

13 April 2017

# 3HR Legal Weekly

## HR—Workplace Stress

Work-related stress is becoming increasingly common in today's fast paced working environments with often tragic and costly outcomes for staff and employers.

The recent tragic case of Laurian Bold, a teacher who jumped to her death following a promotion, has indeed once more highlighted the issue of stress in the workplace. While on sick leave for severe anxiety Laurian continued to work; the coroner criticised the school for this, stating "I believe that as her employer [the school] have failed in their duty of care to Laurian under Health and Safety legislation."

There have been cases where employers have been ordered to pay damages to workers suffering from illness caused by work-related stress, most notably in *Young v The Post Office* [2002] where the worker was awarded nearly £94,000.

As well as being a legal obligation, effectively managing work-related stress brings a range of benefits to companies including a reduced cost of absence, improved workplace morale, increased productivity and protection from damage to reputation.

All employers have a duty to undertake adequate health and safety risk assessments and should be able to explain what arrangements are in place for managing risks posed by work-related stress. Along with the information from the risk assessments, employers can gather data to help address work-related stress problems by consulting with health and safety representatives, setting up focus groups, reviewing employee satisfaction surveys and analysing sickness absence data and turnover rates.

The law requires employers to take action when harm to employees' health is "foreseeable". Unless you know there is a particular problem, you can expect employees to be able to cope with the normal pressures of a job. However, if the workload is much more than is normal, or the job demands are unreasonable compared to someone doing a similar role, or an employee is showing signs of stress, harm could be considered "foreseeable".

The Health and Safety Executive have developed some "Management Standards" which aim to improve the way workplace pressures are managed and reduce stress on employees. The six management standards cover the main sources of stress at work. They are: Demands (for example workload and the work environment), Control (how much say a person has in the way they do their work), Support (encouragement and resources provided by the organisation, line management and colleagues), Relationships (includes avoiding conflict and dealing with unacceptable behaviour), Role (whether people understand their role, and whether they have conflicting roles) and Change (how it is managed and communicated in the organisation).

Line managers are crucial to an employee's experience of stress at work. Training can help managers to recognise symptoms of stress and to develop competencies across these standards in order prevent and reduce stress at work in themselves and their employees. Examples of negative manager behaviours include: agreeing to take on tasks without checking their team's workload (Demands standard), not providing timely communication on organisational change (Role and Change standards), not being available for employees to talk to (Support standard), not providing upward mobility in the job (Control standard) and not being able to manage their own emotions, for example acting aggressively (Relationships standard).

An assessment of the work environment and the introduction of training can help to identify these potential stress situations and provide managers with the skills to deal with instances of stress and to eradicate potential negative behaviours. This could result in the re-organisation and re-distribution of work and encourage managers to change their own behaviours, resulting in a more positive experience for employees. This action should help to reduce instances of work-related stress and all the potential costs associated with them.

3HR can offer management training and advice on this and many other HR issues. Please contact your usual consultant for advice and guidance.

**Mel Northfield**  
Director—HR Services  
mel.northfield@3hr.com



This newsletter is designed to provide general information only. It does not constitute legal or other professional advice and thus should not be relied on. Definitive advice can only be given with full knowledge of all relevant facts. If you would like to discuss any aspect further, please contact us.

3HR Corporate Solicitors Limited is a Solicitors Practice, authorised and regulated by the Solicitors Regulation Authority, No: 597935.  
3HR Benefits Consultancy Limited is authorised and regulated by the Financial Conduct Authority. Firm Reference Number: 556015.

The registered office of both 3HR Corporate Solicitors Ltd and 3HR Benefits Consultancy Ltd is New Broad Street House, 35 New Broad Street, London EC2M 1NH. Mainline Tel: 0207 194 8140 Web: [www.3hr.com](http://www.3hr.com)