

STRESS MANAGEMENT POLICY AND PROCEDURES

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Policy

1.0 Introduction and Executive Summary

- i. In recent years there has been increasing awareness about the causes of stress at work and the effects of stress on organisational effectiveness and on employee health.
- ii. Recent legislation and case law make it more imperative that organisations are effectively managing work-related stress.
- iii. The College is also mindful of its duty under common law not to subject employees to unnecessary risk.
- iv. This Stress Policy has been agreed between the Board, Executive and employee representatives to ensure that all parties play an active part in dealing with employees who suffer from stress in an appropriate manner and where possible, minimise the causes of stress where they relate to College practices.

2.0 Statement of Intent

- i. The College recognises the statutory requirements and responsibilities of the Health and Safety at Work Act, the Management of Health and Safety at Work Regulations and other relevant legislation, Codes of Practice and Guidance. The policy forms part of the College organisational arrangements, particularly relating to Health and Safety and Employment. These requirements and responsibilities apply to both physical and psychological well being of employees.
- ii. As well as forming part of the College's organisation arrangements it is also an essential element of the good health promotion practices at work that encourage positive action on all health related issues including smoking, alcohol and drugs, nutrition, physical activity and stress.
- iii. It is recognised that work related stress is a health, safety and welfare issue and that that risks to health can be minimised by the implementation of good management and working procedures. The college believes it to be unethical that employees should be injured by their work and that reasonable arrangements must be in place to prevent accidents and ill health occurring. The policy demonstrates the College's commitment to minimising the harmful effects of stress, the procedures that should be followed and who is responsible for each stage.
- iv. College Management will seek to ensure that employees are not exposed to unacceptable risk to their health through excessive and unreasonable levels of stress arising from work.
- v. The primary responsibility for controlling such risks lies with line managers. It is important to note that employees also have a personal responsibility to co-operate in the identification and control of unreasonable and excessive levels of stress at work. Everyone has a duty to take appropriate action to prevent or control the onset of their own stress and, when possible, to support colleagues suffering from excessive stress.

- vi. The College is committed to providing a working environment and management practices which promote the best health of all employees. Part of that commitment is to minimise the risk of the harmful effects of stress by:
 - Introducing workable policies and procedures
 - Increasing awareness and understanding of stress related issues through training and health promotion
 - Investigating all incidents of potential or actual work related stress
 - Providing access to confidential welfare support services for any staff whose physical and/or mental health may have been injured by stress.
- viii. This policy informs everyone in the College of the commitment to minimise the harmful effects of work related stress, the procedures that should be followed and who is responsible for each step.

3.0 Aims of the Policy and Associated Procedures

3.1 The aims are to:

- i. provide advice and information about minimising risks;
- ii. outline specific roles;
- iii. educate staff about the causes, effects and management of stress;
- iv. outline strategies intended to deal with individual cases of stress related illness;
- v. outline strategies intended to improve health at work;
- vi. minimise the impact of stress at work on all employees and its influence on sickness absence;
- vii. provide training and an understanding of stress to all our staff as a means of helping them cope with the problem;
- viii. to help staff recognise that stress is an important part of normal life, the challenge being to manage it so that working life is both productive and enjoyable;
- ix. to, within reason, alter the working circumstances for anyone suffering from work related stress without prejudice or detriment to their future prospects;
- x. when appropriate, provide confidential support and professional help to those suffering from stress;

3.2 In order to achieve the policy aims, the College through the Health & Safety Committee will:

- i. carry out risk assessment to identify the scope and causes of stress related to work;
- ii. implement control measures to minimise the risk of stress;
- iii. audit the arrangements in an effort to continuously improve the quality of the working environment and the implemented stress-minimisation arrangements;
- iv. raise awareness of the causes of stress, recognising the signs and symptoms of stress related illness and ways in which the College supports individuals;
- v. help departments to reduce the cost associated with uncontrolled work related stress;
- vi. train managers about College stress management policies/procedures and how to apply them;
- vii. educate employees in techniques for recognising and coping with potentially stressful situations;
- viii. ensure that individuals who have, or have had symptoms of stress-related illness are treated responsibly and fairly at an early stage and that confidentiality is ensured;
- ix. consider job security, sick leave provision, retention of status etc in accordance with the rights of the individual to employment protection and in accordance with the College sickness absence policy;

- x. communicate effectively and 'manage change' in a sensitive and responsible manner.

