

I MUST WORK HARDER?

BRITAIN AND THE WORKING TIME DIRECTIVE

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The Greens | European Free Alliance
in the European Parliament

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FOREWORD AND INTRODUCTION

1 THE LONG-HOURS CULTURE IN THE UK

3 THE HEALTH IMPLICATIONS

6 STRESS AT WORK – A SIGN OF THE TIMES?

8 COST AND PRODUCTIVITY

12 RESPONSIBILITY

14 GOVERNMENT POLICY

18 SOLUTIONS

REFERENCES

ABOUT JEAN

FOREWORD

Work forms an important part of our lives and identity. It should benefit us as individuals and society as a whole but the 'long-hours' culture threatens both.

Long hours do not just affect our opportunities for a social and family life, they can also affect our physical and mental health which in turn affects our performance at work. Fatigue does not make for an efficient workforce. Fatigue can make us a danger to ourselves and others.

The British 'opt-out' clause in the Working Time Directive allows employees to sign away their right to a cap on their working hours. Many do not truly volunteer but sign under pressure or do not know that they can refuse. The Government wants a flexible labour market but it also says it wants healthy workers. It should study the mounting evidence that long hours can contribute to poor mental and physical health and give up the opt-out. This is a health and safety issue.

INTRODUCTION

The recent rhetoric about the Working Time Directive has focused on flexibility. This report sets the Directive in its original context '*... to ensure a high standard of protection of workers' health and safety with regard to working time*'.

This report sets out the growing conflict between long hours and our ability to work effectively and safely. Stress is a growing problem in the workplace, and depression and anxiety are now the most common reasons for people starting to claim long-term sickness benefit. Managers are not always in a position to spot the signs of stress or cope with the effects. Indeed, poor management and/or over-worked management staff can contribute to the problems. There is no point encouraging people back to work if that is to return to the conditions which created the problems in the first place.

A control on working-time provides a framework within which solutions must be found and they do exist. The millions wasted through absenteeism and lost production could be invested in better training, higher wages or more staff, for example.

We need to end the British opt-out and opt-in to a healthier and safer workforce.

THE LONG-HOURS CULTURE IN THE UK

It is claimed that deregulation and flexibility are two key features of British employment policy. Often dubbed the 'Anglo-American Model,' the British example has a more fluid employment structure with fewer people holding the same job for life.

Recent Government surveys show there have been big changes in employment flexibility in the last seven years, with a marked increase in the number of workplaces taking on flexible staff.² The growth of large multinational companies has been accompanied by increased outsourcing, restructuring and greater decentralization. To increase efficiency, many companies work with a leaner workforce, taking on temporary workers and contractor supplied labour to meet production needs. As a consequence, the skills and working time of core staff are often stretched.

While many flexible options are beneficial, in the United Kingdom (UK), we are now working longer hours than ever before. Importantly, rapid technological advancement has brought unforeseen consequences. Where it was previously thought that innovation in information technology would improve work-life balance and reduce working hours, the opposite is now true. This is partly because the line between home and work has been blurred.

BRITAIN AND LONG HOURS

British people work some of the longest hours in Europe. Perhaps surprisingly, when under collective agreement, most employees in the UK work less than those in many European countries (Graph 1). However, only 7.4 million people in the UK were trade union members in 2003 and membership numbers are falling.³

A comparably high percentage of employees work excessive hours. Four million people in the UK work over 48 hours per week.⁴ Worryingly, a growing percentage of the population toil for over 60 hours per week (Graph 2).

DEMOGRAPHICS⁵

Men are most likely to work long hours. Many male long-hours workers start to reduce their excessive overtime once they reach their late 50s. Considerably less women work over 48 hours per week but those that do are more likely to do so in their late 20s and those that work over 60 hours per week are most likely to do so in their early 50s but again there is a sharp decline in hours worked by women after the age of 55. This overall tendency to cut working hours in older working age may be through personal choice or perhaps through employer discrimination, either way it presents a policy challenge for the Government which wants to increase the working age of both sexes in order to address the 'pensions crisis'.

