

UK NATIONAL WORK-STRESS NETWORK NEWS

**Hazards
Campaign**

www.workstress.net

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www.hazards.org

Flexible Working Progress?

There is little doubt that flexible working can have business benefits. It may help with recruitment, cut down on turnover and improve morale. It will be a good signal of equal opportunities in employment.

British employers are becoming aware of this and are already amongst the more flexible in the world. Some 40% of working women in the UK now work part-time compared with an average of only 28% in the European Union. British employers are ahead of the game.

Additionally of course, it has benefits for employees under the new 'family-friendly' approaches that this Government has introduced. Accordingly, stress levels should fall, as work-life balance issues are addressed sensitive employers.

Tricky and costly business?

But there can be problems especially for some small businesses - in allowing key workers flexible hours. The new legislation, like so much of the other 'family-friendly' agenda, blatantly discriminates against non-eligible groups.

The topic of flexible working patterns is hot at the moment because of the recent introduction of the right to request flexible working for parents with children under six or with disabled children under 18.

This right - and other changes to rights for working parents such as extensions to maternity leave and the introduction of paternity pay - has been backed by an energetic, advertising campaign by the DTI. It claims that "everyone will benefit" from these changes.

So is that right?

The DTI has laid down procedures which, if not followed correctly, could end in an employer losing a tribunal case.

The procedures are laid out in a 56-page booklet which sets out how claims for new working arrangements can be made.

The request must be properly presented and taken seriously. It may be followed up through internal grievance procedures if the employee is not happy with a refusal, external mediation procedures and maybe employment tribunal could follow.

Seven out of ten small firms said that flexible working would damage their business and may cause staff cuts.

Other employees may end up covering for absent colleagues. Those not eligible may be discriminated against.

Inevitable change

This legislation, like so much of the other "family-friendly" agenda, blatantly discriminates against non-eligible groups. It effectively changes the terms and conditions for one group with the possible outcome that is at the expense of other groups.

In some ways this legislation is only the start.

Indeed, employees may well understand the current legislation to be about the right to flexible working and feel resentful if and when the request is refused.

Before long "the right to request flexible working" could become "the right to flexible working".

IN THIS ISSUE

- 1 FLEXIBLE WORKING**
- 2 STRESS NETWORK FUTURE
CONVENER'S LETTER**
- 3 WEBSITE ACTIVITY - STRESS IN
THE HEATWAVE**
- 4 HOSPITAL UNDER THE COSH**
- 5 STRESS AND THE HEART EAT &
CONSTRUCTIVE DISMISSAL**
- 6 NEWSLETTER FUTURE
ARRANGEMENTS**

The future development of the UK Stress Network

In June our Steering Group gathered at Hillscourt Conference Centre to review its past record and to consider the future especially in light of new HSE initiatives related to stress.

It was necessary to cancel the April Conference, as a result of low take-up of places. A new date had been set for late November/December 2003, but with a range of new ideas to be looked at, including a relaunch of the Network and its campaign in Spring 2004. Activity continues in the Hazards Campaign, including the September Conferences in London and Denmark.

Convener

In these notes, my last as Convenor, I thought it useful to look back over the distance we have travelled and our future direction. Throughout my time with the Network I have been grateful for the friendly, critical support of the Steering Group. It would be wrong to try to single out individuals and I will not do so but I do regret that some of our original team are no longer with us and cannot see what has been achieved from earlier days while those of us still working have the satisfaction of seeing some small steps forward.

I hand on the office in whatever new form it takes following our review of the organisation with confidence that things are moving forward.

When we set out talking about stress outside the Hazards Campaign the usual reply was, "Stress? What stress? People shouldn't be such wimps!"

Working with interested parties, usually those TUs which responded to the needs of their members in the workplace, a set of linked definitions has been created. Even the HSE has now got a working definition of the problem this is not a criticism of the HSE but an illustration of how the understanding of the situation has been accepted as serious and in need of attention.

The refining of this definition to include such issues as workload and work organisation, types of work, the threat of violence and bullying and harassment in all its forms has been a major step forward in understanding the issue.

However to my mind the most important development has been the understanding of the effect of management style on worker stress. It has allowed for the way stress is passed down through institutions as each level of the

organisation seeks to protect its own position and to obtain the highest level of personal reward. It is not universally true but in a target led world when reward depends on the right boxes being ticked it is a great temptation to play this game.