4.0 Responsibilities

The responsibility of managing stress lies with Governors and Senior Managers.

4.1 The College Corporation will:

- i. agree the aims and objectives of this policy and ensure that sufficient resources are made available to implement it. On an annual basis the Corporation will review the implementation of the policy and stress factors within the organisation.

4.2 The College Executive will through the Health and Safety Committee:

Manage the implementation and evaluation of the policy ensuring that:

- i. Risk assessments are undertaken when major changes such as accommodation and organisational restructure are planned;
- ii. through the provision of management information, levels and causes of sickness absence will be monitored;
- iii. Ensure that appropriate systems and procedures are in place to be able to identify facts relating to foreseeability, likelihood, severity, cost and practicability of the prevention of identified stressors
- iv. Carry out an organisational level risk assessment and establish a focus group to identify workplace stressors and action plan solutions
- v. College policies, procedures and initiatives will be regularly reviewed to ensure that they maximise employee well-being;
- vi. target levels/indicators for stress-related sickness absence will be established and managed against in line with iii. above
- vii. College staff will also be educated to be more aware of the potential causes and symptoms of stress (see Appendices II and III) and to ensure that, in as far as possible, cases are identified early before leading to illness and prolonged absence.
- viii. the appropriate workplace interventions/ control measures are put in place in accordance with Appendix VI.

4.3 College Management Team will:

Carry out the requirements of this policy and ensure all their staff have access to appropriate training. They will monitor and review the effectiveness of the policy.

- i. undergo appropriate training in stress management and procedures associated to this policy;
- ii. put into practice that training and procedures;
- iii. ensure that employees are not exposed to unreasonable levels of stress;
- iv. Arrange for Stress Risk Assessments to be conducted where considered appropriate; See Section 11.0
- v. Provide access to welfare services when required

4.4 Human Resources Department will in liaison with the Health & Safety Committee will ensure that:

- i. effective measures are taken to reduce the levels of work related stress in the College;
- ii. the policy is updated as appropriate;
- iii. the appropriate sickness absence figures are maintained and management information provided;
- iv. the appropriate training for managers and staff is provided;
- v. any changes in legislation or new case law is brought to the attention of the Health & Safety Committee/College Senior management team and that any necessary alterations in policy made;
- vi. ensure an independent advice service is provided for staff;
- vii. the appropriate risk assessments are carried out in accordance with this policy;
- viii. arrange for appropriate stress audit mechanisms to be put in place.

4.6 Employees will:

- i. co-operate with managers and colleagues in identifying and controlling unreasonable and excessive levels of stress at work;
- ii. take appropriate action to prevent or control the onset of their own stress and when possible support colleagues suffering from excessive stress;
- iii. report any incidents to their line manager of what could be considered excessive levels of stress and also recommend ways in which this may be reduced.

4.7 Trade Unions will:

- i. encourage the development of management standards regarding the main causes of stress at work (workloads, staffing levels, training, change and working hours);
- ii. monitor the implementation of the above on a termly basis;
- iii. where appropriate be informed of the outcomes of stress risk assessments;
- iv. exercise their rights to be consulted by College Management;
- v. through the Health and Safety Committee, receive statistics of staff absences and their cause from Personnel.

4.8 Other Linked College Policies

- Equal Opportunities
- Sickness Absence
- Health and Safety

Procedures

5.0 Management of Stress within the College

- i. As outlined in the above policy and the following procedures everybody in the organisation has a role to play in the management of stress. The action flow chart for the management of Stress is at Appendix VII.

