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1. Managers need UCU too.

Poor management style affects staff wellbeing (Personnel Management 31.7.12)

UK workplaces are a hotbed of negative management styles that have a serious impact on managers' job satisfaction, wellbeing and working relationships, according to the latest research. The quality of working life report, by the Chartered Management Institute (CMI) and Simplyhealth, compared the experiences of more than 1,000 managers in 2007 and 2012. It found that managers today work longer hours because of larger workloads. They are also increasingly suffering from ill health and are more likely to come to work when sick.

Other findings include that:

- negative management styles prevail in most organisations, the most common being bureaucratic (45%), followed by reactive (33%) and authoritarian (30%);
- the average manager now works around 46 days' unpaid overtime per year, up from 40 days in 2007;
- presenteeism is on the rise, with 43% believing that people did not take sick leave when they were ill, up from 32% in 2007;
- organisations were less tolerant of people taking sick leave; and
- more managers were suffering from stress and depression, 42% in 2012 against 35% in 2007.

CMI chief executive Ann Francke said of the findings: "If you're a trusting manager and are good to your people, you can reap big business rewards. If not, you're causing stress that is damaging the health of your people and the business." That's a D Phil. in stating the bleeding obvious, then. Wonder which university awarded it?

Read more at <https://www.simplyhealth.co.uk/sh/pages/media-centre/press-release-article.jsp?articleId=368538>

2. An HSE Inspector writes....

We managed recently to get an HSE inspector to visit a university. The UCU branch took the view that the employer has singularly failed to undertake suitable and sufficient risk assessments on stress, and implement findings. This despite the inspector and a colleague having previously spent some considerable time with the university advising and persuading them of what they needed to do. We were lucky in this case, as we were able to identify the inspector who had been dealing with the university in question, and contact them directly with plenty of evidence of incompetence and inaction. The Principal Inspector then authorised the visit.

The Inspector commented thus:

"...the organisation appeared to fit the category "poor performer" given that HSE worked with the University to develop their Stress Management System in line with the HSE Stress Management Standards. (An Occupational Health Inspector) & myself worked with the University for over a year"

and

"Within the Department affected by restructuring, 5/25 employees are off with long term stress related ill health i.e. 20% of the department; concrete evidence of 'poor performance'. This has been ongoing for about 18 months. The University have not communicated with employees, not negotiated with this group of employees, not produced Risk Assessments & it is frustration with this inactivity that led the Unions to involve HSE. Given further restructuring is proposed they do not wish to repeat this cycle of inactivity, ill-health & frustration."

and

" this intervention leaves the university in a poor light given they worked with HSE specifically on the management of stress, gave us evidence of what they proposed to do & having been brought back in by the Unions I find they have not done what they said they would do. They have a department where 20% have long term stress related ill health – direct evidence of poor management."

and

"Feedback all of the above issues was discussed with the Unions. I went through the defects identified in the risk assessment, and emphasised that the university needed to address this as a matter of urgency."

It may not be easy to achieve, but this shows that union complaints can result in action being taken by HSE. I find it difficult to understand how the senior management of a tertiary educational institution can be so flagrantly stupid.

The key point for all you reps to remember is that you must keep a paper trail of requests, complaints, documents and processes you consider to be inadequate, cases where action has failed

to materialise; damage caused by managerial failures etc.; but even with all that, getting some HSE action will still tend towards unlikely, rather than likely.

I've reported before that universities are now classed as "low risk" by HSE. Strictly, it's more the case that HSE Inspectors are being told not to undertake enforcement action (like unannounced visits) against them – and the danger with that is the message will quickly spread amongst employers that HSE have given up enforcing the law, so why should you bother too much about being compliant.

Fee for Fault payments come into operation on 1st October – that's where the HSE charge an employer who has occasioned a material breach for the inspector's time to deal with that breach, at £124 an hour. That charge will be applied for all time the case takes, the original visit, time spent giving advice, writing a report, a revisit to check action has been taken, the cost of involving some other HSE body (like the HS Laboratory) and where some other assistance has been called, like an Occupational Health Inspector. Could be some big bills on the way to some employers.

3. More on Fit for Work Services pilots

We reported the fact that it is unlikely the Fit for Work Service that followed from Dame Carol Black's report in 2008 will continue – evaluations have found the pilot schemes seriously under-achieving, and there's no money anyway. Now, a further analysis of the Department for Work and Pensions (DWP) Fit for Work Service pilots by insurer Legal and General has shown that nearly three-quarters of people off work due to illness required some adjustments in the workplace to help their return. Half of those who returned to work with support from the service reported changed hours of work, whilst two-fifths also reported changed duties and reduced workloads. These findings show that returning to work from illness is often possible but usually requires specialist adjustments and support.

But it seems like the state is acting as a procurer for insurance company products. It gets an insurer who offers insurance-based Group Protection Schemes to undertake research, and at the same time, use the results to plug their own products.

Group Income Protection schemes provide specialist support and early intervention when an employee becomes unwell, helping to get them back to work sooner. Furthermore, all of Legal & General's Group Protection policies include access to an employee assistance programme which provides telephone and online support for all managers and employees whilst at work or off sick. This programme offers advice on a wide range of issues including health problems, financial and emotional support.

Commenting on the findings, Diane Buckley, Managing Director of Legal & General Group Protection, said:

"Returning people to the workplace is much easier with the right support in place. Employees were of the opinion that with the right adjustments they can return more quickly."
How much more of a plug do you need?

4. Hazards conference 2012

18 members of UCU attended this year's Hazards Conference; 6 in the official delegation, 7 as workshop facilitators and speakers and 5 delegates who came independently.

