

Stop workers from overplaying the stress card

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Employers who want to avoid damaging constructive dismissal claims from staff who say they have been off work through stress need to make staff realise that their condition will be looked into and even challenged at an intensive return to work interview, the employment law specialist (<http://www.bibbycas.com/employment-law.html>) Bibby Consulting & Support has said.

Increasingly, employees are quoting stress as a major reason for taking time off. With the double dip recession biting and more businesses having to reduce headcounts, existing staff often have extra work to do – so obviously many cases are legitimate and employers need to handle these carefully. But there are some simple tools that employers can use to filter out the less-than-genuine cases and keep claims against the company down to a minimum.

One solution is to hold well conducted return to work meetings that get to the heart of the key issues and record what was said on both sides. It would also be a good idea to involve occupational health staff in these meetings.

At the same time, managers should play it by the book when staff return to work so they don't have legitimate grounds for taking their employer through an employment tribunal for financial compensation.

Says Bibby Consulting & Support's Managing Director Michael Slade: "Too many employees are playing the stress card – it's like the new bad back.

"That's why professionally managed return to work meetings are essential – they help employers get to the heart of issues affecting staff and prevent them escalating to the point of a constructive dismissal claim. If these issues are not addressed up-front, employees could accuse a manager of bullying them because they were off with stress."

Slade admits that dealing with such matters is often a difficult balancing act between the needs of the business and the needs of the employee but well run return to work meetings can satisfy both. For the employer, though, they provide an opportunity to place a 'benchmark' on file that allows any future activity, including patterns of absence, to be measured against.

Slade says: "Employers have a duty of care to protect their employees – but they must also protect themselves. Stress management is a key means of making sure that workers understand that there are strict rules and processes in place. If employees are given clear guidelines and told that their claims of stress are going to be thoroughly investigated – including a health check – they will be far less likely to look to a tribunal for help."

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Editor's Notes:

About Bibby Consulting & Support

Bibby Consulting & Support has earned the reputation of being one of the UK's leading providers of compliance management services. We enable employers and senior managers to attain and maintain compliance within the demanding, complex and constantly evolving fields of Employment Law, Health and Safety and Environmental legislation.

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