I give sincere thanks to those TUs and individuals who have had the strength to use the law to seek comfort for their injuries caused by workplace stress because they have started the process by which precedent is giving example of how situations can be analysed and cases constructed. In this way some interesting developments of the expectations on the employers of the duty of care responsibilities have been established. We all owe those involved in these actions our thanks and respect.

Where do we go next? Well as we have only begun we need to review those routes which have yielded success and press down those ways with consistent zeal.

We need to demonstrate to managers that there is understanding in these actions for the stress in their work. Improvements will only come through shared understanding of the problem. I do not believe that anyone who behaves in an improper manner should be tolerated or excuse made for them. A well organised workplace in which mutual understanding and respect exists will have in place procedures for making right those things which are wrong in proper, fair, speedy and transparent manner.

It almost goes without saying that I believe that this is best achieved by the setting up of strong unions with active memberships but it does need always keeping at the top of our thinking.

I have been asked what I shall do with myself. I can only think of what I am not going to do.

I am not stopping working on the reformed Steering Group and I hope to be part of the developing Network both in the UK and, my dream, in Europe. I shall continue to represent the Network in the Hazards Movement and look forward to this autumn's conferences.

I will still be available to help when the Network is asked to put up facilitators or speakers.

The work of the Network is now such that the role of Convenor as it has been in the first stages of our growth is no longer relevant and a new style and organisation is in the process of being created and while a part of team I will no longer be 'The Convenor' but what I have always thought of as just - Fraternally, *Brian*.

Web site popularity and successes

UK National Work Stress Network Website 'hits' continue to grow daily.

Successful requests for pages in April 2003 amounted to 12,720.

- Average successful requests for pages per day were 429 (with over 600 one day alone!).
- Distinct hosts served were 3,913 and total downloads reached 7,381.
- The most requested files were **Effective Stress Management Personal Guide**, with 3,972 downloads for Part2.

For July, due to holidays, site access has fallen, but remains good at:-

- Successful requests: 62,257
- Average successful requests per day: 2,127
- Successful requests for pages: 9,605
- Visitors to our site are from across the globe, and Newsletter E-subscribers are appearing regularly from Europe, America and Australasia.

We also still get requests for Student project research support – a subject which we can only help with in a very small way.

Useful links from the HSE website.

Links to some useful research reports including those of Cary Cooper and Tom Cox but beware printing them off as they are very lengthy.

The reports include a number of practical suggestions used by different organisations and materials that can be adapted.

www.hse.gov.uk/press/2003/e03142.htm

www.hse.gov.uk/stress/research.htm

More time off?

UK workers could win longer holidays as a result of government efforts to fight European Union-inspired limits on weekly working hours.

At present, the UK has a partial exemption from EU legislation introduced in 1998 which limits the working week to a maximum of 48 hours.

Some EU countries believe that this gives the UK an unfair competitive advantage, and want British businesses brought fully into line. The government may propose longer holidays for British workers in return for being allowed to keep its exemption from the EU limit on weekly working hours.

The DTI says final decision on whether the opt-out remains in place is for the EU.

Any move towards longer holidays would get a warm welcome from the UK workforce, which enjoys fewer public holidays than its European counterparts. The UK's partial exemption from the working time legislation gives workers the right to opt out of the maximum 48-hour week.

An estimated three million UK adults work more than 48 hours a week, with only a third of these earning overtime pay.

Although the majority of workers were included under the original measures, a number of sectors were excluded.

Recently 700,000 UK workers including aviation ground staff, baggage handlers and transport workers were brought within the framework of the working time directive.

But oil rig workers are at the centre of a dispute between government and unions over the implementation of the directive. Junior doctors and lorry drivers are not yet covered by the directive - and will be brought within its provisions in the future.

Temperatures and Stress levels soar!

Workers get 'sun' day off



Advertising staff at JGM in Rawtenstall, Lancashire made the most of the sunshine - away from their desks on the UK's anticipated hottest day of the year. Temperatures were set to rise to record levels across the country and the heat wave brings with it higher stress levels in the workplace.

As temperatures in the south-east beat the record of 37.1°C recorded in Cheltenham in 1990, Julie Grady at JGM said "The reaction has been delight among the staff. Firstly they were delighted that they could go out and have the

day off, secondly it's been a good PR exercise for me as a boss to be able to do it."

It will certainly have its paybacks for an employer who is considerate to the needs of employees, and is aware of working condition stressors.

Meanwhile, rail commuters struggling to work in the heat continued to face delays as trains ran slower than normal amid fears that tracks would buckle in soaring temperatures.

