

EAST HERTS COUNCIL

HUMAN RESOURCES COMMITTEE - 8 JANUARY 2008

JUDITH FEAR, INTERIM HEAD OF PEOPLE AND ORGANISATIONAL SERVICES AND SHONA GRAY, ACTING PRINCIPAL HUMAN RESOURCES OFFICER

7. STRESS MANAGEMENT POLICY

WARD(S) AFFECTED: None

'D' RECOMMENDATION - (A) that the Human Resources Committee approves the amended Stress Management Policy attached in Appendix 'A' to this report, for implementation on a pilot basis, pending the next meeting of the Local Joint Panel in April 2008; and  
  
(B) that the Human Resources Committee considers the further amendments proposed by Unison set out in Appendix 'B' to this report.

---

1.0 Purpose/Summary of Report

1.1 To put into place a stress management policy and process in accordance with H&S legislation and regulatory good practice and guidelines. In view of feedback received from the Staff Side Secretary of the Local Joint Panel, it is recommended that the policy should be implemented on a pilot basis, pending the next meeting of the Local Joint Panel in April where the policy may be fine tuned on the basis of practical experience.

2.0 Contribution to the Council's Corporate Priorities/Objectives

**Fit for purpose, services fit for you**

*Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.*

*By complying with employment legislation would ensure the council is fit for purpose .*

### 3.0 Background

- 3.1 To comply with employment legislation the Council must have in place written policies and procedures to meet its statutory obligations. The Management of Health and Safety at Work Regulations 1999 require that any risks that potentially affect the health, safety or welfare of employees should be identified and managed. In this context, stress is a risk factor that needs to be managed and the policy provides guidance on how the Council, as an employer, will seek to achieve this.
- 3.2 The management of stress at work has been identified as a significant issue facing organisations and a great deal of research has been carried out in recent years by the Health and Safety Executive (HSE) and other agencies. This has culminated in the production of detailed guidance by the HSE on how to tackle the issue of stress at work using an approach based on compliance with management standards.
- 3.3 The Chartered Institute of Personnel and Development (CIPD) also publishes introductory guidance on the management of stress at work, in which it suggests that there are four main approaches that organisations can adopt to address stress at work: 1) Policy, procedures and systems audit to ensure the work environment protects the well being of the workforce; 2) Problem centred approach, analysing problems as they arise to identify reasons they have occurred and solutions; 3) Well-being approach, using similar tools to the problem solving approach (e.g. risk assessment) but being more proactive in identifying ways to create a healthy workforce; and 4) Employee centred approach in which individuals are equipped (through training) and supported (including counselling) to deal with problems they face in the workplace. The four approaches can be combined into a comprehensive well-being programme and as the Council provides both an employee assistance programme and a proactive occupational health service it is in a good position to achieve this.
- 3.4 Trades unions, including UNISON, have been active in campaigning for better management of stress in the work place and have supported a number of high profile cases resulting in large compensatory payments for personal injury arising from stress at work. In 1996, John Walker v. Northumberland County Council was awarded £175,000 and in 2000, Randy Ingram v. Worcestershire County Council £203,000. The TUC and ACAS have also been active in promoting better stress management in the workplace and

have collaborated with the CIPD and the HSE on the production of a guide for employers and employees - 'Working together to reduce stress at work'.

