

# Stress at Work

Stress at work is defined as 'the adverse reaction people have to excessive pressures or other types of demand placed on them' and can have a negative impact on the mental health of an employee, leading to anxiety or depression and even physical health problems.

Employers have a duty of care to employees who may be suffering ill health as a result of stress. Firstly, they need to identify what may be causing the stress, and then investigate how they can manage employees and their workloads to minimise its impact.

In some cases, an employee who is suffering ill-health due to work-related stress might be deemed to have a disability under the Equality Act 2010. The Act makes it unlawful for an employer to treat a disabled person less favourably for a reason relating to their disability, without a justifiable reason.

If you suffer from work-related stress, your employer may need to consult with you about making reasonable adjustments to help you better cope at work. They can also ask for help from an Occupational Health provider or Access to Work through the Job Centre Plus.

Reasonable adjustments could include:

- Adjustments to physical surroundings e.g. to reduce noise levels or overcrowding
- Allocating some of your duties to another employee to reduce your workload
- Setting up a phased return to work programme, if you have been absent due to a stress-related illness
  - Providing you with counselling or other forms of support such as a mentor

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- Transferring you to another job which may enable you to report to someone different, work with different people or take on a less demanding position

## **Making a claim**

If your employer does not consult with you, carry out the necessary checks and investigations and make any reasonable adjustments required, your work may suffer. In some circumstances you may find that you are dismissed on the basis that you are unable to carry out the role. If this is the case then you may be entitled to claim against your employer for disability discrimination.

There is no minimum length of employment required to bring a claim at the Employment Tribunal, but it is important to lodge your claim with ACAS within 3 months of the act of discrimination occurring. It is therefore essential that you take legal advice on your situation at an early stage and as soon as possible.

**Contact Ashley Hunt & Carrie-Ann Randall on 01858 445 480 or Vaishali Thakerar & Alex Reid on 0116 212 1000 if you have been discriminated against because of stress at work.**