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COVID-19 UK: Safety, Health and Environment Regulatory - Protecting your employees' mental health

In the current climate, people working across all industries are experiencing a significant increase in pressure and / or stress. In this article, we examine employers' health and safety duties regarding work-related stress and set out what steps businesses can take to manage, as best they can, the mental well-being of their members of staff at this challenging time.
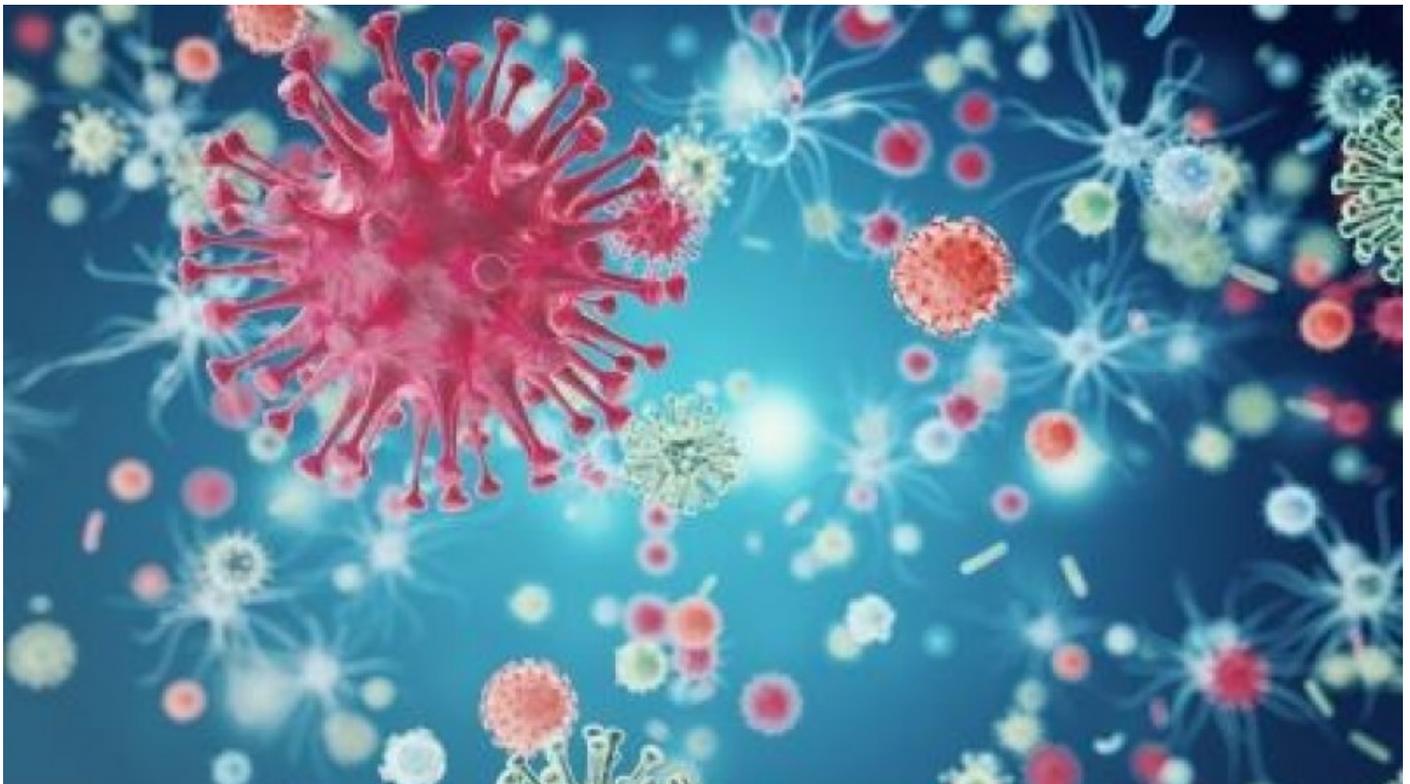
Pressure versus stress

We know that a certain amount of pressure at work can be a good thing. It can help us to remain motivated and push us to achieve our goals. However, when that pressure becomes too much, we experience stress and run the risk of burnout.

Stress specific to our job is known as work-related stress. The Health and Safety Executive (HSE) defines

stress as "the adverse reaction people have to excessive pressures or other types of demand placed on them"[1]. When it is prolonged, work-related stress can lead to mental health conditions such as anxiety and depression, as well as physical conditions.

During the current pandemic, remote workers may feel distanced from the business they work for and their colleagues, given they are distinctly separate to that working environment. They will be facing a whole host of new challenges to contend with, including feelings of isolation, effectively working from home, managing childcare, financial concerns, worries about loved ones, to name but a few.

Whilst some may find it difficult to adapt to a working environment which results in them having more limited social contact, many more may struggle to juggle their commitments.

Risk management

Whether you are a small business or a large corporation, the law requires all employers to assess the risk of work-related stress and put steps in place to tackle those risks, either by removing the risk or reducing it as far as reasonably practicable, as per Regulation 3 of the Management of Health and Safety at Work Regulations 1999.

The HSE's position is that work-related stress should be treated as any other workplace hazard. Whilst the HSE's advice on coronavirus does not specifically address work-related stress[2], we know the HSE wants to see a significant increase in the number of employers taking a proactive stance to managing work-related stress through the Management Standards approach (the HSE's approach for preventing stress at work), which helps identify and manage the six causes of stress at work, namely: demands; control; change; relationships; support; and role[3].

At times like this, it is not unreasonable to suggest that such processes may be considered time consuming or even not a priority. In fact, it is now more important than ever for employers to review their risk assessments, which would include home working and the risks associated with the same, such as poor mental health.

If employers fail to recognise and respond to staff who are experiencing difficulties, they leave themselves open to the potential for increasing rates of sickness absence, increasing presenteeism (working when mentally unwell and being less productive and potentially more likely to make mistakes) and significant numbers of their workforces developing mental health problems.

To achieve compliance with their legal duties, employers, both companies and individuals, should turn their minds to work-related stress and put measures in place to reduce the risk so far as is reasonably practicable, in accordance with section 2 of the Health and Safety at Work etc Act 1974.

Leading by example

If you are a senior leader, it's important to lead by example. We set out below a non-exhaustive list of suggestions for employers:

- Ensure you and your team get regular, adequate breaks and rest periods.

- Consider rotating people between roles with the aim of limiting the same people picking up high stress workloads over prolonged periods of time.

- Implement a buddy system to ensure those who are less experienced, or who are struggling, feel

supported by senior colleagues.

- Ensure and maintain a culture of openness and transparency.

- Keep your team up to date with important information. Good communication helps staff feel valued, increases a sense of community and belonging, and can reduce stress.

As part of any public health strategy to address COVID-19, it is essential for employers to consider their employees' mental health an integral part of this. Don't let your employees reach breaking point - do the right thing and give them the support they need.

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If you would like to discuss any aspect of this article further, please get in touch with a member of our team at sheregulatory@clydeco.com

[1] http://www.hse.gov.uk/stress/what-to-do.htm

[2] https://www.hse.gov.uk/news/coronavirus.htm

[3] http://www.hse.gov.uk/stress/what-to-do.htm

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