

# Nothing but a cop out

The Health and Safety Commission asked if we needed a stress law. We said a resounding yes. But HSC bottled it - and millions of workers want to know why. Kim Sunley, from general union GMB's HQ safety team, reports.

It does not take a mathematician to work out that when 78 per cent of people say "yes" and 21 per cent say "no", the overwhelming majority are up for it.

So why then when 78 per cent of respondents to the Health and Safety Commission's 1999 discussion document, *Managing stress at work* (Hazards 65), called for a legally binding Approved Code of Practice (ACoP) or regulations did HSC take a year to say NO?

When a similar exercise took place in 1995, under the Tory government, HSC concluded there were elements of guidance on stress that would be suitable for an ACoP. Five

years on, with more people suffering from work-related stress, we've gone backwards.

HSC has written to the 845 discussion document respondents to let them know stress is a "serious problem" and that it is a "health and safety issue". It adds that an ACoP is not necessary at present but that this will be kept under constant review.

We can't have one yet, it says, because there are no clear standards of management practice for controlling work stressors against which inspectors could gauge an employer's performance.

But our European colleagues have managed to find an answer to this problem and some have legislation

The answer to stress at work...



...is in the workplace

photo ACTU

on stress. Some HSE inspectors - albeit few - have already managed to take enforcement action on stress.

By autumn of this year HSE has to prepare proposals on the development of suitable standards. There will be no consideration of an ACoP until standards are in place. We are talking about years rather than months, if at all.

HSE also plans to better equip enforcement officers to handle the issue of stress in

their routine work - enforcement isn't mentioned; start a project on stress similar to the *Back in Work* initiative and, wait for it, launch a publicity push to help educate employers and develop additional detailed guidance.

What are the real reasons behind this inaction? It is well known that the Cabinet Office's Regulation Impact Unit does not want unnecessary, burdensome regulations. It is reluctant to endorse new law

**HSC, you're stressing me out!** HSC says trade union submissions made up about 7 per cent of all responses to the stress discussion document. The unions were solidly in support of an ACoP (see below) - a view shared by a further 71 per cent of all the respondents.

**Nonsense** "The decision to put off introducing an ACoP shows once again that the HSE has major problems dealing with the real health issues that face working people in the 21st century. The argument that a stress ACoP could not be enforced is nonsense. UNISON branches up and down the country have forced inspectors to take action where

employers have ignored stress in risk assessments. We are going to force the HSE to enforce the law regardless of whether they produce an ACoP."

Hugh Robertson, head of safety, public sector union UNISON.

**Bad news** "This is bad news for the half a million workers who suffer illness from work-related stress every year. The HSE's view that an ACoP would be "unenforceable" at present is particularly alarming. It reveals a crisis in confidence over the enforcement of occupational health issues. Stress is one of the major occupational health problems facing

workers. Experience with other common hazards has shown that, without a clear legal framework and effective enforcement activity, the chances of getting employers to comply with their general duty of care are low."

Doug Russell, national health and safety officer, shopworkers' union, USDAW

**Disgraceful** "The response of the HSC on stress is nothing short of disgraceful. They have simply ignored the overwhelming arguments put forward by the TUC representatives on the HSC. We do not accept that an ACoP on stress cannot be enforced. The standards already exist

unless it is absolutely necessary.

The Health and Safety Executive is reluctant to enforce "soft" occupational health issues.

Five years ago, *Hazards* revealed that HSE stress enforcement guidance for its inspectors advised "it is important not to raise expectations nor give the impression that enforcement action will be taken (attention can be drawn to the difficulty of setting and enforcing specific standards in this area)... there is no basis for setting standards" (*Hazards* 53). HSE top brass was actively promoting the absence of clear standards to justify inaction.

And the CBI, despite stating that stress is a major occupational health issue, has maintained all along its opposition to a stress ACoP (page 23).

One thing is for sure - delay will hurt everyone: families broken and lives and livelihoods damaged; the cost to business from sickness absence, high

turnover of staff, and legal claims; it will cost the UK economy as a whole, and leave a nation of people suffering from stress-related problems including heart disease, strokes, depression and drug and alcohol dependency (*Hazards* 69).

The HSE's planned action will be no consolation to our members' particularly those working in call centres, hospitals, and on production lines.

The GMB will be stepping up action in pursuit of legislation on stress. GMB is preparing its own review of the responses to the HSC's stress discussion document. It will then be putting together its own ACoP action plan.

It is unacceptable that one of the biggest causes of occupational ill-health in the UK is relying on general duties as its legal base. This has to change.

### We want an ACoP now!

This is what you told the Health and Safety Commission about stress.

Does more need to be done to tackle stress?

Yes 98 per cent  
No 1.6 per cent

Do you think stress at work is a health, safety and welfare issue?

Yes 94.4 per cent  
No 4 per cent

Would an Approved Code of Practice (ACoP) or stronger action be worthwhile?

Yes 78 per cent  
No 21 per cent

Responses to HSC discussion document *Managing stress at work* (DDE10), 1999.



# Faintheart!

The Health and Safety Commission's shock stress announcement came in June this year.

**H**SC chair Bill Callaghan said: "We are in no doubt that stress is an important issue that needs serious attention from employers.

Although we do not consider that an ACoP is the right way for us to deal with it at this particular moment, I do not want any employer to be in any doubt that the HSC is determined to see a clear reduction in the amount of illness caused or made worse by work."

A press statement says that a stress ACoP "would be unenforceable" because "HSC did not consider that there are currently any clear, agreed standards of management practice against which an employer's performance in managing a range of stressors, such as the way work is structured, could be measured."

Pressed by *Hazards*, an HSC spokesperson said: "The views of respondents have been taken into account. The fact is there was no consensus among respondents on the question of enforceability. HSC concluded that the development of management standards would be a pre-requisite to enforcement." He added that HSE will undertake an education programme aimed at employers.

## WORK STRESS NETWORK CONFERENCE

21 October 2000. Details page 29.

**and can, and should, be enforced now. It is simply unthinkable that the HSC and the HSE can suggest that there be no enforcement action on such a serious health issue. The longer HSC and HSE sit on the fence, the more workers will be condemned to intolerable, but preventable, working conditions due to stress."**

Bud Hudspith, national health and safety officer, print union GPMU.

**Let down "The HSC has let down T&G members who know how stress impacts their whole lives. There are instances of drivers working 13 days out of 14, so it is not surprising that government, industry**

**and trade union estimates suggest £billion are lost through stress related absences from work. The T&G will continue to campaign for an ACoP on stress... HSC should act now not later on this key issue in the workplace."**

Graham Stevenson, National Organiser, T&G.

**Enforce the law "The TUC believes that the high level of support from employers and workers for an ACoP demonstrates the need for some clear standards against which to manage the causes of work-related stress."**

Owen Tudor, TUC and a trade union representative of the Health and Safety Commission.