

### NEU Guidance for Members, Reps and Local Officers

*How health and safety reps can use their powers can work with members to address excessive workload.*

#### Why is workload a health and safety issue?

Workload is one of the biggest drivers of work-related stress in the education sector. Education staff are working excessive hours on unnecessary tasks which do not aid learning, and which are driven by the assessment and accountability regime, funding cuts and Government education reforms. The most recent DfE workload survey found teachers working on average just under 50 hours a week with over 70 per cent unable to balance work and private life. It is clear that Government initiatives such as the Workload Challenge, Workload Review groups and Workload Toolkit have failed to bring about the improvement needed. This situation has led to a severe recruitment and retention crisis, and increased sickness absence costs for already under-funded schools and colleges. In such circumstances, workload is an entirely legitimate, indeed necessary, focus for NEU health and safety reps, who can exercise their rights and functions to work with members to change working conditions for the better.

The role of the health and safety rep is not just about seeking to hold employers to account in respect of the safety of buildings and accident prevention, important though that is. Of equal importance is a focus on health, both physical and mental, and on welfare. NEU safety reps can exercise their powerful legal rights <https://neu.org.uk/advice/role-safety-rep> to help change practices in the workplace which are contributing to excessive workload.

Excessive workload is a hazard because it may lead to work-related stress, which in turn can lead to ill health, both physical and mental. NEU health and safety reps can successfully use their legal powers to harness members' collective strength to bring about changes in poor working practices.

#### How can health and safety reps do this?

##### 1. Challenge management to comply with the legal requirement of undertake a stress risk assessment

There is a **legal requirement** upon employers to protect the health, safety and welfare of employees. This is set out in the Health and Safety at Work etc Act 1974. The Management of Health and Safety at Work Regulations 1999 flesh out how this must be done. Employers **must** carry out risk assessments in relation to workplace hazards, including stress. The Health and Safety Executive sets out a simple five steps approach to assessing risk

**Step 1:** Identify hazards, i.e. anything that may cause harm;

**Step 2:** Decide who may be harmed, and how;

**Step 3:** Assess the risks and take action;

**Step 4:** Make a record of the findings; and

**Step 5:** Review the risk assessment.

This NEU guidance will assist employers/management in undertaking a stress risk assessment <https://neu.org.uk/advice/stress-risk-assessment> .

NEU safety reps can use their knowledge of health and safety law to challenge management to meet this legal obligation. The HSE is the health and safety enforcing body for the education sector but until very recently had not been willing to even consider investigating cases of collective work-related stress. That situation has now changed. See <https://www.hse.gov.uk/stress/reporting-concern.htm>

The HSE regards cases of work-related stress to be eligible for investigation if they relate to a structural/organisational/collective issue, with many people sharing the same experience, and if all usual channels to remedy the situation have been exhausted, such that the employer has had the opportunity to respond but the causal factor persists and harm is being caused, and there is not a more appropriate lead enforcement agency. See also TUC guidance [.https://www.tuc.org.uk/resource/responding-harmful-work-related-stress](https://www.tuc.org.uk/resource/responding-harmful-work-related-stress)

## **2. Establish a Health and Safety Committee**

School/college-based safety committees have a crucial role to play in translating worker involvement into practice. Employers have a legal duty to set up a safety committee where two or more safety representatives request one in writing. So even where managers might prefer to resist calls for the establishment of a safety committee, they cannot prevent one being formed. Where members feel that workplace health and safety management is poor, including in respect of workload, the establishment of a safety committee is a highly effective way in which to hold the management to account and to secure improvements. It must be set up within 3 months of receipt of a written request. Further information is set out in the Safety Committees briefing at <https://neu.org.uk/advice/school-safety-committees>.

## **3. Inspections – Use your right to undertake quarterly or termly inspections to ‘inspect workload’. Rather than, or as well as, undertaking an inspection of the premises, use the NEU online stress survey to gather evidence from members**

The NEU offers an online staff stress survey as a resource for local officers, reps and safety reps to assist them gather evidence about stress levels within a school/college and establish the causes and impact of this workplace stress. This information can be presented to management as evidence of the extent of a problem, especially when industrial action is being considered. You can make a request to NEU HQ for the survey to be undertaken at your school/college. A brief ‘Stress Survey Request Form’ should be completed and emailed to Cheryl Farnum ([cheryl.farnum@neu.org.uk](mailto:cheryl.farnum@neu.org.uk)). The form is

available on the Health and Safety Reps' page of the NEU website at <https://neu.org.uk/health-and-safety-reps>.