FLEXIBILITY IN EUROPE

In the context of Europe, employment policy goals have been set for the EU 'to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion'.⁶

The introduction of the computer at work and home has increased the possibility of working outside normal hours, a factor that has been associated with increased fatigue and risk of burnout, and disruption of the work-life balance.⁷

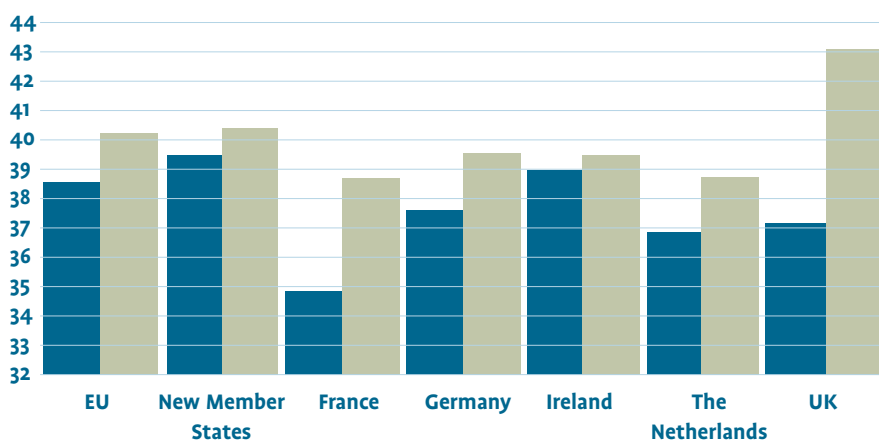
The issue of flexibility
as a viable UK
employment strategy is
looked at in my Report
Flexible Working which
is available on my
website
www.jeanlambertmep.org.uk

GRAPH 1

AVERAGE WORKING HOURS⁸

This graph shows that where there are collective agreements, average working hours in the UK are comparably shorter. However, without collective agreements, people in the UK work significantly longer hours.

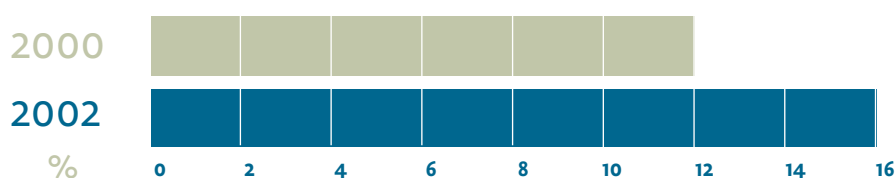
■ Average working hours worked per week by full time employees
■ Average collectively agreed normal weekly hours for full time employees



GRAPH 2

% OF UK EMPLOYEES WORKING EXCESSIVE HOURS

In only two years the number of UK workers exceeding 60 hours per week increased by 4% according to a Department of Trade and Industry (DTI) and Management Today survey. This group of people work among the longest hours in Europe.



Under the UK Presidency (July - December 2005) Tony Blair told MEPs he aimed to achieve economic development in Europe through a reformed and modernised European social model. The Presidency marked an opportunity to promote the 'flexible' British approach to working time. Unlike in other European countries, the UK allows for employees to exceed 48 hours of work per week.⁹ Increasingly in Europe, the British model is being cited as a means of reaching its goals.

However, some side effects are showing. While the growing number of working poor in the UK and polarisation of wealth distribution has been well documented, increasingly the effect of long hours and

flexibility on health is being called into question. Looking at the bigger picture therefore, there are some longer term threats to British productivity and quality of work. There is also a risk of spreading bad practice across Europe.

JEAN SAYS ... I believe that Blair's working time policy is damaging to the workforce. As Green MEP for London, the region where people work the most excessive hours, I want to know why people are working longer hours, if long hours benefit the overall economy and more importantly, are some British employees working excessive hours to the detriment of their overall productivity and health? My findings are set out in this report.

THE HEALTH IMPLICATIONS

In the UK many people are working long, sometimes unsociable hours and irregular shift patterns. What effect is this having on the health of the workforce and how does that affect the general population?

There is still some debate over whether long hours at work can have a disproportionate effect on health and safety. However the evidence base, including studies backed by the British Medical Association (BMA), the Mental Health Foundation and the Government's own Health and Safety Executive (HSE), points to a series of physical and psychological consequences.

