

## STRESS AT WORK, A GUIDANCE NOTE TO EMPLOYERS

This article has been kindly provided for our website by Stephen Jarrett, Freelance HR Consultant and Organisational Development Specialist.

### **Stress at Work, a guidance note to Employers**

If you have a member of staff off work, due to stress or long term sickness, it may already be too late! But if you can spot the signs and symptoms early enough, you can stop this from being an issue at your place of work!

22% of workers surveyed in a study run by the OSHA (European Agency for Safety at Work) for all employees across Europe in 2011, were found to have suffered from or are currently suffering from work related stress.

The Signs and Symptoms of stress at work are fairly easy to see.

At first, an employee's performance will change either dramatically or slowly over time and so it is vital that you have a good performance management process in place which objectively looks at an employee's performance over time, against the key outputs of their job.

So if I am being measured against a cash output of sales, or turnover, or profit margins etc and this is falling, this will stress me out.

If I am being measured against an output of customer service and my net promoter score is falling – again this could be a stressor for me.

Others might be, projects being late, over budget or not to the right quality. Or maybe you get poor staff feedback.

Our instincts as managers is to become aggressive and tell them to, "pull their socks up!" or "work harder!" But in reality and this is when the best managers come into their own, seeing or reading between the lines, and asking "What can I do to support, help or coach the employee back to their previous best?"

### **So do any of your staff have the following:**

- high/excessive workloads
- low control
- low support
- large number of direct reports or none (e.g. loan working)
- difficult staff
- strong unions
- dictatorial management
- long hours
- low income
- pressure at home
- relationship issues at home or at work
- tough client
- highly demanding and stretching outputs
- a long term illness or condition

### **Do any of your staff suffer from:**

- physiological conditions – such as increasing ill-health
- psychological conditions – bullying or harassment for example
- loss of productivity
- they have become quieter than usual



**SIMONS RODKIN**

**Litigation Solicitors**

707 High Road,

Finchley

London N12 0BT

Tel: 020 8446 6223

Fax: 020 8446 7955

DX: 57359 Finchley

enquiries@sr-law.co.uk

www.sr-law.co.uk

- or losing their temper more easily and more often than before
- increase drinking, smoking, pill popping for aches and pains
- more doctors visits
- more mistakes than is usual
- high blood pressure
- muscular conditions such as - neck aches and headaches, back problems
- increased absenteeism – especially on Mondays



#### **As a company do you suffer:**

- a Higher turnover of staff compared to your industry norms
- higher costs
- less productivity
- unhappy staff
- morale falling
- falling customer satisfaction scores
- supply chain issues

#### **Do you as company consider:**

- the education, training and skills your staff have?
- the confidence they have to do the job?
- their behaviours and attitudes they use?
- do you talk with them and consult them?

Worse still is if you don't know the answer to the questions above, so you have an employee and you don't know what they can do, how well they are, how they are coping, how they are feeling, what motivates them, how good they are at their jobs, what help and support they need in terms of training, coaching, mentoring, education, rewards, recognition, quality time, space, tools, equipment, the team they work in and what is required of them. Yes they may have a contract but do they know what the need to do, when and how to do it to the best of their abilities and are rewarded appropriately? And we don't just mean wages!

A persons performance is directly attributed to the correct and appropriate use of behaviour to complete any task.

Under positive stress and for short periods of time – like a rugby match or for 24 hours before an major presentation to a major client, a person's performance can increase – get better, as the senses heighten, we become faster, better, more passionate, driven to succeed.

If that pressure goes on for too long or is the wrong pressure on the wrong person at the wrong time, our performance dips, we start to make mistakes, slow down or rush, stop thinking, react to situations, the quality can fall and output is not what anyone wanted. This is negative stress.

If this continues, the pressure rises further and we cannot see a way out of the situation we can suffer distress – this is very bad, very bad indeed.

Now we can act like the Zebra in Africa (From Strategies of the Serengeti by Stephen Berry) when faced with a stressful situation, like an imminent attack from a pride of lions.

*Freeze* – we will freeze – do nothing, stand still hope the threat either goes away or they cannot see us. At work this manifests itself in performance dropping as we do less and less until we suffer inertia.

*Flight* – Run away from any threat, hope the lion can't catch us – at work we see absenteeism and sickness levels increase. *Fight* – stand face to face with the threat and in the zebras case bite and kick out – in our case at work, lose our temper and fight with others, customers, suppliers, staff, peers and even bosses.

*Flock* – all stand together and hope the lion cannot see one of us from another, thus confusing the lion, at work we become unionised or set up informal work groups and gossip about the organisation,

**SIMONS RODKIN**  
**Litigation Solicitors**

707 High Road,  
Finchley

London N12 0BT

Tel: 020 8446 6223

Fax: 020 8446 7955

DX: 57359 Finchley

enquiries@sr-law.co.uk

www.sr-law.co.uk

creating rifts between teams and individuals, usually around the coffee machine or in the canteen, the rumours start, the hate campaigns are launched against a manager or department.

*Frolic* – the zebra will mess about and play around, unaware of the threat until it is too late – we can do this too, although less common today, but still exists in the work place, where the staff play around, act the fool, use humour, take the micky out of the leadership team and tell jokes to make light of serious situations.

### **What is the solution?**

First of all, make sure you really know your staff, or at least your managers do, so that any change in behaviour; like being 5 mins late for work in the mornings when he was never late before, is noticed and informally talked about in private to see if there is an issue at home or at work. Use a good behavioural model to profile your staff so that they know themselves and so do you. A really good value for money one is SPECTRUM based on colours and can be completed on line at [www.evaluationstore.com](http://www.evaluationstore.com). If you see a change in anyone's behaviour at work which is slightly out of character, write it in your diary on the day you noticed it, ask yourself, what shall I do? Speak to them now, wait for a day or two or leave it? What action should I take? How do I find out what the issue is? Once I know, can I help? The answer is Now, Take action, Yes and yes, to do nothing is wrong!

