**STRESS AT WORK POLICY**

**When to use this model stress at work policy**

Use this model policy and procedure to set out your organisation's rules on stress at work and the steps to be taken to reduce the health and safety risks associated with stress.

**How to use this document**

This is an example document and should be adapted to suit your organisation’s circumstances.

**Policy wording**

The organisation is committed to protecting the health, safety and welfare of our employees. The organisation recognises that workplace stress is a health and safety issue and acknowledges the importance of identifying and alleviating workplace stress.

The organisation will take all reasonable steps to reduce health and safety risks from stress in the workplace to as low a level as reasonably practicable.

Causes of stress (stressors) will be identified and managed. A suitable and sufficient assessment of the risk of these stressors will be undertaken. Identified risks will be reduced to as low as is reasonably practicable through safe systems of work, suitable equipment and information and training. Employees will make proper use of any equipment and systems of work provided for their safety.

Any reports of stress at work will be investigated and individuals will be provided with appropriate support.

The organisation will ensure that adequate consultation takes place with all staff, including managers, supervisors, human resources, employee representatives and trade union safety representatives, on the content, implementation, monitoring and review of this policy.

The [*insert job title*] will:

* determine if stress in the workplace is a problem by seeking employee views;
* review job descriptions to identify tasks that may involve stressors;
* review job descriptions to identify safety critical roles;
* identify all those who may be affected by work-related stress;
* eliminate work-related stress or, where this is not possible, evaluate the risk of work-related stress, considering the existing arrangements that are in place;
* ensure that significant findings of the risk assessment are recorded;
* identify additional arrangements to reduce the risk of work-related stress to as low a level as reasonably practicable, which could include changing working procedures, providing information and training, improving communication, and changing working procedures;
* review workplace conditions to ensure that they do not contribute to work-related stress;
* monitor working hours and overtime to ensure employees are not overworking;
* monitor holidays to make sure employees are taking their full entitlement;
* review factors that might indicate stress in the workplace, such as high rates of absenteeism or staff turnover;
* ensure that members of staff are consulted on arrangements for reducing work-related stress;
* ensure that grievance and disciplinary procedures are adequate and communicated to all members of staff;
* set up arrangements for individuals to report work-related stress;
* encourage members of staff to inform their line manager (or occupational health nurse) of any concerns regarding stress;
* ensure that support, which may include, for example, confidential counselling, special leave and back-to-work assistance, is provided to members of staff who are suffering from stress at work;
* ensure that, when a work-related stress report is made, the underlying causes and actions to remove these causes are identified;
* ensure that all members of staff, and especially line managers, are trained to identify the symptoms of stress;
* ensure that bullying and harassment is not present or tolerated in the workplace;
* encourage a culture in which stress is not regarded as a sign of weakness;
* ensure that work-related stress risk assessments are reviewed for their confirmed application at least once every 12 months and when any significant change is made;
* ensure that the arrangements for reducing work-related stress are monitored and reviewed for their effectiveness; and
* ensure that individuals' personal data, including information about their mental health, collected when managing stress is handled in accordance with the organisation's [data protection policy](https://www.xperthr.co.uk/policies-and-documents/data-protection-policy/162690/) / [policy on processing special categories of personal data](https://www.xperthr.co.uk/policies-and-documents/policy-on-processing-special-category-personal-data-and-criminal-records-data/163520/).

Employees will:

* inform their line manager (or suitable person) if they are suffering from excessive pressure or stress at work; and
* follow appropriate systems for work laid down for their safety.

**Law relating to this document**

**Leading statutory authority**

Health and Safety at Work etc. Act 1974
Data Protection Act 2018
Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)
Safety Representatives and Safety Committees Regulations 1997 (SI 1997/500)
Health and Safety (Consultation with Employees) Regulations 1996 (SI 1996/1513)
General Data Protection Regulation (2016/679 EU)

The Health and Safety at Work etc. Act 1974 has an over-arching requirement that employers keep their employees and any third parties free from risk of harm as far as is reasonably practicable. Employees are also required to cooperate with and implement their employer's policies in this respect.

Regulation 3 of the Management of Health and Safety at Work Regulations 1999 requires a suitable and sufficient assessment of risks, including stress, arising from work activities to be undertaken. The Management of Health and Safety at Work Regulations 1999 also place a duty on employers to undertake specific risk assessments for young persons and expectant and nursing mothers. The Regulations require employers to make arrangements to control these risks and to monitor and review these arrangements.

The Safety Representatives and Safety Committees Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996 require employers to consult with their employees on promoting, developing and monitoring measures to ensure their health and safety at work, including matters relating to stress. This may be undertaken through safety representatives appointed by a recognised independent trade union or through employee representatives.

Employers and employees also have a common law general duty of care towards others who may be affected by their actions.

The General Data Protection Regulation (GDPR), which is in force from 25 May 2018, requires employers to comply with principles for processing personal data, including being transparent by providing information to employees about personal data that they hold and how it is used. Employers must protect against unauthorised access and disclosure of personal data when managing stress.

There are special rules for employers to bear in mind when processing data related to an employee's health (including mental health), which is one of the "special categories" of data under the GDPR. The Data Protection Act 2018 allows an employer to process special categories of data and criminal records data where the processing is necessary for performing obligations or exercising rights under employment law, provided that the employer has an [appropriate policy document](https://www.xperthr.co.uk/policies-and-documents/policy-on-processing-special-category-personal-data-and-criminal-records-data/163520/) in place. Refer to your GDPR documentation on the legal grounds for processing employee data.

**Relevant case law**

[*Sutherland v Hatton [2002] IRLR 263 CA*](https://www.xperthr.co.uk/law-reports/case/Sutherland-v-Hatton-2002-IRLR-263-CA/426/). In order to succeed in a personal injury claim for stress-induced psychiatric injury an employee must show that the injury was both foreseeable and caused by work-related pressures. In addition the employer is generally able to take the employee at face value and assume that they are up to the pressures of the job. The onus is on the employee to alert the employer to any stress-related problems.

**Notes**

The Health and Safety Executive defines work-related stress as "the adverse reaction people have to excessive pressure or other types of demand placed on them".

When seeking employees' views on whether stress in the workplace is a problem, a process that is suitable for the individual organisation must be used. Consideration should be given to informal discussions with managers and staff; workshops; discussions with health and safety representatives; and gathering information through questionnaires.

The HSE has issued stress [management standards](http://www.hse.gov.uk/pubns/indg430.pdf) relating to the six main factors that contribute to work-related stress: demands, control, support, relationships, roles and change. They are designed for organisations to use to help meet their existing duty of care and their duty to assess the risk relating to work-related stress.