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# **STRESS AND ANXIETY**

## **Spring 2020**

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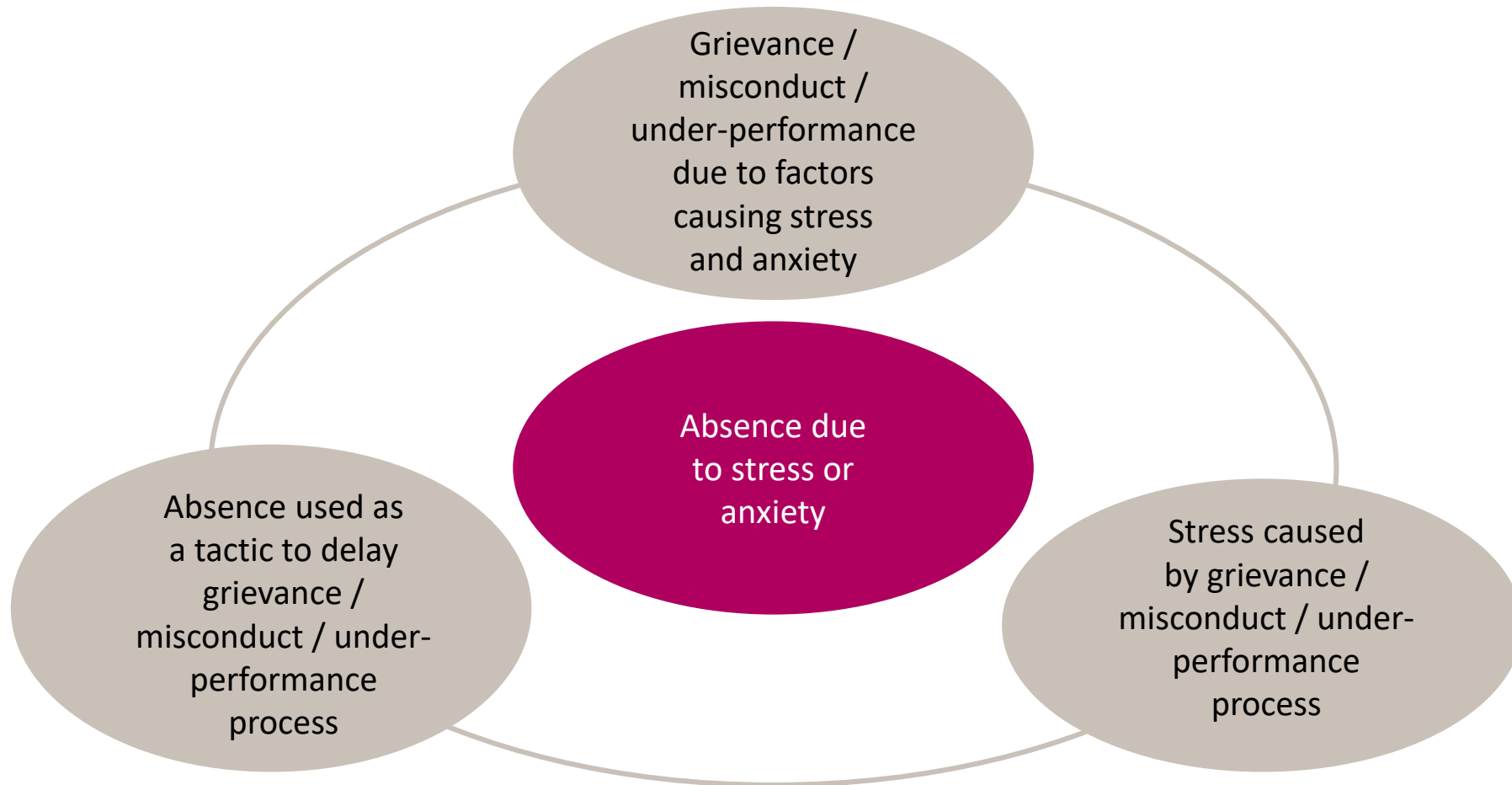


