


S U C C E S S


“YOU’RE STRESSING ME OUT”

Cameron Dean
Senior Associate
Employment and Industrial Relations
McCullough Robertson Lawyers

#1215309
 **McCULLOUGH ROBERTSON**
lawyers

Andrew J See
Barrister at Law
Inns of Court
Brisbane

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PART 1

LEGAL REQUIREMENTS AND APPROPRIATE RISK MANAGEMENT

1. Introduction

- Legal requirements for managing workplace stress
- Workplace stress can cover a broad range of issues
- The cost of such claims in 2002-03 = roughly 78.5 million dollars

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2. The Law

- Work-related stress can result in claims for compensation or damages through workers' compensation claims or common law claims (negligence)
- If an employee is terminated from employment it may also result in claims for:
 - Unlawful termination
 - Unfair dismissal
 - Discrimination



3. The risk management obligations

- *Coal Mining and Health Act 1999 (Qld)* and the *Mining and Quarrying Safety and Health Act 1999* require risks in mining operations to be at an acceptable level
- Management and operating systems must include elements and practices that appropriately:
 - Identify, analyse and assess risk;
 - Avoid or remove unacceptable risk;



3. The risk management obligations (contd)

- Monitor levels of risk and the adverse consequences;
- Investigate and analyse the causes of serious accidents and high potential incidents with a view to preventing their recurrence;
- Review the effectiveness of risk control measures, and take appropriate corrective and preventive action; and
- Mitigate the potential adverse effects arising from residual risk



4. Difficulties with identifying stress

- For mining employers in Queensland there is a comprehensive system set up for the monitoring of employee health.
- *Blackadder v Ramsey Butchering Services Pty Ltd*: assumed that there should be implied into contracts of employment a term that an employer could require an employee to attend a medical examination to confirm their fitness where there was a genuine indication of the need for such an assessment.



4. Difficulties with identifying stress (contd)

BUT:

- ***Edwards v North Goonyella Coal Mines Pty Ltd***: where a comprehensive statutory regime (such as the fitness for work regime as contained within the CMSHR) provided sufficient mechanisms for the parties to meet their obligations under the CMHSA, no implied term existed at common law that would allow the employer to direct medical testing be undertaken.



4. Difficulties with identifying stress (contd)

- In the absence of a right to require assessments, it may be unlikely that employees can be relied upon to voluntarily undergo assessment.



5. Steps to be taken to manage the risk

- Develop procedures as part of risk management systems to deal with stress and its effects in an appropriate manner.
- This may require more testing than is currently allowed under the statutory schemes.
- Current risk management systems must be reviewed to ensure they enable appropriate management of workplace stress issues.



PART 2 IMPLEMENTING INTERVENTION STRATEGIES AT WORK

Current Problems:

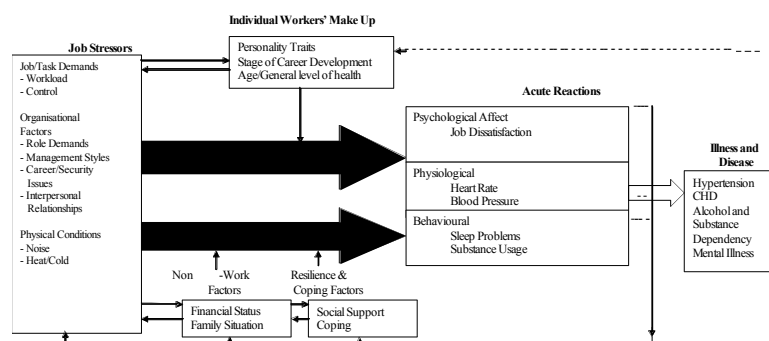
- Practitioners often adopt a narrow approach
- Management lack the time or do not have the mandate, to conduct a review of the issues from a wider perspective.

How do we translate our legal obligation into practice?

- ADOPTING A BROAD APPROACH



Model of workplace stress and employee health



Model of workplace stress and employee health

Six Discrete and Inter-related Areas of Analysis –

- The workplace stressors
- The individual's unique characteristics and the factors that he or she brings to the job
- Non-work factors, such as family and financial pressures
- Resilience and coping factors, such as level of social support, coping mechanisms
- The acute reactions that take place to the individual behaviourally, psychologically and physically
- Illness and disease that emerges as a result of the acute reaction



Education and Awareness

- The organisation and its employees must understand the scope of the problem.
- Who is responsible for understanding Job Stressors at Work - Workplace managers and those charged with the responsibility for health and safety at work.