WORKING TIME AND HEALTH – THE FACTS ¹⁰

Serious physical effects of long hours:

- **cardiovascular disease**
- **musculoskeletal disorders**
- **chronic infections**
- **diabetes**
- **high blood pressure**

Other symptoms of over-work ill health:

- **headaches**
- **gastrointestinal disturbances**
- **extreme fatigue**
- **insomnia**
- **lower immune system**

In August 2005 one of the biggest surveys to date on the relationship between overtime and workplace injuries, found that those who work extra hours are 61 % more likely to be injured on the job than those who do not. In addition, the results published in the Journal of Occupational and Environmental Medicine identified that

there was a 37% increase in risk for those doing twelve hours a day compared to those working less hours.¹¹

“The results of this study suggest that jobs with long working hours are not more risky merely because they are concentrated in inherently hazardous industries or occupations.” Report co-author Allard Dembe

British employees are beginning to feel the effects – one in three believe their health has deteriorated as a result.¹²

Managers too are under pressure – one in five British managers work the equivalent of a seven day week, and almost half (43%) believe they are overloaded with work.¹³

PSYCHOLOGICAL EFFECTS OF LONG HOURS

- **Stress**
- **Anxiety**
- **Depression**

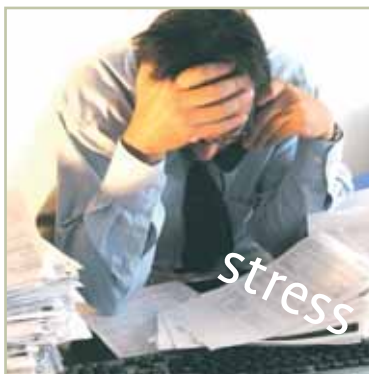
Mental illness is a particularly worrying symptom resulting from changes in work patterns and can range from stress to severe depression and anxiety. Research undertaken for the HSE shows that evidence ‘points to an association between working long hours and stress and other negative psychological health outcomes ... working long hours impacts negatively on home and family life’.¹⁴

Stress can be an underlying factor in many work-related physical and psychological conditions – but what is stress?

There are 66,000 reported heart disease cases each year related to work.¹⁵

In Japan they call it karoshi and in China it is guolaosi. As yet there is no word in English for working yourself to death.¹⁶

In January 2006, a Post-it Note survey revealed that the average lunch break was only 19 minutes and 42 seconds. Most employees eat lunch at their desks.



anxiety depression

DEFINITION OF STRESS

The European Foundation for the Improvement of Living and Working Conditions agrees with the following definition of stress as 'a state, which is accompanied by physical, psychological or social complaints or dysfunctions and which results from individuals feeling unable to bridge a gap with the requirements or expectations placed on them. ... Stress is not a disease but prolonged exposure to it may reduce effectiveness at work and may cause ill-health'.¹⁷

DEFINITION OF MENTAL HEALTH

The World Health Organisation (WHO) describes mental health as 'a state of well-being in which the individual realizes his or her abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community'.

Of course, work stress is not simply related to working hours, its causes can be psycho-social such as office design, staff structure, management, bullying or lack of control. Stress can also be related to physical conditions such as noise or temperature.

Stress increases when job demands are high and job autonomy is low. Stress can build up where long periods of intensive work are practiced without compensatory rest periods taken as soon as is possible after the intensive period. Irregular shift patterns can also be detrimental, leaving the worker feeling jet-lagged.

JEAN SAYS ... Both noise and temperature are regulated in order to protect worker health and safety so workers in these instances have a means of improving their work environment. I would like to see working time regulated more effectively so that workers can feel that they have control of their work-life balance and therefore reduce stress in the workplace.

WHAT ARE THE SIGNS OF STRESS?

One of the problems in identifying stress is that people don't recognise the initial symptoms and so only act when it is too late.

STRESS CHECKLIST¹⁸

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | How many of these symptoms apply to you? |
| <input type="checkbox"/> | Finding it hard to concentrate and make decisions |
| <input type="checkbox"/> | Being short tempered |
| <input type="checkbox"/> | Feeling tired most of the time |
| <input type="checkbox"/> | Sleeping badly |
| <input type="checkbox"/> | Feeling stretched beyond your limits and unable to cope |
| <input type="checkbox"/> | Drinking / smoking more in order to get through the day |
| <input type="checkbox"/> | Feeling that you've achieved nothing at the end of the day |

If you have ticked most of these boxes you may be stressed!

Failure to recognise stress is also taking place at Government level where monitoring and understanding is inadequate. In the measurement of health-related work problems, much attention is rightly placed on physical injury obtained at work, yet there is a failure to address stress-related disorders.

