puts the emphasis on getting the HSE management standards on stress in place, because it's fairly clear that once they exist, the Courts will rely on them as if they were Regulations.

Sickness "costs UK economy £23bn a year"

The Confederation of British Industry has warned that absence from work due to sickness is costing the UK £23 billion a year.

The CBI report adds: "More flexible working arrangements, better attention to occupational health and enhanced career development should be used to retain and develop quality staff."

Director-general John Cridland said: "For the first time, the CBI is highlighting how much a healthy population also matters to business. Reducing the cost of workplace absence should be seen as part of the overall drive to improve competitiveness."

TUC's Owen Tudor commented: "We share the CBI's concern that not enough is being done to get people back to work and back to health quickly enough. But bosses mustn't expect the health service to batter people back to work before they are ready."

UK National Work Stress Network notes with interest that CBI is concerned about the health and well-being of the economy - we hope this extends to workers! There is a cost-benefit to be gained by employers and employees by taking a pragmatic and sympathetic approach to worker illness, and to look at its causes. Where work-related causes are clearly identified, then managers have a duty of care to fulfil, and a moral obligation to protect their employees from the risks.

Trades Union action

Newcastle upon Tyne City Council, in conjunction with UNISON Branch, is conducting a fundamental review of their stress policy and arrangements (details will be available in January).

The work involves use of a stress survey adapted from that provided by UK National Work Stress Network to Newcastle City Council Social Services Department, via the local UNISON Branch.

Action on review of policy and procedures is essential to the success of Health & Safety, and in particular the eradication of causes of workplace Stress.

Bullying E-News

Tim Field is now publishing a regular electronic news bulletin. To log on to this service log onto the Website.

Ever asked yourself, "Why me?". Wonder no longer, see www.successunlimited.co.uk/bully/bully.htm#Why Why have my work colleagues turned against me? www.successunlimited.co.uk/bully/bystand.htm Answers to frequently-asked questions www.successunlimited.co.uk/bully/faq.htm

Women & Bullying at Work Seminar -
Weds 13th February 2002 10.00 a.m. till 3.00p.m.
Birmingham Women's Advice Centre - cost £10.00
Call Kathy Gaffney on 0121-212-1881

EVENTS FOR 2002

April 28th - Workers' Memorial Day - what will your organisation do to raise the profile of this event?

September 6th - 8th - Annual Hazards Conference - UMIST, Manchester

October 16th (week of) - European Health & Safety Week -

Stress will be the main theme.

What will your organisation do to participate in Stress-focussed events in this week?

November 1st - Stress Awareness Day

If you would like to make a donation or to sponsor a newsletter - please contact us.

Being watched at work may harm outputs

Researchers in the US found workers only concentrated on what they knew was being monitored. Findings reflect the importance of trust in the workplace. Jeffrey Stanton, of Syracuse University in New York and Amanda Julian, of Somerville and Co., Denver, Colorado, studied 134 volunteers who were asked to carry out a data correction task on a computer.

The participants were told their work would be monitored for quality and quantity. But automatic cues flashed up during the tasks which suggested that specifically quality, or quantity, was being observed. Volunteers tended to concentrate on what they believed was being monitored at each stage of the trial, New Scientist magazine reported.

"If you measure quantity and ignore quality, you'll get poor or marginal output," said Mr. Stanton, "and the greater the use of monitoring and surveillance techniques, the greater the climate of mistrust in the organisation."

Millions too tired to clean their homes

The average family spends just six hours a week on cleaning and Londoners are the laziest, only managing five hours. Most people say they'd rather live in a messy household than make the effort to tidy up because they're always too tired after working all day. A Home Truths study carried out by British Gas found many adults preferred spending their free time with their children or socialising. Spokesman Nick Smith said: "Three in five homeowners told us having a clean house is still important to them. But, with longer working hours, attitudes to housework have changed and cleaning is no longer such a priority."

Safety reps urged to give bad bosses a final warning

Union Safety Reps will serve *'final warning notices'* on employers who endanger the Health and Safety of people at work. The notices are designed to make workplaces with union Safety Reps even safer than they already are by helping reps to intervene before someone gets hurt.

Notices should be used to identify breaches of specific health and safety regulations, says the TUC, but they are not intended to be used where there is a serious and imminent risk of injury. A recent article in Hazards magazine explains how the notices would be used.

TUC hopes that safety reps complaints will be registered and dealt with internally, and the Notices should only be served *after other, informal means of addressing the problem have been tried.*

Reps whose concerns are not addressed will be able to serve a Notice if they believe the law is being broken, and if the employer does not take appropriate action, the Notice will be passed on to the Health and Safety Executive Inspectors.

UINs could also be used as evidence in criminal prosecutions or civil compensation cases to prove that employers ignored

warnings. TUC General Secretary John Monks said: "Employers who work in partnership with their safety reps know how effective that can be - good for the workers and good for the business. But the message doesn't always get through to middle managers, and sometimes a final warning from a safety rep could be the only way to sort out a health and safety problem.

"Safety reps save lives and prevent injuries and illness, and now they've got one more tool to use on behalf of the workers they represent."

Working longer hours?

Research by a banking software firm has found that people are working longer than ever to hold on to their jobs.

