The Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) approach to tackling violence and psychological harassment at work

The HSC and the HSE, established under the Health and Safety at Work etc Act 1974 (HSWA), are responsible for the regulation of almost all the risks to health and safety arising from work activity in Britain, including work-related violence and psychological harassment. Northern Ireland has its own health and safety bodies analogous to the HSC/E.

The HSC/E mission is to protect people’s health and safety by ensuring risks in the changing workplace are properly controlled. Their vision is to make health and safety a cornerstone of a civilised society.

HSE definition of work related violence (WRV)

The HSE defines work-related violence (WRV) as:
“any incident in which a person is abused, threatened, or assaulted in circumstances relating to their work”.

The Legal position in Britain

Under Section 2 of the HSWA, all employers have a legal duty to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees. This duty includes risks arising from violence at work.

As well as duties under HSWA employers also have duties under the Management of Health and Safety at Work Regulations 1999 to assess the risks to their employees and to take appropriate measures to prevent or reduce the risk. This includes the need to protect employees from exposure to reasonably foreseeable violence.

In addition, under the Reporting of Injuries, diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) employers must notify their enforcing authority (HSE or local authority) in the event of an accident at work to any employee resulting in death, major injury, or incapacity for normal work for three or more days. This includes any act of non-consensual physical violence done to a person at work.

Under the Safety Representatives and Safety Committees Regulations 1977 (a) and The Health and Safety (Consultation with Employees) Regulations 1996 (b), employers must inform and consult with employees in good time on matters relating to their health and safety. Employee representatives, either appointed by recognised trade unions under (a) or elected under (b) may make representations to their employer on matters affecting the health and safety of those they represent. This includes issues associated with WRV.

HSE Guidance

HSE encourages employers to manage WRV in the same way as any health and safety issue. To help employers do this HSE has published free general guidance
(INDG69(rev)) to help them tackle WRV, in accordance with their duties under the HSWA. This guidance advocates a risk assessment approach. HSE has published similar free guidance on other psychosocial hazards, including drugs and alcohol misuse at work (Drugs Misuse at work - INDG 91 (rev2); and, Alcohol at work - IND(G) 240L).

HSE has also published specific guidance on WRV for the health services; education, retail; banks and building societies. In addition, it has recently launched (October 2003) on its website (www.hse.gov.uk/violence) a series of real life studies offering practical ways to reduce the threat of violence to lone and mobile workers.

The HSC’s programme to tackle WRV

The first phase (2000-03) of the HSC’s WRV programme

The HSC is committed to tackling the problem of WRV. In March 2000 HSC embarked on a three year programme to help employers tackle WRV, with the aim of reducing the number of incidents of violence at work by the end of 2003.

HSE has been working with its key stakeholders and partners - from industry, trade unions, local authorities, other Government Departments, and small firms organisations - to take this programme forward and to help achieve its aims.

Key elements of the first phase programme

As part of this programme HSE has:

- published case study guidance to help smaller businesses manage the risk of work-related violence, including in the retail sector.
- commissioned research to find examples of good practice in preventing and managing violence to lone workers, including in the retail sector. Case studies are now available on HSE’s website (www.hse.gov.uk/violence).
- funded the development of new National Occupational Standards in the management of work-related violence. These standards were published by the Employment National Training Organisation in September 2002 and provide employers with a framework on which to develop detailed policies on WRV.

Evaluation of the first phase programme

HSE officials are currently evaluating this programme, and will be submitting written proposals to the HSC on the next stage (2004-06) of the programme.

HSE hopes that taken together, the measures in the programme will make a difference to the levels of WRV. It is using data from the British Crime Survey (BCS) 2003 (due to be published in November 2003) and HSE’s own RIDDOR statistics to evaluate the effectiveness of the programme. The figures from the BCS 2000 provided a baseline for the first phase of the programme.
The proposed second phase (2004-06) of the HSC’s programme on WRV

HSE officials will be submitting proposals to the HSC in January 2004 for the next phase (2004-06) of the programme on WRV. Information from the BCS 2003 will help to inform proposals for this next phase of the programme.

The British Crime Survey

The BCS measures crime against people living in private households in England and Wales. It has been conducted by the Home Office every two years since 1982 and became an annual survey from 2000. It takes the form of a self-reporting questionnaire, and includes questions on work-related violence.

The BCS records physical attacks and verbal threats, but does not include verbal abuse. It covers incidents perpetrated by members of the public, but not by fellow employees.