GOVERNMENT MONITORING

Officially, Government figures cite stress as second only to musculoskeletal disorders as Britain's most likely reason for time off work but it is likely to be the top cause. The 2004/05 survey of self-reported work related illness (SWI) found that the number of those who felt that their job was making them ill through stress had reached around half a million.¹⁹ The stress and health at work study (SHAW) indicated that nearly one in five of all working individuals thought their job was very or extremely stressful.²⁰

Figures are likely to be underestimated because there are currently only two main sources of statistics from which Government information on stress is obtained. Both surveys are based on self presentation. Both methods can be affected by factors that vary over time - such as awareness and attitude to stress.

While statistics used by Government show no change in stress absence between 2001 and 2004, more recent studies from alternative sources point to stress as the leading cause for claiming long-term sickness benefit.²¹ In concurrence, 58% of trade union health and safety representatives cite stress

through heavy workloads and long hours as a major cause of complaints - outstripping conditions such as back pain and repetitive strain injury.²²

Because many people do not know the signs of stress, and many see admittance of stress as a weakness, the figures used by the Government are most likely to be incorrect. The HSE even admits on its website that this is probably the case. By comparison, other Government health and safety figures are based on a much wider pool of qualitative and quantitative data.

The Greens are worried about this emerging problem. More than half of British workers say they have experienced symptoms of overwork and burn out in the last six months, according to research. Over 30% believed they have suffered exhaustion, while 26% have been ill from work-related anxiety.²³

JEAN SAYS ... Increasingly, stress related to long hours is becoming an issue that is having a negative impact on the British workforce and therefore the British economy. I find it hard to understand how Government can make policy decisions when there is no real understanding of the problem. I believe that the British workforce is entitled to better monitoring and protection. Employees deserve and indeed have the right to work in just and favourable conditions. But these issues are not being addressed properly. While data is lacking on the extent of stress among British employees, there are other warning signals that indicate the extent of the problem.

The SWI survey asked the following question: Within the last 12 months have you suffered from any illness, disability or other physical or mental problem that was caused or made worse by your job or work done in the past? Only if the employee answered yes to this question would any further questions be asked.

The Health Occupation Reporting Network survey (THOR) was carried out annually between 1999 and 2004 and was taken from the opinion of specialist doctors who have seen employees with stress related symptoms - again putting full responsibility on the worker to recognise or admit to stress.

high blood pressure insomnia diabetes

STRESS AT WORK – A SIGN OF THE TIMES?

"You simply can't be at your best if you are continually working more than 48 hours a week. This kind of workhouse ethic will not increase productivity; in fact, it will leave their workforce resentful and burnt out."

GMB General Secretary,
Kevin Curran

Figures from the World Health Organisation (WHO) show that rates of anxiety are approximately three times higher in the US than in Germany.²⁴



downsizing

In 1998, the Tokyo Declaration – a consensus statement made by world health experts – noted that changes to workplaces include: *'restructuring, mergers, acquisitions and downsizing, the frantic pace of work and life, the erosion of leisure time, and/or the blending of work and home time. Most of these developments are driven by economic and technological changes aiming at short-term productivity and profit gain.'* They concluded *'this rapid change, combined with both over and under-employment, is likely to be highly stress provoking'*.²⁵

At home the links are also being made. According to Will Hutton, Chief Executive Director at the Work Foundation, unchecked depression has been rising since the mid 80s when the flexible market really began. Hutton agrees that mental health problems correlate with modern issues such as long-hours culture, thereby putting a stress on public service budgets. He points out *"it is surely no coincidence that the rise in mental illness has so exactly matched this development"*.²⁶

THE EMPLOYMENT CULTURE

So changing work patterns are impacting upon ability to work, in particular where the long-hours culture exists. In Britain we follow the Anglo-American employment model and work the longest hours in Europe.

Business is reluctant to highlight the link between excessive overtime and illness. Ruth Lea of the Institute of Directors has complained that *"stress is the new bad back, stress is now so trendy, and thanks to stress counsellors and the stress industry people are now so aware of it, that people use it all the time as an excuse for a sickie"*.

The Greens disagree and believe a new approach to tackling stress needs to take place at the top level if we are ever to remedy the long-term effects.

Even where stress is being recognised by workers, some, perhaps fearful that it is a sign of weakness, are allowing their situation to worsen before seeking help. Other factors include the fear of losing job promotion, pay or suffering redundancy.

Case study: Journalism and the media

Certain sectors experience irregular shift patterns and long hours more than others. More and more journalists are finding their working conditions to be so damaging they are moving to flexi-time or working freelance.