6.0 Actions to be taken by Managers if informed that one of their staff is suffering from undue or excessive stress

- i. Notification that an employee is suffering from stress may be communicated to you in different ways e.g. a direct approach from the employee concerned (oral or in writing) but could be disguised as something else. Notified by another person who believes a colleague is suffering undue stress, or from the Welfare & Equality Teamleader who has been contacted by the employee.
- ii. In all cases the following should be undertaken: -
 - Notify the Welfare & Equality Teamleader, that the employee claims they are suffering from stress. An Occupational Health referral maybe necessary
 - Meet with the member of staff and try to identify the reasons for the stress which could include:-
 - Workload
 - Timetabling
 - Hours of work
 - Other colleagues
 - Home life or other personal reasons
 - Insecurity
 - Teaching in unfamiliar subjects or areas for which they are not qualified
 - Physical working conditions(More causes of stress are listed in Appendix II)
- iii. Identify short-term actions that will emanate from above.
- iv. Maintain contact through the Welfare & Equality Teamleader with OH for information and guidance and agree monitoring procedures
- v. Advise what College resources are available to help i.e. Employee Assistance programmes, Occupational refferal.
- vi. Meet at least weekly with staff member unless recommendations from OH determine a different strategy.
- vii. Longer term actions must be agreed with Occupational Health and could include monitoring the individual working in the team, involving staff in planning change, encourage team building etc.

7.0 What do I do if I feel I am working under undue or unrealistic pressure?

- i. Stress is a difficult and complex subject. The effects and symptoms of stress are outlined in Appendix III. By reading this section you may recognise some of your

symptoms which may help you identify what the main stressors are in your life which in turn may help you develop some personal coping strategies for those stressors.

- ii. Rarely is it all work or all things in your personal life that are the sole cause of you feeling under excessive pressure. In most cases working life and home life are inextricably linked. If you are feeling excessive pressure, which could lead to being exposed to stress, then you can seek help within the College.
- iii. You should in the first Instance discuss these pressures with your line manager. If you do not feel able to do this then you can discuss with the Welfare & Equality Teamleader, particularly if you feel that work related issues are the major stressors. Do not forget that work life affects home life and vice versa and therefore altering your working pattern for example may ease a home life stressor. Most pressures can be reduced by active involvement of your manager.
- iv. Should you feel you just need to talk to somebody then you could use the College Employee Assistance Programme.

8.0 Concern for others

- i. If you observe that a member of your team or a colleague is potentially suffering the ill effects of too much pressure there are some general things that you can do in dealing with the person and showing that you care for their well being.
- ii. In Appendix III we have described symptoms that can indicate an individual is suffering from too much stress. Early identification of this situation and a suitable intervention, could prevent the onset of more serious illness and long term absence.
- iii. We are therefore seeking for every individual to have the welfare of their colleagues in mind at all times.
- iv. If you think that an individual you are working with or mixing with, is exhibiting symptoms of excess pressure, you should try to ascertain if they are discussing their situation with anyone or if their manager is aware of difficulties they may be having. If you can, demonstrate your concern for the individual and let him/her know you care about their well being and offer them any personal help you can. If this approach proves unsuccessful and the individual does not seek some help, but you continue to believe that they are in need of this, it is suggested that you discreetly advise their line manager of your concerns for them. If you believe the relationship between the line manager and the person concerned is not very good then you could contact the Human Resources Department and discuss what to do.
- v. The line manager/ Welfare & Equality Teamleader may then approach the member of staff and discreetly and confidentially discuss any difficulties he/she may be having and any measures that can be taken to reduce pressure if the person is finding it difficult to cope.
- vi. All line managers should develop the skills they need to deal with stressed and distressed members of staff. Details on training available at the College are in the training section of these procedures.
- vii. It is important that anyone trying to deal with an individual under stress behaves in a calm and measured way. Acceptance and reassurance is what is required if you are to help, not overly emotional behaviour.

- viii. It is important to try to help the employee solve their own problem, not to do it for them.
- ix. The best approach is to ask the person how you can help, rather than just assuming a particular course of action is best. Even in acute distress people have a clear sense of their own needs.

- x. Managers must ensure that they do not penalise employees for feeling the effects of too much pressure. Staff should be positively encouraged to manage their own well being at work and provided with the support they need to do this. Managers need to respond helpfully to members of staff who are going through stressful times – simply listening to people can help.

- xi. If a stress case is identified, the manager or other suitable person should carry out an interview with the affected individual. (See section 6)

- xii. It is the responsibility of all staff to create a culture and structure that enables members of staff to seek help and manage their own support needs.