## The Question

### **Stress and anxiety**

**In a grievance, disciplinary or redundancy consultation situation, what do you do - proactively - if the employee responds by taking long-term sickness leave for reasons of stress or anxiety?**

# When might absence occur?



# What are the legal risks?

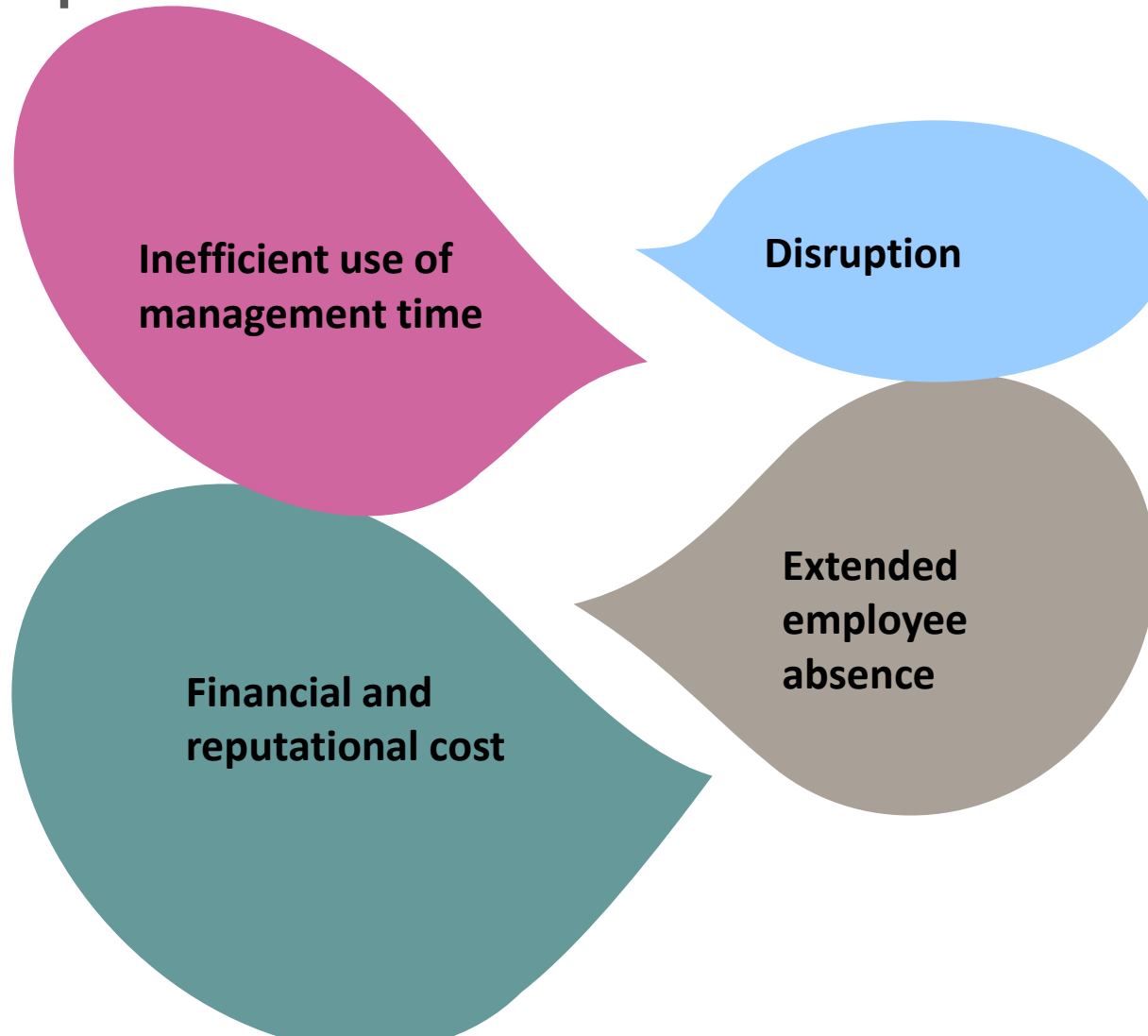
Breach of contract / constructive unfair dismissal