This may partly be due to the tough work culture that has emerged in the media. In 2002 nearly a quarter (23%) of those employed in this profession were working more than 60 hours a week.²⁷ According to the survey reported in the Press Gazette, employees are afraid to work fewer hours because they believe it would hurt their career chances.

Indeed there is a feeling within this sector that working excessive hours for little recognition is a right of passage and because many have had to go through a sustained period of overwork, they think it is only fair that their juniors do the same.

MEDIA FIGURES²⁸

- 32% of media staff think that working long hours is essential to their career progression
- 34% believe that working long hours shows dedication to the job
- 80% of media employees currently work overtime
- 6% are rewarded with extra pay or time off in lieu
- 16% of media workers have visited a GP because of stress, which they attribute to deadlines and pressures of work
- 56% within the media sector say their employer will only step in to redress a work-life problem when a crisis looms

JEAN SAYS ... Provision of a 24 hour news service has become essential to this sector. Many journalists are posted for long-term assignments where intensive work is required. But there is room for such flexibility in the Working Time Directive. The Greens simply argue that the UK adhere to a maximum 48 hour week (averaged out over 4 months) and where intensive work has occurred the employee is given compensatory rest through time off.

I also believe that 24 hour news can be achieved through an increase in staff. It is no good to argue that this would be too expensive when so much money is being lost through absenteeism, ill health and high turnover. It is no surprise to me that journalists in particular rate life quality and work-life balance as highly important.

A work culture has developed where the employee takes unpaid overtime as par for the course. But if this is happening throughout the working career then employees are simply losing thousands of pounds and paying for it with their health.

unpaid overtime

"I work in the City, and I can envisage a lot of people (especially at work) complaining about the EU infringing on their right to work long hours.

However, I believe that behind closed doors there are very few of us who do not want to spend more time relaxing and enjoying life, and seeing more of our family and friends." ²⁹

COST AND PRODUCTIVITY

A long-hours mentality is silently chipping away at the UK workforce. The ramifications spread further than the individual. Indirect costs are mounting for the employer, the family and society as a whole.



Performance impairment

"Between a third and a quarter of all road accidents are in some way work-related. That means that somewhere between 800 and 1,000 deaths each year on Britain's roads are to do with somebody driving or being on the road as a result of their jobs." ³⁰

Roger Vincent, Royal Society for the Prevention of Accidents

INDIRECT INJURY

Road safety experts believe that exhausted drivers account for more accidents than drunk drivers.³¹

In 2005 the International Labour Organisation released a report on tiredness, working hours and road safety.³² Worried about drivers who fall asleep at the wheel, the document highlights that 'if a driver has a micro sleep for just one second whilst travelling at a speed of 100km/h the vehicle will have gone 28 metres without the driver in control'. The report also points out that fatigue is four times more likely to contribute to workplace impairment than alcohol or drugs and that tired people exhibit the same levels of performance impairment as those who are legally intoxicated.

This has clear implications for the transport industry where working time is the primary economic input but is equally relevant where workers commute after a long day in the office. We also should be very concerned about those working in hospitals, heavy industry or in manufacturing without sufficient rest breaks.

COST

Estimates of implementing working time rules to ensure a maximum 48 hour week were expected to cost UK employers up to £2.4 billion prior to their revision.³³ Cost has been attributed to providing basic standards and not to administrative burden.

Without further action, the losses could be far greater. The HSE estimates that stress at work costs society billions of pounds every year.

Forecasts indicate that self reported work related stress, depression or anxiety account for nearly thirteen million reported lost working days per year in Britain.³⁴ It is therefore in employer interest to cut stress and cap working hours.

INCAPACITY AND LONG-TERM SICKNESS BENEFIT

Britain has a low unemployment record but a high number of people claiming incapacity benefit. This group is not included in UK employment statistics. In 2004, there were 2.63 million Incapacity Benefit claimants.³⁵

Case study: Medical professionals

Three European Court of Justice (ECJ) rulings, using the example of the emergency profession have concluded that time on call should be considered working time.³⁶ The Greens believe doctors and other health workers should not be allowed to work hours or patterns that are damaging both to them and their patients. Ability to retain information is impaired when a doctor is sleep deprived. Therefore the justification that long hours extend employment experience is unfounded. Limits should be set and compensatory rest should be taken as soon as possible after intensive work periods.

The UK Government is currently arguing that inactive time spent on call is actually rest time. But a doctor on call who has his or her night's sleep interrupted three times with ten minute phone inquiries can hardly be said to have simply lost thirty minutes rest.