9.0 Returning to work

- i. Part of the process for managing stress related absence cases is the conducting of an early return-to-work interview. At that interview the focus will be on the person rather than on any work problems that arose due to the absence. It is very important that people who have been off sick with a stress-related illness feel they are welcome back. This will be carried out in conjunction with the College's Sickness absence policy.

- ii. The College will take every reasonable precaution to ensure that the person is not placed in a situation which contains the same factors that led to their illness. If it has been identified that work caused, or was part of the cause of the ill health leading to absence, we will address the problems and make reasonable alterations.

- iii. It is likely that an individual will feel uncomfortable if they think they are receiving special treatment or not being given enough to do. It is best to ensure that the person undertakes the range of duties that you would expect any person in that job to do, but reduce those elements of work that were excessive and led to illness. If it is feasible we may offer to reduce responsibilities in the short term, or offer part-time working to gradually phase the person back into work.

- iv. The College Welfare & Equality Teamleader will carry out the return to work interviews and in conjunction with the Line manager agree the appropriate return to work strategy.

- v. Monitoring of the person when returning to work will be the responsibility of the Line Manager who will need to keep in close contact with the Welfare & Equality Teamleader for advice and guidance. The Welfare & Equality Teamleader will be available to meet the employee if required.

10.0 Training

Staff Development will organise training for managers and staff at all levels within the College to ensure all are totally familiar with their responsibilities under this policy. Dates of workshops will be published in the Staff Development Manual.

11.0 Risk assessment

Stress Risk Assessments will be conducted in the College at three distinct levels. Personal details or individual medical details will never be disclosed without the written permission of the individual concerned. Where there is a resource implication to the College for any remedial measures needed these will be discussed with appropriate line manager.

11.1 Organisation Assessment

- i. A sub Committee of the Health and Safety Committee will conduct the organisation risk assessment once every two years.
- ii. Focus Groups will be used to analyse the data and will be a representative cross section of the organisation including a trade union representative and member of senior management.
- iii. The sub committee of the Health and Safety Committee will consider the outcomes of the analysis. Appropriate actions will be put in place to resolve any issues highlighted by this assessment.

11.2 Individual assessments

- i. Where identified by staff themselves, management or trade union who are or think they might be suffering from undue stress, an individual stress assessment will be carried out by the line manager and member of the HR team. Occupational Health may be contacted for further medical advice as appropriate.
- ii. This confidential assessment may determine a number of measures that could be undertaken to reduce the excessive pressure being felt by the employee. These measures will inevitably need to be discussed with the line manager.
- iii. The method of assessment will follow the basic risk assessment process (Appendix Viii) however in certain cases further advice may be sought from Occupational Health by the Welfare & Equality Teamleader

11.3 Group assessment

- i. A group risk assessment can be taken on any group of people ranging between the individual and College wide. Groups are not specified but could be a small section in a Department or a whole Centre.
- ii. The need to conduct a group stress risk assessment may come from a number of sources. It could be identified during the organisation stress assessment, through an individual assessment, a Line Manager request, Trade Union concerns etc. A group assessment will be authorised by the Stress Management Group.
- iii. The assessment will consist of a questionnaire to be completed by individuals within the Group. The Questionnaire will be based on a recognised format that will be agreed with the Trade Unions and will form the basis of the risk assessment. See Appendix VIII

- iv The Assessment will be organised and the results analysed by the relevant Senior manager. The results will be passed to the Stress Management Group for appropriate actions.

12.0 Dealing with stress related absence

- i Anyone off work with any ailment relating to their psychological well being will be contacted within 2 weeks by the Welfare & Equality Teamleader with a view to early identification of issues and the offer of support and help.
- ii Absence of this nature for more than 4 weeks duration will be referred to the Occupational Health Department.
- iii The HR Dept will contact any member of staff, who self certifies absence citing any category that causes concern.
- iv The College will fully investigate any work-related issues causing the absence in order to facilitate early return to work and return to full health.
- v Return to work following absence will be handled as described in section 9.