Disability discrimination

Personal injury

Protection from Harassment Act 1997

# What are the practical risks?



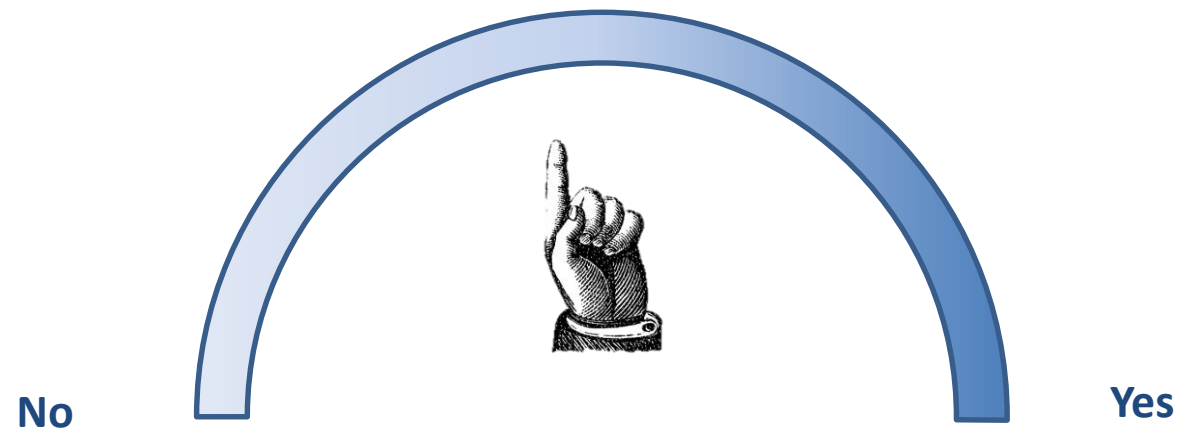
# Case study

# Case study - Anna

- Anna, an analyst at Big Bank plc, has submitted a grievance to the HR department.
- Anna's grievance alleges, amongst other things, that:
  - she is consistently overworked,
  - that her line manager, Brian, is regularly out of the office without providing an explanation for his absence,
  - that he sets unrealistic deadlines and unachievable targets, and;
  - that when she has raised concerns about this with him, he has told her to "stop complaining, or I'll get HR involved".
- Shortly after submitting her grievance, Anna goes on sick leave, citing stress and anxiety as the reason for her absence.



Should the HR team force Anna to attend an investigation meeting?