- 3.5 There is clearly a broad consensus that stress at work is a significant problem that requires proactive management in partnership with employees and their representatives. However, there is not necessarily a consensus on every aspect of the issue. For example, the HSE and the CIPD both state that it is important to realise that stress is a state not an illness, whereas the UNISON Guide on Stress for Safety Representatives advises representatives to "Emphasise that stress is an illness caused by work in just the same way as RSI, back pain or dermatitis" when they talk with members about the way stress can damage health. It is therefore essential that a policy on managing stress in an organisation should provide clear definitions to ensure no misunderstandings arise, in what is a complex and potentially litigious area of people management.
- 3.6 The draft Stress Policy presented for adoption by the Committee has been significantly amended based on suggestions by the local branch of UNISON. Following the meeting of the Local Joint Panel on 11 December at which it was agreed that the Staff Side should be permitted to submit comments and amendments to the Committee, an amended policy was produced by the Staff Side Secretary and this is attached as Appendix 'B' (Pages 7.18 - 7.29) to the report.
- 3.7 The Staff Side Secretary has also made a number of comments about the background to this report and the issue in general, which are also contained in Appendix 'B' (Pages 7.18 - 7.29). It may be helpful to clarify for the Committee that it is the case that the Stress Policy was first drafted several months ago and that it has been considered and amended by CMT on more than one occasion, prior to UNISON being provided with a copy. Given the complexity of this area of people management and the importance of gaining senior management commitment to the stress policy, (which is recognised as a crucial step by all the agencies involved), there was nothing untoward or sinister intended by this.
- 3.8 However, it was not the case that UNISON were at no time able to discuss the draft with HR Officers. A meeting took place on 13 November between HR and UNISON at which the draft policy was presented by HR. The Staff Side Secretary declined to comment on the policy on that occasion, as she had not had time to digest the content. At the Local Joint Panel meeting on 11 December the matter was discussed and the Staff Side Secretary indicated that

there were areas still to be negotiated before she could support it. The Staff Side amendments were received only a day or so before the scheduled despatch of reports to the Committee and were extensive, necessitating further work to prepare an amended report.

3.9 Notwithstanding these difficulties, the HR team are fully committed to working together with UNISON to arrive at a policy that everyone can support. Amendments have been gratefully received and incorporated to many sections of the draft policy and it is acknowledged to be an improved document as a result. There are a couple of areas that will need to be referred back to CMT as they did not feature in the drafts considered by them.

#### 4.0 Report

4.1 In view of the fact that the Council remains exposed to risk as long as there is no stress policy in place, it is recommended that the amended policy attached as Appendix 'A' (Pages 7.6 - 7.17) be approved for implementation on a pilot basis, pending the next meeting of the Local Joint Panel in April. This will give opportunity for discussion with UNISON about the areas that need further clarification.

4.2 The main areas needing further discussion are Section 4 - 'The Costs of Stress – The Human Costs', and Section 14 – 'the Role of Trade Union Safety Representatives' in the Staff Side submission. Other more minor points may be covered orally at the meeting. In relation to the 'human costs', there has been wide debate but not necessarily conclusive findings about causal links between stress and specific illnesses and it is recommended that it would be more prudent to omit these assertions as they do not particularly add value to the policy document and may incur the risk of employees becoming unduly anxious.

4.3 In relation to the role of the trade union safety representatives, there are rights provided within the health and safety legislation and as stress at work is a health and safety issue, those representatives will have an important role. However, it is important that this be looked at carefully both to ensure that it accords with the Council's Recognition Agreement with UNISON and to ensure that any methodology adopted for joint working e.g. on surveys and inspections, has been well thought out.

## 5.0 Consultation

5.1 Consultation has taken place with UNISON and the policy has been amended. This policy has been considered by CMT and Senior Management Group, the Occupational Health Service and the Local Joint Panel. As indicated above, some further consultation on specific aspects would be helpful.

## 6.0 Legal Implications

6.1 The proposed policy will meet the legal requirements specified by the duty of care outlined under the Management of Health and Safety at Work Regulations 1999 and the overarching legislation outlined by the Health and Safety at Work Act 1974.

## 7.0 Financial Implications

7.1 Failure to comply will leave the Authority open to challenge, enforcement action, HSE enforcement action for breaches of Health and Safety Regulations, financial penalties by way of fines and/or liability claims or personal liability claims. There may be some financial costs for training.

## 8.0 Human Resource Implications

8.1 The Council is seeking to be an employer of choice and effective HR policies are important to this objective.

## 9.0 Risk Management Implications

9.1 Failure to keep pace with legislative change could lead to risk of claims at the Employment Tribunal.

## Background Papers

None

Contact Member: Councillor D A Peek – Chairman of Human Resources Committee

Contact Officer: Judith Fear – Interim Head of People and Organisational Services – Ext 1635  
Shona Gray – Acting Principal Human Resources Officer – Ext 1652.