

# Stress and Performance

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28 November 2017**

# Stress and Performance: Questions



- How do you manage an employee whose stress is driven by underperformance?
- What if the stress is causing frequent short-term absences?
- Are you expected to tolerate the underperformance so as not to exacerbate the illness?

# Breaking the cycle

Underperformance  Stress  Absence

Addressing the underperformance....

Reduces stress..... leads to improved attendance.....

# Key considerations

- What is stress?
- Why is stress so important to tackle?
- What are the legal obligations for employers?
- What should employers do if the stress is driven by underperformance?
- What should employers do if the stress leads to frequent short-term absence?

# What is stress?

- HSE: “Adverse reaction people have to excessive pressures or other types of demand placed on them.”
- Stress is not an illness but the psychological impact can lead to conditions such as anxiety or depression.
- Stress, anxiety and depression can also increase the risk of conditions like heart disease, back pain, gastrointestinal illnesses or skin conditions.

# Stress: Impact on business



- Productivity/profitability
- Employee wellbeing
- Costs/compensation (see legal considerations below)
- Wasted management time
- Reputational damage

# Legal considerations (1)

- Health and Safety legislation
- Negligence – common law duty of care
  - Excessive work load
  - Traumatic job
  - Bullying and harassment
  - Application of disciplinary procedures
- Working Time Regulations
- Breach of contract

# Legal considerations (2)

- Equality Act – disability and other discrimination (such as age or race?)
- Unfair Dismissal
- Constructive Dismissal
- Protection from Harassment Act

# What is driving the underperformance/stress?



Is the underperformance due to work-related factors alone?

- Unclear roles or responsibilities
- Excessive workload or nature of the work
- Amount of control over work
- Support from managers or colleagues
- Working hours/ shifts/ failure to take breaks/ holidays
- Organisational change
- Relationships with colleagues/line management – bullying and harassment?

# Addressing the cause (1)

- Early intervention
- Work with the employee: Managers play a crucial role to encourage strong performance and support employee wellbeing
- Workplace adjustments
- Medical input from OH or external support
- Put in place a Performance Improvement Plan
- Put in place a Personal Health Plan

# Addressing the cause (2)

- Agreed plans should be:
  - Measurable
  - Achievable and realistic
  - Include realistic timeframes and review periods
  - Identify the level of support from the employer and any other external agencies such as counselling/OH
  - Ensure job roles and levels of accountability are clear

# Managing absence relating to stress



- Identify and implement relevant policies
- Carry out return to work interviews
- Ascertain the medical position
- Consult the employee
- Consider adjustments eg triggers/warnings (if reasonable to do so)

# At what point can the employer take action?



- The employer can take action to dismiss if:
  - Performance has not improved and/or
  - Frequent absences continue
- Fair reason – usually capability
- Fair process
- Dismissal reasonable in all the circumstances
- Document trail is essential to demonstrate reasonable belief of incompetence to justify dismissal and to show attempts made to support improvement.

# Guidance

- ACAS: Promoting positive mental health in the workplace – October 2017
- ACAS: Dealing with stress in the workplace and Managing staff experiencing mental ill health
- Access to work
- Mind
- Mindful Employer

# Questions?



# Contact details

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