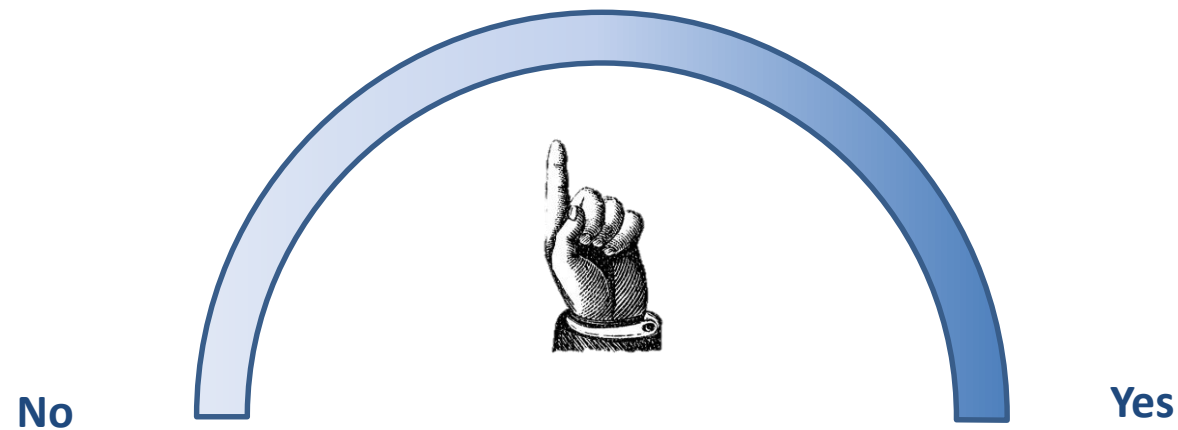


# Case study - Brian

- Brian is undergoing performance management at Big Bank.
- The HR team get in touch with Brian to explain that a grievance has now been raised which involves him.
- Brian also goes on sick leave and claims that he is too unwell to attend any grievance investigation meeting or any further performance review meetings.
- The HR team are anxious to properly and fairly investigate Anna's grievance and to advance Brian's performance management process, so are considering their options for next steps.

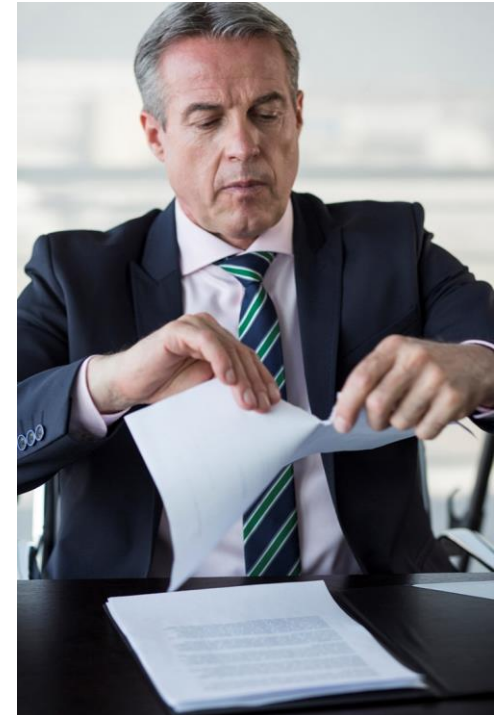


Should the HR team force Brian to attend an investigation meeting?

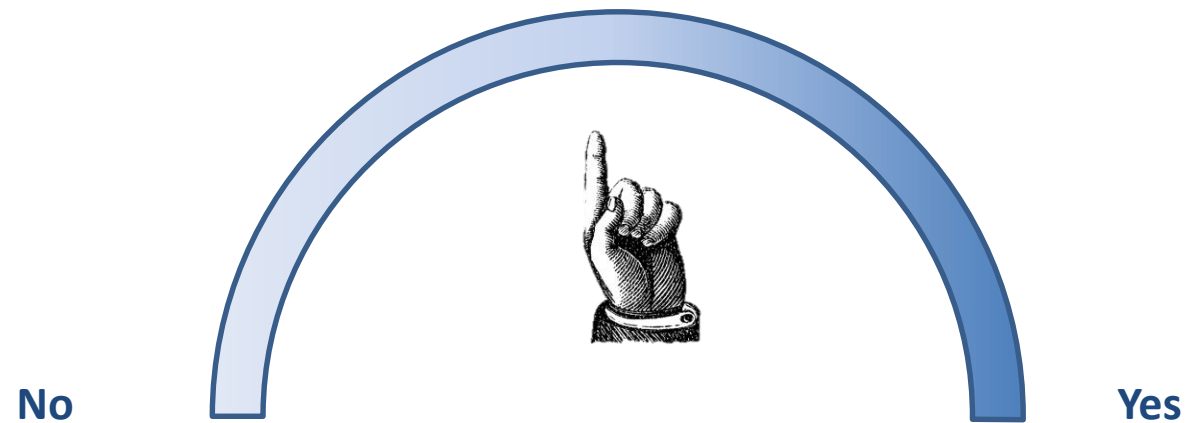


# Case study - Charlie

- Charlie, the CEO of Big Bank plc is getting frustrated by the disruption that is being caused by Anna's and Brian's absence.
- A number of his key players are having to spend valuable time on the HR processes, Brian's team has been distracted and inefficient, and no progress in managing Anna's grievance or the absences appears to have been made!
- The CEO tells the HR team that he wants Anna and Brian out and new talent brought in.