Other effects the hot weather has been having:

- The AA urged motorists to take care not to lock their children and pets in cars by mistake, and to take breaks if they were tired from not sleeping properly at night
- England's winemakers are looking forward to a good crop of grapes. Will Davenport, of Davenport Vineyards in Kent and East Sussex, said: " we have been enjoying Mediterranean weather so we couldn't ask for any more."
- Zoos fed ice lollies made from fish, fruit and herbs to penguins and animals to keep them cool, and put suntan lotion on some to stop them burning.

It's not just Humans whose stress levels are affected by severe heat!

Sweltering workers 'need protection'

Workers are at increased risk of accidents and ill health as summer temperatures soar, according to the TUC. The TUC is calling on the government to impose a maximum workplace temperature, beyond which workers would be allowed to go home.

At present workers are protected against extreme cold but not against uncomfortably high temperatures. Improved information technology is allowing people to choose to work at home. Working in the heat can cause injuries and illness, directly and as a result of greater stress, increased violence and lack of concentration, say the unions.

The TUC is calling for a maximum working temperature of 30°C, or of 27°C for those doing strenuous work. Workers, whose exposure to heat cannot be reduced, such as bakers and foundry workers should be provided with adequate breaks and offered job rotation.

"Extreme heat can be just as dangerous as extreme cold. While there is no legal maximum

working temperature, Britain's workers are not protected from sweatshop conditions," TUC General Secretary Brendan Barber said.

Heat Stress

Too much heat can cause fatigue, extra strain on the heart and lungs, dizziness and fainting, or heat cramps due to loss of water and salt.

Heat-stress can cause nausea, extreme tiredness, dizziness, racing pulse, fainting, lower levels of concentration and tolerance.

Heat-stroke can occur if the temperature of the blood rises above 39°C/102°F and can cause confusion, incoherent speech & convulsions.

HSE investigates staff stress at leading hospital

The Health and Safety Executive (HSE) intervened in early August at a Dorset NHS hospital which had failed to address the issues of increased work-related stress among its 1,000+ staff.

West Dorset General Hospital NHS trust must carry out a full risk assessment of the burdens being placed on employees at Dorchester County Hospital.

This is the first enforcement notice served on a British employer to control workplace stress, which costs Britain about £3.7bn a year.



The trust could face substantial fines or prison terms for senior executives. HSE investigations followed staff complaints of bullying and excessive hours. It was

revealed that management had no procedures to assess the risks of stress and thus fulfil the duty of care to employees.

Health authority spokesman said this it not imply that stress levels were higher at the Dorset County hospital than elsewhere. The hospital is applying for foundation status and earned three stars in government performance tables, making it one of the best for NHS patient care.

What does this say about employee care?

It hit the headlines when some staff threatened a walkout over pay and professional grading. More than 50 medical secretaries were incensed by the refusal to agree re-grading and a pay increase in line with national scales.

Speech therapists complained in April that their service was "stretched to breaking point", with inadequate staffing and lack of management understanding of the pressures they were under. One employee commented: "I work 12-hour days with no choice because of the levels of work and because it is for the patients. Managers, promoted from within, receive no training in management or employment law which makes things worse."

HSE identified the usual causes of work-related stress including:-

- lack of control over work,
- unreasonable demands and unacceptable behaviour in the workplace.

Under new standards now being introduced by HSE, employers should be able to show that at least 85% of staff believe themselves to be well supported and have opportunity to raise concerns.

A spokesman said: "A duty exists for all employers to undertake an adequate risk assessment of stress. Every case will be judged on merit." A recent Home Office study found that one in five workers showed "extremely high" stress.

The highest rates of stress, depression or anxiety were found in nurses and teachers.

Stress is the second highest cause of long-term absence from work. It is thought to account for more than 13m lost working days a year and can result in heart disease, alcoholism and mental disorders.

Don't go breaking my heart

Exposure to stress in the workplace significantly increases the chances of dying from a heart attack or a stroke, research has claimed.

Those who suffer stress for at least half their working lives are *25% more likely* to suffer a fatal heart attack and have a *50% greater chance of dying from a stroke*.

Blue-collar workers are far more vulnerable to illness through stress than business executives, the report found.

The **Modern Workers Health Check**, published in the *Hazards* magazine, gathered research from all over the world. The study suggests stress is the biggest danger to employees' health at work.