A short meeting was held on Saturday evening which most attended. Feedback to us so far has been very positive, and I'll summarise it in an e-mail later this month when I hope to have a little more, and have completed my report. One particular comment from a UCU member posted on Facebook seems to me to sum-up the ethos of Hazards:

"My first ever Hazards Conference this weekend and for sure this will be a firm annual fixture moving forward. My thanks and respect to all the Hazards team and all associated with this most worthy forum.

It was probably the only conference I have attended which was truly inclusive in terms of activists and campaigning organisations sharing responsibility and there being a very non-elitist atmosphere and proceedings. Demonstrated to the final business of agreeing the conference statement. I must say that academic conferences usually fail where you have excelled in this respect."

Those UCU reps reading this who were also there, please drop me an e-mail with any comments if you haven't already done so. jbamford@ucu.org.uk with Hazards Conference on the subject line.

5. Anti-Stress and Bullying Week – reporting stress as an injury

Below is the "Stress as an Industrial Injury" document. We want to try to get records of stress-related injury into accident books and reported under RIDDOR where absence exceeds 7 days. Some such incidents may already be reported, particularly where a physical assault has taken place, and the absence caused is psychological rather than physical.

We will circulate more information about the week soon, but it is important to run some positive awareness raising activity during the week; a workshop or meeting, a stand in a prominent place in the institution, a surgery to encourage members to report issues, a bullying forum to share experience, seeking to get a more effective policy and procedure in place to deal with bullying, etc.

Stress as an Industrial Injury

How UCU members can put their experience on the record

An accident is normally defined as an unforeseen event that causes harm, usually taken to mean physical harm; a fall resulting in a broken wrist, for example. Stress-related illness is now the most common reason for absence from work, but such absence is rarely formally recorded, as there is no specific event that could be categorised as an 'accident'.

Absence resulting from work-related stress is conventionally regarded as a cumulative process, where pressure builds-up over a period of time before finally reaching the point where the victim succumbs and goes sick. Principal causes identified by UCU members include excessive workload, long hours, constant change and uncertainty, and bullying by managers.

However, under certain circumstances, an unforeseen event at work that causes stress-related harm and consequent absence may be defined as an 'accident'. The Department for Work & Pensions (DWP) recognises that such a specific event at work can be so defined. The victim has to show that it was the event or even a series of events, not a cumulative process that led to their absence from work.

- **Events** may include being shouted at, abused or unjustly criticised – in private or public; being blackmailed or threatened in some way; subjected to foul and abusive language; being unfairly criticised and undermined or otherwise treated with gross disrespect or contempt; being given instructions to accept large increases in an already heavy workload or undertake additional tasks, etc.
- **Harm** caused can initially make someone break-down in tears, instil fear, cause depression, agoraphobia or panic attacks, undermine confidence, or humiliate and belittle someone to the point where they cannot face colleagues or students. The DWP will want evidence of a clinically diagnosable condition in order to classify the event as an 'accident'.

When such events happen, they should be entered into the accident book at the workplace, although some employers may try to prevent such an entry being made. UCU safety reps may need to help if that happens. The law requires the book to be available in the workplace for injured persons, or someone acting on their behalf, to record an injury. If it is still not possible to record the accident in the book, victims or their representative should write a letter informing the employer of the accident, and make the point that they were prevented from recording it in the book. Reps should also insist that the employer submit a RIDDOR report after 7 days absence when the injured person remains off work.

It is also important to notify the DWP of the incident and the harm caused. Using DWP form BI95 - http://www.dwp.gov.uk/advisers/claimforms/bi95_print.pdf - any worker can notify the DWP of an accident. It clearly states on Page 1 that "*We use the word accident to mean anything unexpected that happens to you at work, or in connection with your work, that might lead to injury or illness*". If as a result of the injury the victim develops a long-term mental health condition that causes a degree of disability greater than 14%, they may be able to claim Industrial Injury Disablement Benefit. To do that, the DWP has to know about the incident and harm caused.

DWP decision-makers have comprehensive guidance on treating stress as an accident, publicly available at <http://www.dwp.gov.uk/docs/dmgch66.pdf> Victims **must** show a direct relationship between the incident, injury and resulting absence, and obtain a clinical diagnosis to support the claim, if they are to persuade the decision-maker to record it as an accident at work.

Information about work-stress related injury comes from the self-reported Labour Force Survey. There is no formal or legal requirement on employers to report events that lead to someone going off sick with a stress-related condition, other than that we outline above. Thus the true extent of

stress-related illness caused by work remains officially almost unrecorded, despite 'stress' now being the most common reason for sickness absence.

In cases where we can record at least some of these cases as 'accidents', we will have started a process of establishing that stress and related illness and absence is a major risk to the health of our members.

6. Next H&S courses

Contact Karen Brooks – kbrooks@ucu.org.uk – for more details and to register. Please encourage other Branch officers and reps to attend

Location	Venue	Start Day	Course Date	Length	Regional Admin.
London	Carlow Street	Tues	18th September 2012	3 days	Euclid Pires
Birmingham	Alpha Tower	Tues	16th October 2012	3 days	Gill Brettel
Manchester	Mechanics	Wed	14th November 2012	3 days	Helen Sidlow
Taunton	Lyngford Hse	Mon	26th November 2012	3 days	Becca Richards
London	Carlow Street	Tues	8th January 2013	3 days	Euclid Pires

Contact UCU Health & Safety Advice

UCU Health & Safety Advice is provided by the Greater Manchester Hazards Centre, and is available for 3 days each week during extended term times.

The contact person is John Bamford: (e) jbamford@ucu.org.uk

(t) 0161 636 7558

Visit the [UCU Health and Safety web page:](http://www.ucu.org.uk/healthandsafety)
<http://www.ucu.org.uk/healthandsafety>