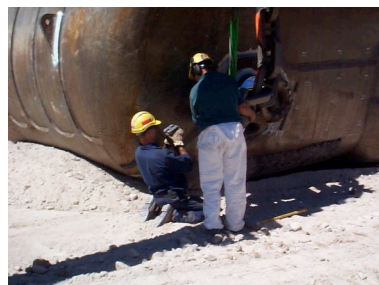
Stressors can be classified into 3 broad groups

1. Those arising from the nature of the work and job demands
2. Organisational factors
3. Physical work environment



Two Questions -

- Are those charged with responsibility for people management and people safety, really aware of the stressors, their impact and the consequences that these have on employees at work?
- Do they see workplace stress as a real issue or do they regard it as just another HR beat up?



What must be done in taking a broad approach?

- Any objective analysis needs to consider whether in fact, organisational behaviour does contribute to a potential stressful state of a worker.
- Companies must genuinely seek to address real workplace issues, rather than take on board a program of review in a disinterested and less than committed fashion.



Role of the Individual Worker's Makeup

- What needs to be considered is whether or not the individual circumstances of the employees should be taken into account in the way in which they are deployed and managed at work.
- Does health and safety management, require a better level of understanding as to the nature and make up of the individual, and whether or not that person may be more susceptible to workplace stress in the first instance?





Non-Work Factors

- There are a variety of forces at work that give rise to the possibility of workplace stress and the consequent effects to the individual,

BUT

- How far are workplace managers to go, before workplace issues become matters of employee privacy and outside of the realm of management at work?



Factors impacting on workers

- Family and Financial pressures
- How do employers go about ascertaining that information at work?



The Support Factors and Level of Resilience

- **What needs to be done:**
 - An evaluation as to how well the individual is actually coping and what are the level of support mechanisms (whether privately or corporately) that would appear available to the worker in the context of the perceived stressful work and life issues that the worker may face.



MONITORING STRESS AT WORK

Physical Effects	Psychological Effects	Behavioural Effects
<ul style="list-style-type: none">• Increased blood pressure• Increased heart rate• Increased muscle tension• Headaches	<ul style="list-style-type: none">• Increased anxiety• Depression• Aggression• Confusion• Job Dissatisfaction	<ul style="list-style-type: none">• Increased smoking• Increased drinking• Irritability• Obsessive concern with trivial issues• Poor Work Performance





Problems with these Issues

- Many of these undetected issues, lack adequate support, and thus most of them do have the potential to cause or contribute toward broader issues that give rise to possible hazardous behaviour that may lead to injury and disease.
- The problem for the health and safety practitioners and those charged with the responsibility for health and safety, is striking the right balance.



Problems with finding a balance between the parties

- Divided opinion in relation to the health consequences of shift work
- Personality conflict





But the question is...

- At what stage do companies need to take a good look at the impact of all forms of communication at work?
- Like all workplace issues, those charged with the task of running the organisation must take the time out to get across the issue.



Potential Strategies

- The working and non-working life of a mining worker needs to be re-examined in order to ascertain whether the health and well being of the worker is really being considered in all of this.
- Critical to this first step will be an objectivity in the enquiry that will enable a thorough investigation of the issues.
- This may also require support from external parties that may have a greater capacity to be neutral and free from the traditional biases of one group or the other at work.

What do Companies need to do

- 'Top down' approach
- Companies need to encourage from within their own organisational ranks real feedback channels that will allow verification of what has been identified.
- Communication skills and capacity of the supervisors and managers to act as the conduit between management and the worker are critical.
- Regard must always be had to the organisational culture at work and the appropriateness of the intervention against a wide range of competing objectives at any one time.
- Many of the issues may need to be road tested first, before intervention processes are 'rolled out' by management in this continuous attempt to achieve ongoing improvement.



GENERAL CONCLUSIONS ON OPERATIONAL MANAGEMENT

- A new model of communication is required.
- This will require a significant cultural shift, training and work role negotiation.
- It is very hard to see how workplaces can successfully address personal workplace stress, other than adopting a strategy that requires a greater insight into the personal state of the individual.