Appendix I: Definitions

Stress

Stress is a difficult and complex subject. It is a term that can mean different things to different people. Stress can be a negative emotion or physical response to factors in the environment (stressors). A certain level of pressure and challenge at work can actually optimise performance and it is therefore important to note that stress is not always negative. The experience of undue pressure can lead to stress, which has a significant impact on psychological well being. In addition, individuals and organisations react to stress in different ways.

There are many definitions and causes of stress. The HSE define stress as “the adverse reaction people have to excessive pressure or other types of demand placed upon them”. This definition can be used as the basis for any activity to prevent, control or manage stress in the workplace. It recognises that people may have to work to deadlines or be stimulated by a degree of pressure in their work but it is when the pressure becomes ‘excessive’, or goes on for too long, that people become exposed to stress.

Stress is incapacitating and causes actual damage to health. In the individual this can lead to physical and/or mental ill health, including high blood pressure, heart disease, dependence on alcohol/smoking or drugs, anxiety and depression. In the organisation the effects may include low morale, reduced productivity and quality, increased absenteeism and accident rates, poor industrial relations and higher staff turnover.

Demands

Demands may be challenging, good for you, essential in a dynamic, constantly changing and improving organisation. Conversely they may be excessive (this depends on individual thresholds) or perceived as threatening and lead to stress - which is never good for you and can lead to ill health and even death. Some people may feel ‘unhappy’ and define this as stress, but stress is not a fleeting period of sadness, frustration, unhappiness etc that everyone feels from time to time.

Hazard

In this policy a hazard is something (demand) with the potential to cause harm (stress-related illness). Perceived pressures or demands are hazards and are often referred to as ‘stressors’.

Risk

An estimate of the likelihood that harm (stress-related illness) will occur, and the severity of that harm, given the control measures already in place. If the hazard is not removed, or the risk limited and controlled, then damage to health can result.

Appendix II: Causes of Stress

There are many causes of work related stress and individuals cope in many different ways. Individuals vary as to how stressful they perceive certain situations; what one person finds stressful, another will consider a challenge. We all have individual reactions to stressors. A persons coping ability may be affected by various factors including the occurrence of life events as well as their own personality factors and level of social support available. It is therefore important to be aware of significant occurrences in an individuals' life outside of the workplace. Stressors can have a cumulative effect, and when an individual is experiencing a stressful event outside the workplace they will be more vulnerable to stress in the workplace. Research suggests that there are six major sources of pressure at work:

1. Intrinsic to the Job

- Physical working conditions – noise, temperature, lighting, workplace design, inadequate welfare facilities, badly maintained buildings, inadequate or poorly sited equipment etc
- Isolation from others, overcrowding etc
- Lack of a Health and Safety culture
- Deadlines and targets
- Shift work /unusual hours
- Long hours
- Travel - delays and periods away from family and colleagues
- New technology
- Work overload
- Boring/repetitive work

2. Role in the Organisation

- Role ambiguity –no clear work objectives, no clarity re scope and responsibilities
- Role conflict. Related to job demands, personal wants, dislikes, perception of how jobs should be done etc
- Responsibility – for people and for things usually requires spending more time interacting, with others, attending meetings and attempting to meet deadlines

3. Relationships at Work

- Lack of recognition and support from managers and co-workers
- Bullying by managers or other members of staff
- Racial, sexual or other forms of harassment
- Conflicts between members of staff

4. Organisational Structure and Climate

- No sense of belonging/being part of the team
- Lack of opportunities to participate in briefings/meetings etc
- Not Included in communications and consultations
- No involvement in decision making
- Poor management culture
- Too many demands
- Lack of control by staff over their own jobs
- Poor management of change

5. Career Development:

- Training – Poor quality and/or lack of opportunities
- Job security – Lack of promotion, opportunities for advancement etc
- Job performance – Inconsistent and/or ineffective evaluation and appraisal procedures, targets etc.

6. Home - Work Interface

- The types of work pressures described above can have an adverse effect on families that can result in conflict between organisational and family demands. This situation is exacerbated for the dual-career family which is common place nowadays.