According to the survey of 2,000 people by Corillian, one in 10 are putting in more than 55 hours a week. Workers in their 30s put in the longest hours, while many Britons say they cannot afford to retire early.

Northerners work a longer week than people in the south.

Ian Giles, Corillian's international marketing director, commented: "Even in the run up to Christmas, working lives are changing and more of us are putting in longer hours in the office."

The research found that men work a longer week than women and are seven times more likely to be in the office for more than 50 hours a week. The survey was carried out by RSGB among a representative sample of 2,000 people during October and November.

Conference Workshop report continued

employees, and how they are treated. Removal of the fear culture through the potential actions of Safety Representatives serving Union Improvement Notices was considered, although it was noted that Safety Reps were not always treated with respect by employers and managers.

The Norfolk Well-being Project strives to 'make a difference' in schools, allowing for each and every employee to have their say, and to seek to influence the working environment.

The Norfolk scheme relies upon:-

- openness and honesty amongst **ALL** staff;
- teamwork;
- commitment from all managers - **WORDS AND ACTION;**
- a no blame culture;
- everyone has responsibility for their own well-being;
- everyone can influence the well-being of others in the organisation;
- caring supportive culture with effective consultation and communication;
- 'its OK to ask for help' - counselling service provided;
- training programmes;
- reciprocal confidentiality;
- well-being as an integral part of all activities and developments of every part of the organisation.

Through the activities in schools of facilitators providing a cross-flow of information, workplace issues are addressed.

The Well-being Project :
<http://www.esinet.norfolk.gov.uk/wellbeing/>

Other workshop reports awaited.

Companies that do not recognise stress as a problem could even find themselves in court.

Two in three people suffer from stress at work and stress-related illnesses are becoming increasingly common, a recent survey reveals. Consequently, more staff are suing their employers for compensation than ever before, Investors in People said.

Who is affected by stress:

- The ICT industry is most affected by stress
- Management jobs, whether executive, middle or junior, are amongst the most stressful
- Small firms are more likely to see stress as a threat to productivity than large ones

"A lot of executives put themselves under pressure, and are loath to tolerate what they often see as shirking by their staff. They imagine that the more pressure they apply, the more productive their workforce will become."

"Consequently, employees will often "conceal" their suffering from stress because they are afraid of not being identified as high-flyers," Ms Spellman said.

Training and support

Employers do not actually aim to make their staff more stressed. But as long as they do not see it as a threat to productivity, it will remain difficult to convince them to spend money on training and other stress-beating projects.

Start small is the advice Ms Spellman would give: "Talk to staff, try to understand their situation, offer them greater flexibility. Beating stress is not necessarily a costly affair," she said.

Source: Investors in People

Poorly designed offices 'damaging workers'

Most offices are "dull" and designed for 9-5 working, leaving many staff mentally and physically damaged, a new report claims.

Workspace is still allocated according to rank and status despite changing working patterns, says the Industrial Society. One in four staff are not happy with their working space but have little chance to influence the design of offices, research found.

"Workspace which makes its users unhappy or uncomfortable is counterproductive," says the report's author, Max Nathan. "The time, energy, effort and creativity that the UK workforce spends avoiding their places of work or modifying them to something that fits their needs is time that is not being spent on their jobs."

Workspace is one of the "last bastions" of so-called top-down control, with private offices still the norm for senior staff, while other staff work in an open-plan environment, says the report. Some directors have large offices which they rarely use, says the report. Some firms have introduced sauna meeting rooms, deckchairs, streams and special smells and music to try to boost

productivity and improve the working environment.

Work-related stress soars

Stress is recognised as an 'industrial disease' says TUC. Work-related stress reported to unions have increased twelve fold in a year, according to new figures. Nearly 6,500 people made claims for such stress in 2000 - compared with just under 5,000 in 1999, the annual survey by the Trade Union Congress (TUC) has found.

Compensation awards won by unions last year were worth £321m, slightly more than the previous year.

"Stress shouldn't be part of anybody's job," commented Owen Tudor of TUC, "there is now a recognition that stress was just another type of industrial disease."

"Stress related illnesses have become a reality. These figures are a wake-up call for managers everywhere," he said.

Waste of money

"I do not believe that the high pay-outs reflect a compensation culture. Overall union compensation cases aren't increasing," he said.

Unions' compensation

£61m compensation for workers in south east/east of England; Midlands - £54m; North west England- £41m; London - £35m; Scotland - £32m; Yorkshire/Humberside - £32m; South west £25m; Wales £19m; North - £16m.

Public sector staff are most likely to claim work-related stress but there are also claims from middle managers in manufacturing.

"Stress shouldn't be part of anybody's job, certainly not to the extent that it causes real physical or mental illnesses," he said.

He accepted compensation claims were an "enormous waste of money" for employers.

And he called on employers to "do the right thing by their workforce" by preventing stress-related illnesses by assessing risks and adapting jobs to workers rather than workers to jobs.

The results also show that the number of new personal injury claims was slightly down, but still totalled more than 51,000.

TUC general secretary John Monks said: "Good management is the solution, and good management means working in partnership with unions. Too many

managers choose not to understand"