The nature and scale of WRV in Britain

The BCS 2000 indicated there were at least 1.3 million incidents of violence at work in England and Wales in 1999. The BCS also estimated that there were 634,000 assaults and 654,000 incidents of threatening behaviour. Just over 600,000 workers were victims, with many experiencing more than one attack.

HSE understands that figures from the BCS 2003 covering 2001-02 and 2002-03, are due to be published by the Home Office in December 2003.

Industries/occupations most at risk from WRV

The BCS 2000 shows that anyone who works directly with the public has an increased risk of violence. The highest risk occupations are workers in the protective services - especially police, security guards and the fire service. Health and welfare workers, teachers, staff in take-away food outlets, retail and bar staff, transport workers and social workers are all at risk from violence.

Managers and owners of small and medium sized organisations are also particularly at risk of violence at work.

Costs to industry arising from WRV incidents

According to the BCS the estimated costs to society of work-related violence in 1999 was at least £62 million a year. This figure represents just the medical costs and time taken off work. It does not include any compensation claims or the cost of measures taken by employers to reduce the risk.

WRV represents a real cost to employers – in terms of increased sickness absence, low staff morale and high staff turnover. In turn, these can affect the confidence and profitability of a business, and may be further compounded by expensive insurance
premiums and compensation payments. So employers cannot afford to ignore the risks of violence to staff.

**HSE enforcement action on WRV**

HSC/E looks after health and safety in nuclear installations and mines, factories, farms, hospitals and schools, offshore gas and oil installations, the safety of the gas grid and the movement of dangerous goods and substances, railway safety and many other aspects of the protection of both workers and the public. Local authorities are responsible to the HSC for enforcement in offices, shops and other parts of the services sector.

HSE investigates and takes action when particular incidents come to its attention. In 2002-03 there were over 1200 inspections by HSE that dealt with WRV issues, and more than 200 investigations of accidents/incidents and complaints relating to violence.

The two most recent complete years (2001-02 & 2002-03) have seen nearly a doubling in the number of Improvement Notices over the previous two years (1999-00 & 2000-01):

- 1999-00  19
- 2000-01  20
- 2001-02  38
- 2002-03  35
- 2003-04  20 * (* = April 2003 to date)

There have been two prosecutions relating to WRV since 1998, in the social and health care sectors respectively.

From April to August 2003 there have been over 300 inspections and 75 investigations.

**Psychological harassment, including bullying**

HSC/E strongly condemn any form of harassment or bullying at work. However, they believe bullying is primarily an employee relations issue. It is best dealt with by employers' internal grievance and disciplinary procedures well before it becomes a risk to employees’ health. Employers should adopt policies against bullying, including procedures to enable employees to resolve conflicts.

Bullying is a form of organisational violence and as such is a potential source of work-related stress. As part of the HSC’s Stress Priority Programme (see also below), HSE officials are developing Management Standards - including a standard dealing with “Relationships” at work. Bullying as a stressor will be dealt with as part of this.
The HSC’s Stress Priority Programme

Employers have a general duty of care under the Health and Safety at Work etc Act 1974 to protect the health and safety of their employees. The Management of Health and Safety at Work Regulations (1999) also requires employers to carry out a risk assessment involving the health, safety and welfare of their staff. These general duties include taking action to tackle work-related stress.

Work-related stress is the second largest cause of occupational ill health in the UK. In 2001-02, around half a million people (563,000) were estimated to be suffering from work-related stress, depression, or anxiety (Self-reported Work-related Ill-health Survey (SWI) 01/02). There is a clear need to take steps to tackle work-related stress in order to reduce the incidence of sickness absence. That is why the HSC has made stress one of its priority programmes.

A key element of the HSC’s Priority Programme on Stress is the development of clear, agreed standards of good management practice to prevent work-related stress. Draft management standards, which will act as a yardstick in measuring how well people are tackling stress, are currently being piloted by 25 organisations drawn from both the public and private sectors. The pilot process is now being evaluated, and the management standards will be revised and developed for further public consultation by HSE in Spring 2004. Dependent on the outcomes of this exercise and HSC’s agreement, HSE aims to publish the finalised Standards in late 2004.

At a conference in central London on Thursday 30 October 2003, HSE launched the Real Solutions, Real People guide, which provides employers with examples of practical, cost effective solutions, to tackle work-related stress.

Employers are encouraged to follow HSE’s existing guidance Tackling work-related stress – A manager’s guide to help them through the risk assessment process and to use its new guidance, Real Solutions, Real People, to prompt the development of locally applicable solutions. If employers work with these guidance documents, they will be in a good position to meet the Standards, planned for introduction towards the end of 2004.