Brendan Barber, TUC General Secretary said: "Stress at work is cutting lives short. This enormous strain on individuals and society will only end when we tackle the causes of stress such as the long hours culture. The UK needs a workforce that works well and *stays* well."

Working for unreasonable and irrational bosses leads to potentially dangerous high blood pressure, the report claimed. Enduring long-term stress is worse for the heart than putting on 40lbs or ageing 30 years as workers deal with stress by smoking, drinking and "slobbering out".

Contributing researcher Paul Landsbergis said that manual workers were more likely to suffer heart attacks because of the high pressure caused by overtime, night shifts and hard work for low rewards.

"If you are experiencing the effects of job stress the symptoms are not 'all in your head', but are your body's way of telling you your job is out of kilter," he said. "This stress can literally break your heart."

Link to Hazards magazine:

www.hazards.org/haz83/index.htm

Stress at Work - EAT Case

[The following case has been placed on the EAT website]

Marshall Specialist Vehicles Ltd v Osborne

[Burton J., 29th/30th April 2003]

Ms Osborne resigned because of overwork, which led to a nervous breakdown. She claimed constructive dismissal.

The tribunal implied a term that the employers would take reasonable action to avoid imposing a workload, or accepting an employee's assumption of a workload, which would foreseeably cause mental or physical injury. It found the term had been breached and awarded the maximum compensatory award for unfair dismissal.

The EAT overturned the employment tribunal in robust terms. It castigated the tribunal for 'manufacturing' an implied term which was designed to provide the means to achieve a predetermined conclusion (Para. 40).

It stated that there is a general term implied into all contracts that an employer should take reasonable care for the safety of its employees. It then stated that to succeed in establishing breach of the term, an employee had to:

- (a) establish that the risk of injury was foreseeable, in the same way as is in civil claims (e.g. Sutherland v Hatton);
- (b) establish the employer was in breach of its duty (again, Sutherland v Hatton);
- then, unlike civil claims
- (c) also establish the breach was a fundamental breach of the contract of employment.

Thus it is rendered even harder to claim constructive dismissal arising from stress in employment tribunals than it is to win a claim in the civil courts (Para 48).

The EAT considered the nature of the signs of stress in the case, and concluded that there was insufficient evidence to enable the employee to succeed under the common law principles in Sutherland v Hatton. The important aspect of the decision is an *unequivocal determination that the high hurdles for establishing stress in the civil courts, as set out in Sutherland v Hatton, must also be met in constructive dismissal claims.*

www.employmentappeals.gov.uk/uploads/EAT101022942003?index.htm

(Daniel Barnett & Co)

Stress News in Brief?

The unemployed can feel isolated

Unemployment increases a person's risk of suicide by up to three times, researchers have found. They say the link remains even when other risk factors such as household income, education and marital status are taken into account. Experts say the findings reinforce the importance of unemployed people ensuring they keep busy, and talk to people about their problems.

New Zealand researchers looked at information on two million people from the 1991 census. They examined suicide rates among the group for the next three years. Men and women aged 25 to 44, and men who were aged 45 to 64 who were unemployed were two to three times as likely to commit suicide as their employed peers.

Teachers call for web cams in class

Cameras linked to the internet should be installed in every classroom so parents can see whether their children are misbehaving in school.

Teachers who unveiled the plan today said they believed it could be the key to improving discipline, and involving parents in their children's education.

But critics say images downloaded from the cameras could be accessed by paedophiles. Equally, images from tapes could be used as employer tools to seek out weaker teachers.

Warning over junior doctors' hours

Hospitals risk legal action because they are failing to meet a deadline on junior doctors' hours, the British Medical Association (BMA) has warned.

Tough new limits on junior doctors' working hours came into effect in August. NHS trusts are required to implement a national agreement, but it is feared about 30% of junior doctors in Scotland still work excessive hours.

BMA Scotland says doctors could sue trusts which do not change their system. The limit on junior doctors' hours were drawn up 12 years ago, but have only now become legally binding on health trusts.

No junior doctor should have to work more than 56 hours a week, or 72 hours including on-call time.

The cap is in response to concern about the possibility of overworked staff making mistakes and putting lives at risk.

This the last PAPER version of the Newsletter

Our subscription list has become so large and expensive to operate so after this edition, we will **only be offering electronic copies of the newsletter, UNLESS** readers ask for a paper copy, and make a contribution towards postage.

Future copies can be accessed on

www.workstress.net/newsletter.htm

We will email you to advise when available.