Having identified some of the causes of stress it could be useful to remember that **individual and organisational health are interdependent**, in the sense that organisational hazards can create substantial ill-health amongst employees, and distressed employees can cause substantial organisational dysfunction. It follows that organisations will be more productive if staff are motivated and healthy.

When tackling work related stress it is important to recognise employees as whole people and to acknowledge that problems in someone's domestic life does not necessarily stay at home. A flexible approach is needed to tackle this complicated issue.

Appendix III: Effects and Symptoms of Stress

People perceive demands in different ways – as either challenging or threatening. Demands can lead to personal growth, satisfaction and fulfilment. However, when demands are perceived as threatening, mental and physical health can be affected.

Effects on the individual

In the short term the individual may cope well as (s)he tries to adjust or find methods of coping with the demands. Over a longer period of time, as the individual's body and mind are subjected to a perceived prolonged threat or attack, a variety of symptoms related to ill health could occur and these may be followed by serious stress-related illness.

It is usually recognised that stress can affect the body in three different ways, **physically**, **behaviourally** and **emotionally**. Individuals can suffer from one, or a combination of these symptoms, for both short and long-term periods. All individuals should be alert to these early signs in both themselves and colleagues

Physical symptoms include:	Behavioural symptoms include:	Emotional symptoms include:
<ul style="list-style-type: none"> • Backache • Fatigue • Muscle tension • Skin rashes, eczema • Breathing difficulties • Headaches • Chest pains • Changes in menstrual patterns • Sweating palms, dry mouth, nervous twitches etc • Dizziness, fainting spells • Lack of appetite • Craving for food when under pressure • Impotency or frigidity • Frequent indigestion or heartburn • Constipation or diarrhoea • Insomnia • Nervous twitches, nail biting etc • Cramp and muscle tension • Nausea • Hypertension (abnormally high blood pressure) which could lead to headaches, a stroke/ irreversible damage to health. 	<ul style="list-style-type: none"> • Absenteeism • Erratic moods • Apathy • Increased use of alcohol/tobacco • Increased use of tranquillisers • Indecision • Unusually emotive or impulsive • Accidents • Loss of appetite • Evading duties responsibilities • Complaining • Loss of sense of humour • Constant irritability with people • Suppressed anger • Difficulty in concentrating • Inability to finish one task before rushing into another • Feeling unable to cope • Wanting to cry at the smallest problem • Lack of interest in doing things after return home from work • Constant tiredness 	<ul style="list-style-type: none"> • Anxiety • Irritability • Low self-esteem and confidence • Depression • Loss of libido • Guilt • Fear and panic • Poor sleep • Aggression • Inappropriate behaviour • Withdrawal from social contacts • Mood swings

Appendix IV: Effects on the College

Work related stress could also lead to organisational problems:

- An increase in sickness absence, which can have a domino effect - one person goes sick which leads to their workload being shared among the remaining staff. They are unable to cope, which affects their health, and this leads to greater sickness absence
- A reduction in staff morale
- Resistance to change
- Poor staff performance
- Poor time keeping
- Poor decision making
- Increased accident rates
- Staff seeking alternative employment. Organisations then have the expense of recruiting, inducting, and training new members of staff
- Poor industrial relations
- Increased costs associated with the above
- Poor community image
- Possible criminal cases and civil claims with associated costs

Appendix V: Legal background - H&S Legislation, Employment legislation, Discrimination Legislation

Health and Safety Legislation

Section 2 of the Health and Safety at Work Act 1974 obliges employers to safeguard, so far as is reasonably practicable, the health, safety and welfare of the people who work for them. This does not only mean physical health, but mental health as well. Ill health resulting from stress at work should be treated in the same way as ill health resulting from physical hazards in the workplace.

The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to Health and Safety and implement avoidance and control measures. Hazards, which have the potential of causing stress, must be identified, competent persons must carry out risk assessment and significant risks should be recorded.

The Health and Safety (Display Screen Equipment) Regulations 1992 incorporate the requirement for employers to minimise the risk of ill health, including stress, which may be caused by working with display screen equipment (computers).

The Working Time Regulations 1998 as amended place limitations on the number of hours worked during an average working week, makes provision for rest breaks and so relate to stress caused by excessive working hours.