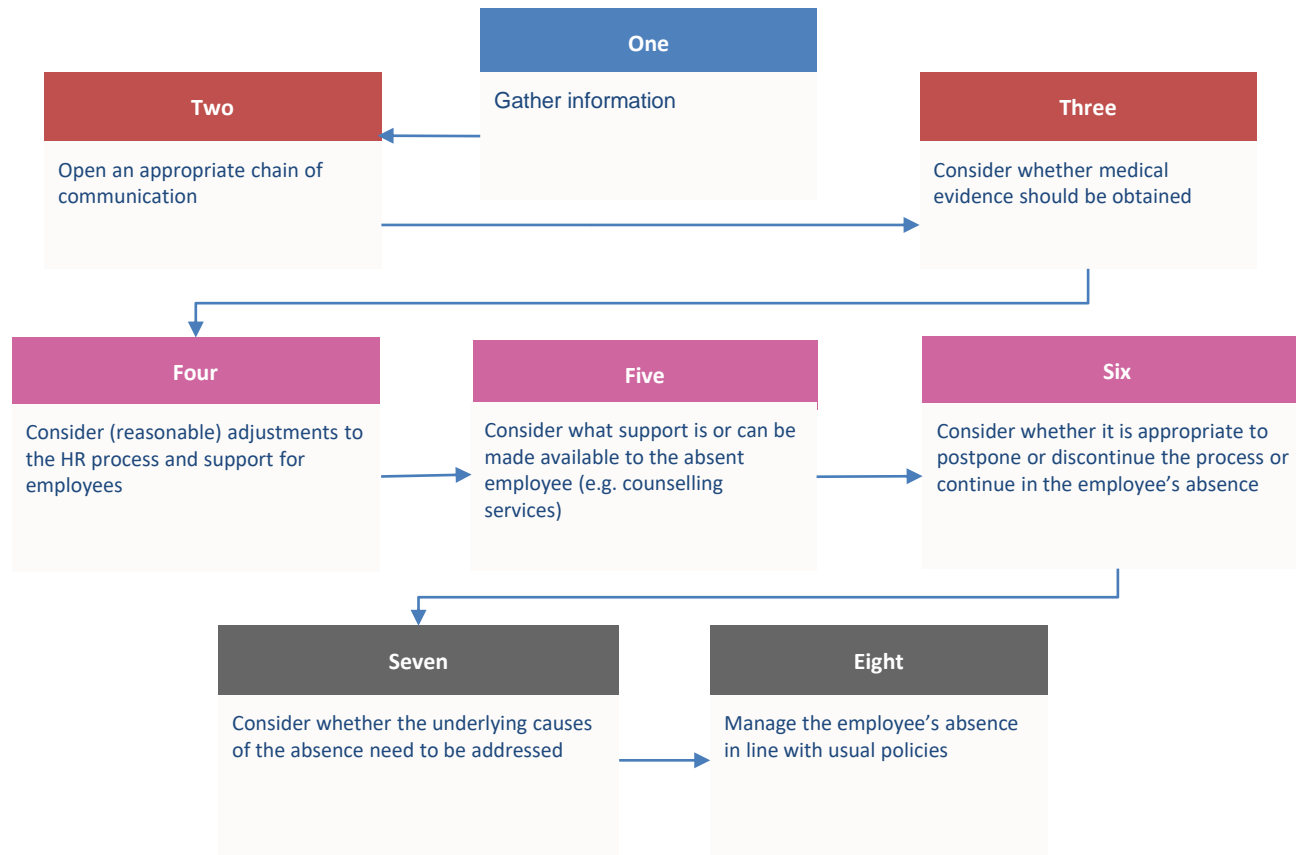
Does the CEO's approach pose any risk?



# Practical steps and legal issues in managing absence

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## Practical steps



## Legal considerations



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# QUESTIONS



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If after this session you have any questions  
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