

## **Workplace stress & sickness absence**

### **A brief guide...**

The information in this brief guide is not intended to constitute any form of legal advice. It provides practical advice on considerations you may need to take into account if you are dealing with an issue around stress at work. As with anything, if the issue is serious, seek advice.

Stress at work is an issue which employers and employees may encounter from time to time. Unfortunately in modern society it is becoming more prevalent and can lead to health problems if excessive.

### **Stress is not an illness**

Some stress can be positive and indeed some people thrive on it. For others it can lead to illness if it becomes excessive. The most common illnesses arising from workplace stress are mental health conditions such as depression and anxiety, and heart problems such as high blood pressure. Left unchecked it can be extremely harmful and sometimes fatal. Do not ignore the symptoms – see your doctor. Many people still have a Victorian view about mental health problems; there is no shame in admitting that you can't cope. The sooner you seek help the better your outcome will be.

### **I'm stressed out at work. What should I do?**

As an employee, if you are feeling unduly stressed you must take steps:

1. Make someone at work aware.
  - If the stress arises from your working conditions or workload, tell your manager.
  - If your stress is being caused or contributed to by your manager, contact HR.
  - If there is no HR function in your workplace speak to the most senior person in the company.
2. Make it clear that you are not simply complaining.
  - You are putting your employer on notice that work is making you ill.
  - You are asking them to take measures to address the problem.
3. Take steps to address the issue.
  - It is important to address the issues with your employer otherwise you might become seriously ill and in some cases unable to work at all.
  - This could have a serious physical and financial impact on you.
  - Do not underestimate the ability of prolonged exposure to stress to make you unwell. Treat the matter seriously and with urgency.

### **I need to take time off. What do I need to do?**

1. Consult your GP.
  - If the level of stress you are under becomes too much and is making you feel ill, you must consult your GP.
  - Your GP will be able to decide whether you need medication to get you through a rough patch or whether you need to take a period of time off work for rest, or both.

- Sometimes a period of rest is the only solution if stress has caused you to be unwell.
2. Get a fit note.
    - You must provide your employer with a fit note from your GP otherwise you might be in breach of your employment contract. Ask your GP to be specific about what is wrong with you. Stress is not an illness. If the reason is depression that's what the fit note should say. If it is exhaustion, likewise. Writing "stress" on a fit note will not assist your employer in knowing what is wrong.
    - Be sure to keep your employer up to date with your progress. If you prefer to avoid direct contact do it by email or in writing and tell your employer to refrain from all but the most urgent contact.
    - On the other hand, your employer may have to get cover for you so it is only fair that they have warning if you know you will continue to be off for some time. Try to be cooperative.
  3. Comply with your employer's sickness absence procedure.
    - Details will be either in your employment contract or your employer's staff handbook.
    - Your contract may require you to submit to a medical examination by a doctor of your employer's choice. That doctor may require sight of your GP records. You are able to confine giving records that relate only to your current illness. You do not have to give open access to your medical notes.
    - Do not be afraid to attend this examination. It is helpful in allowing the employer to determine how unwell you are and will assist how they deal with you. You cannot unreasonably refuse to attend this meeting if it forms part of your employment contract.
    - You must make sure that you comply with your employer's requirements to report sickness absence and provide a doctor's certificate to support your absence.
    - You must cooperate with your employer as this may adversely affect your compensation if the matter ends up in a Tribunal.
    - If you do not want contact, get a friend, spouse or lawyer to act as intermediary.
  4. Sick Pay
    - Check the provisions in your employment law contract or staff handbook as to whether you are entitled to receive contractual sick pay while you are off sick.
    - If there is no contractual sick pay you will be entitled to receive Statutory Sick Pay.
    - If it is not clear from your employment documents it is fine to ask your employer to clarify the position.
    - You don't want financial worries to add to your stress.

### **What procedural steps do I need to follow?**

1. Raise a grievance.
  - One of the best ways to address the issue of work-related stress is to raise a grievance under your employer's disciplinary and grievance procedure.
  - Set out in writing why you have become unwell, list the issues which have arisen and ask your employer to investigate in a timely manner.
  - You may want to request a modified grievance procedure whereby it is dealt with on paper to avoid the stress of a meeting.
2. Workplace mediation.
  - If the matter cannot be resolved through the grievance procedure ask your employer about workplace mediation which can be a great and positive way

to resolve issues.

- This involves discussing the issues with your employer with the assistance of a third party mediator. It is a much better option than getting into a fight with your employer – you don't need the stress.

### 3. Seek legal advice

- If all else fails or if your employer is uncooperative, take legal advice.
- If the outcome to the grievance is unsatisfactory you may not know what to do next. Don't make any decisions without taking advice.

## **I've been invited to a disciplinary hearing and I am not well enough to attend. Do I have to go? What should I do?**

You are required under the ACAS Statutory Code of Practice to make all reasonable efforts to attend any meetings you are requested to attend by your employer. If you are too unwell, get a letter from your GP and send this to your employer, asking them to hold the meeting when you are able. This might mean a delay in the process but your employer is obliged to be reasonable. You may put off meeting more than once.

If you continue to be unable to attend, ask that the meeting be conducted on paper so that you do not have to attend but show that you are cooperating.

If you wish to protect your employment position you are advised to take early legal advice.

## **Useful links**

### ACAS

As with anything, if the situation becomes difficult seek advice at the earliest opportunity. There is some good free guidance available online from ACAS: <https://www.acas.org.uk/index.aspx?articleid=1361> (Health, Work and Wellbeing) or you can call their telephone helpline on 08457 47 47 47 from Monday to Friday between 8am and 8pm and on Saturday between 9am-1pm.

### The Health and Safety Executive on Stress

There is also a wealth of useful online guidance on workplace stress from the Health and Safety Executive at: <https://www.hse.gov.uk/stress/index.htm>

### Recommended reading

A very good book on the subject of workplace stress is Martin R. Bamber's: *Overcoming your Workplace Stress*. A CBT-based Self-help Guide which is published by Routledge and available from Amazon in hardcopy or on kindle: <https://www.amazon.co.uk/Overcoming-Workplace-Stress-Martin-Bamber/dp/0415671787>

*didlaw explain details so you can understand, and never forget they are dealing with people and their emotions in a difficult situation".*

AW, Hampshire