#### **4. Consultation - Make full use of your right to be consulted about anything that affects members' health and safety in the workplace. This includes workload.**

As a health and safety rep of a recognised trade union you have the right to be consulted on the introduction of any measures which may substantially affect health and safety. This applies to any initiatives that management are proposing, in relation for example to the way meetings are organised, planning or marking policies, cover arrangements, length of lunch break, to name but a few. Ask for a workload impact assessment for any new initiative. If something new is proposed which will increase workload, or the intensity of work, then point out to management a task which could be dropped to make up for the new initiative. Consult members to obtain a collective view on those activities which are time consuming but offer little or no educational benefit.

- Start a conversation about workload in your school or college. Check out advice on how to organise a workplace meeting <https://neu.org.uk/campaigns/workload#steps>
- What are the biggest concerns? Planning, Marking, Data, length of lunch break? NEU guidance <https://neu.org.uk/advice/tackling-workload-together> will help to identify the tasks which are most damaging.
- Involve all members in doing something. Consider using the NEU stress survey, see above
- Build the evidence for a discussion with management and seek to reach agreement
- If management does not accept the need for change and continues to expect members to work in a way which creates excessive workload, contact your health and safety adviser or branch/district secretary who will support you and discuss the options available.
- The NEU makes every effort to resolve issues without recourse to industrial action but remember that even the threat of industrial action can often persuade school leaders or governors to address concerns about workload.

#### **5. Challenge any management response that fails to address the root causes of excessive workload**

In many cases management will seek to deflect from the main issues by suggesting superficial approaches which may give the impression that they are supportive, but which are unlikely to address the root causes of excessive workload.

For example:

**'Well-being Champions or Ambassadors'** – these tend to be temporary and voluntary roles set up to support a culture of wellbeing in the workplace but with no focus on changing the workplace culture. Given the current workload climate in schools and colleges, there is every possibility that anyone taking on such a role could quickly become overwhelmed. These roles can often be put forward by management as a reason why union-appointed health and safety reps are not necessary. Similarly, 'well-being committees' are not an acceptable alternative to health and safety committees, see section above. Be wary of the term 'well-being'. It is one of the most overused words in the English language and as such can be meaningless.

**Mindfulness** – courses are offered by some employers and whilst it may help some people to deal with the stress caused by their work, it is a coping strategy and not an alternative to creating an environment where workload is sustainable. Practices such as expecting all staff to participate in 'group meditation sessions' before the start of each day are unacceptable and must be resisted.

**Life coaches** – these may seek to promote the dangerous idea that stress is good for you and that you can 'make it your friend'. Remember that stress is never positive.

**Mental Health First Aid** – many employers offer staff the opportunity to train as a mental health first aider so that they can support colleagues who may be suffering from a mental health condition by pointing them to sources of support; this can be helpful but it is not an alternative to tackling the workplace issues that may be contributing to mental ill health in the first place.

**Life style choices** – the best way of bringing genuine well-being into a workplace is to change how work is organised and managed, however for many employers the focus is on how individual workers should change their lifestyle by eating less or exercising more, which in turn will lead to less sickness absence. The workplace can, like any other environment, be a useful place to encourage people to make healthy choices, but it must be done in a non-judgemental way that creates the opportunities for people to make healthier choices, rather than forcing them to adopt a particular lifestyle which has no bearing on their employment. NEU health and safety reps should resist attempts by employers to introduce moral elements to health by criticising employee lifestyles.

For example, good employers will wish to assist any employees who have an addiction problem that is affecting them or their work. However, that is a very different matter from the employer seeking to prevent alcohol use outside the office if it has no bearing on the person's work.

**Resilience** - Resilience is about the belief that stress can be addressed by improving employee 'resilience'. This approach is ineffective and puts the onus onto the individual rather than the employer. It is all about toughening up workers so they can bounce back from whatever stress they are placed under. The [TUC](#) explains that the resilience approach often includes the introduction of initiatives aiming to improve employee 'wellbeing'. Examples include massages, yoga classes and fruit baskets. While initiatives such as these may be well received by employees, it is important that they are not used as substitutes for employers meeting their legal responsibilities for protecting workers against work related stress.