This helps you to manage, motivate and understand your staff and so when you start to see the early warning signals before the excessive behaviours start you are doing something about early.

Secondly make sure you have a great performance management system which fairly, objectively, and transparently treats all staff equally and looks at the outputs of a job and that you use it every day, every week, every month until it becomes a part of your culture, not another task to be carried out, but instead of, thus saving time and money, motivating staff and engagement. Every company that uses a performance management process as a part of the way they manage and engage their staff, has had an increase in income, profit and morale and a drop in staff attrition rates (source CiPD).

Thirdly, at the top of your company in the core leadership team – define to the staff what you really expect from your staff, what the customers can expect too through your vision, values and mission.

Can you clearly and simply define any job using key outputs, competencies and behaviours? Can you and do you write great goals for your staff which can easily be measured? Do you regularly have 121s with your direct reports, do you coach them, do you face poor performance head on or leave it until it is too late? Do you have regular performance reviews at the senior levels? Or is it only staff who have them? Do you formally assess all your staff and do they have an annual appraisal with a personal development plan, so that they know what is expected of them for the next 12 months and what you will be doing for them? Do you review these quarterly and monthly? Do you have a fair and transparent metrics and ratings system? Do you have the tools, processes and procedures in place along with training to support your performance management? Do all the managers have the right attitude for the performance management that you have or are some cynical about it?

There is also the issue that an employer has an obligation to take reasonable care to secure the health and safety of its staff.

Special care ought to be exercised with staff who are showing signs of stress/depression. The employer should (with the employees consent and in compliance with procedures set out in the Access to Medical Reports Act) seek an initial report from the employee's GP and/or a consultant and/or occupational health consultant appointed by the employer.

If such condition is sufficiently longstanding and serious, this may give rise to the employee having a qualifying disability which is protected by the disability discrimination legislation. This requires an employer to make reasonable adjustments towards such member of staff in relation to the qualifying disability.

There is are complex and involved legal issues as to whether and when a medical condition becomes a qualifying disability and whether an employer has actual or implied (constructive) notice of such disability.



**SIMONS RODKIN**

**Litigation Solicitors**

707 High Road,

Finchley

London N12 0BT

Tel: 020 8446 6223

Fax: 020 8446 7955

DX: 57359 Finchley

[enquiries@sr-law.co.uk](mailto:enquiries@sr-law.co.uk)

[www.sr-law.co.uk](http://www.sr-law.co.uk)



The medical advice received from such report(s) will hopefully assist the employer in being able to secure legal advice as to whether it is likely that the employee has a qualifying disability.

The legal definition of a qualifying disability very briefly requires:

- the employee to have a physical or mental impairment (which includes stress/depression)
- the impairment to have a substantial adverse effect,
- the impairment effects the ability of the employee to carry out day to day activities
- the effect to be of a long time nature( to have lasted or likely to last 12 months or more).

Reasonable adjustments may include allowing an employee absent due to stress/depression a phased return back to work , permitting shorter working hours, permitting the employee to start and finish work at changed times (to make travel to work less stressful) and/or home working, as well as other adjustments.

The employer also has an obligation not to treat a member of staff less favourably on account of a qualifying disability.

Breach of the disability discrimination legislation may give rise to a substantial award of compensation by an Employment Tribunal in favour of the affected member of staff – to include a sum for injury to feelings.

The defence of any Tribunal Claim raised by the member of staff will likely give rise to considerable legal costs to an employer. The Employment Tribunal is a no costs jurisdiction and cost orders are usually only made where a party acts unreasonably in connection with the claim or where the claim is pursued which has only limited prospects of success.

Much benefit may be secured by the engagement by the Employer of professional advisers (to include human resources consultants) to advise and assist in connection with issues of stress at work.

Human Resources Consultants can (with the assistance of legal advice where appropriate) give a situation at an early point in time the time it deserves, to endeavour to resolve the position, before matter becomes out of control- with an employee for instance becoming absent on long term sickness leave and threatening to take legal action against the Company.

If the matter is not resolvable, the Human Resources consultant can (with the aid of legal advice), seek to resolve the matter amicably with the employee, such as the employee leaving amicably upon the basis of a compromise agreement, – which will settle all relevant claims on the part of the Employee. This will save much costs in defending a claim with the Employment Tribunal no costs jurisdiction.

Disability discrimination also effects workers- a wider category of staff than employees- which will include casual workers, as well as self employed staff and will also benefit staff as soon as they start working- there is no qualifying period before protection is acquired as against disability discrimination, – this in contrast to the statutory right not to be unfairly dismissed.

Disability discrimination is a legal minefield, and an employer can achieve much benefit by securing professional advice at an early point in time, both in terms of increasing output/performance from affected members of staff and also in preventing claims.

*Stephen Jarrett, Freelance Human Resources Consultant*  
tel – 01494 757013  
[www.sjarrett.webs.com](http://www.sjarrett.webs.com)

**SIMONS RODKIN**  
**Litigation Solicitors**

707 High Road,  
Finchley

London N12 0BT

Tel: 020 8446 6223

Fax: 020 8446 7955

DX: 57359 Finchley

[enquiries@sr-law.co.uk](mailto:enquiries@sr-law.co.uk)

[www.sr-law.co.uk](http://www.sr-law.co.uk)