Employment Protection Legislation

The Employment Rights Act 1996 gives employees the right not to be unfairly dismissed. One of the possible reasons for dismissal relates to “the capability or qualifications of the employee for performing work of the kind which (s)he was employed to do”. Capability should be assessed in relation to “health or other physical or mental quality”. When dismissing someone on the grounds of incapability, the employer must clearly establish the medical circumstances and ensure that fair procedures are followed.

Discrimination Legislation

The Disability Discrimination Act 1995 (DDA) states that discrimination occurs when a disabled person is treated less favourably “for a reason which relates to the person’s disability”. The act may relate to stress-related illnesses if the disability is such that the person “has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities.” A mental illness can only be a mental impairment if the person is suffering from a clinically recognised illness. The impairment must have lasted at least 12 months or be reasonably expected to last that long.

The Sex Discrimination Act 1975 and the Race Relations Act 1976 give the right of access to employment tribunals to victims of discrimination. People who are discriminated against may find the experience distressing, humiliating and consequently may suffer from a stress-related illness. In successful cases, both the employer and the discriminator may be ordered to compensate the victim.

Common Law

There is a long established “common law” duty of care used by employers to employees not the subject them to unnecessary risk. An employer will be liable in negligence for an employee’s stress related illness provided:

- It was reasonably foreseeable that the employee would suffer mental or physical illness.
- It failed to take reasonable steps to prevent the illness.
- The failure caused the ill health.

Case Law

Case law has established some principles :-

- As an employer, The College is responsible for making sure that work doesn't make employees ill. If the employer notices that someone is particularly vulnerable because of their circumstances, they should look at how their work is organised. See if there are ways to relieve the pressures so that they do not become excessive. However, unless an employer knows otherwise, they could assume that all their employees are mentally capable of withstanding reasonable pressure from work. "We're all vulnerable to stress, depending on the pressure we're under at any given time." (HSE leaflet Help on Work Related Stress – a short guide). Once an employee has been identified as suffering from work related stress the College does “know otherwise” and needs to take this into account.
- There are no occupations which should be regarded as intrinsically dangerous to mental health. Any employer who offers a confidential counselling advice service with access to treatment is unlikely to be found in breach of duty.
- Numerous studies have highlighted the advantages of providing a staff counselling facility.
- Balancing against this is The College’s duty, as an employer to take reasonable care to avoid harming staff. What is reasonable will depend upon the “foreseeability of harm, the magnitude of the risk of that harm occurring, the gravity of the harm which may take place, the cost and practicability of preventing it and the justifications for running the risk.”

Appendix VI: Workplace Interventions/ Control Measures

Examples of control measures include:

Primary (preferred) Control Measures

(Designed to eliminate the sources of stress at organisational level.)

- i Stress being specifically included in organisational policies and procedures, e.g.:
 - Equal Opportunities
 - Sickness absence
 - Harassment/bullying
 - Health and Safety
 - Codes of practice where applicable
- ii Clearly defined objectives and responsibilities linked to College business objectives
- iii Training related to how everyone fits into the organisation and their role in achieving the objectives
- iv Culture or climate of positive reinforcement (for example managers thanking staff, or rewards for achieving targets)
- v Clearly defined job roles and lines of management
- vi Reasonable and achievable workload and performance targets
- vii Provision of family friendly/flexible working arrangements
- viii Appropriate and efficient use of appraisal and review systems
- ix Equal opportunities for training and career progression
- x Provision of clean and pleasant working environment

Secondary Control Measures

(Designed to reduce the level of stress to a minimum)

- i Provision of training for –
 - managers about stress and its management
 - employees about recognition of stress and College policies and procedures
- ii Clear and confidential lines of reporting incidents

Tertiary Control Measures

(Designed to minimise the effects of stress after it has occurred)

- i Provision of Occupational Health Services, Employee Assistance Programmes and other counselling/support services.
- ii Tertiary intervention techniques are normally introduced when a stress situation has already activated a stress condition. Therefore, to resort to the use of 'Tertiary Control Measures' as a first step action, could be viewed as a failure to pro-actively identify and manage possible stress causing situations correctly – in other words a failure to exercise proper safety management.