Long hours and disruption to sleep pattern are harmful to both performance

and health. This is recognised by the Department of Health. *'When junior doctors work for long periods of continuous duty without adequate rest, their performance becomes significantly impaired – that is now established beyond debate.'*³⁷

This information, presented in a joint BMA report goes on to say:

*'The stress of work relates to duty period, actual hours worked, sleep deprivation, disruption of circadian rhythm and levels of supervision. This not only has an effect on health and well-being, but upon family and social life.'*³⁸

The Greens want to see the ECJ rulings upheld so that there is better time compensation for periods spent on call – even when inactive.

The repercussions, therefore, are felt beyond the immediate work space. A weary workforce cannot be expected to maintain productivity or quality of service.



sleep deprivation

"Stress is everybody's business. There isn't an area of life in which stress can be ignored and it makes absolute business sense to accept that stress matters to us all."

Kevin Friery, Director of Counselling at Right Corecare

*Surgeons kept awake all night can make 20% more mistakes and take 14% longer to complete tasks.*³⁹

"Employees unhappiness should worry companies. How would they respond if they discovered half their factory equipment was malfunctioning?"

Michael Skapinker,
Management Editor,
Financial Times

The possible repercussions of excessive overtime include a tired and frustrated workforce, high worker turnover resulting in a lower skilled workforce, increased health and safety problems, reduced productivity, reduced production quality, increased wastage of material, and over-utilisation of machines resulting in increased maintenance problems.⁴⁰

According to researchers from King's College London, depression and anxiety are now the most common reasons for claiming long-term sickness benefits. These benefits cost around £13 billion per year.

While many of these people cannot and should not return to the workforce there is a growing and significant number of incapacity benefit claimants who want to return to work. Their make up is as follows:⁴¹

Total 'want work' rate

All disabled people	52%
Depression, bad nerves	78%
Mental illness, phobia, panics	86%

Of course many of the mental health sufferers are completely unrelated to over-working but given that excessive working time causes stress, it is important to protect vulnerable groups from a long-hours working culture. This can help them return to work and out of the social or economic exclusion zone. For example, as there is a direct link between long hours, stress and increased drug/alcohol consumption, the Depression Alliance warns against placing people back in the environment that may have originally triggered development of the problem.

Crucially, the issue is not about forcing sick people back to work or about doubting why people take time off. It is about creating a socially inclusive work environment based on the premise that a happy workforce is a productive workforce and therefore, under fair working conditions, is beneficial to society as a whole.

PRODUCTIVITY AND FAIR PAY

The Office of National Statistics 2004 data ranks the UK behind both Germany and France (with the latter rating higher than the US) when comparing country productivity on a per hour worked basis. In terms of productivity per worker, the

UK lags behind all G7 countries. Therefore the argument that long hours give the UK a productive edge is unfounded.⁴²

JEAN SAYS ... Working hours, wages and productivity must not be separated. I have received emails from constituents worried about the fact that changes to working time rules would mean they would lose pay and therefore be unable to support themselves or their family. This means that some people are working long hours simply to keep their head above water and because they can not afford to do so on 48 hours. Indeed the UK has the highest number of working poor in Europe. Incredibly, over 50% of children in inner London are classed as poor.⁴³ Is this the sort of social model we wanted to promote during the UK Presidency and beyond?

The Working Time Directive was intended to protect workers across Europe but now, the opt-out, which was once intended as a temporary measure, risks being implemented in other EU countries. This is because the British model is presented as being good for employment. However, using the French example, productivity is higher than in the UK despite the fact that Britain's employees work considerably longer hours.

If workers are paid low wages they have to work long hours to survive. They may also cope by taking on a second job or by taking out loans. Therefore changes to working time must be tackled at the same time as changes to pay. It is unacceptable to tackle neither. The Greens have consistently asked for further Governmental research into what constitutes a living wage with recognition that this is not the same as a minimum wage.

As the case study on the page opposite shows, there are other causes of overtime that are due to inefficiency and if tackled could have a positive impact on productivity and pay. Examples include

Case study: **Prem Group Client Company**, where changes in efficiency brought results.⁴⁴

Improvements in ...

- productivity
- planning accuracy
- product quality
- corporate image
- management practices
- environmental performance
- social accountability
- health and safety
- human resources development and work culture
- labour relations

leads to reduction in ...

- use of raw materials
- overtime
- accidents and compensation
- errors
- confusion about roles and tasks
- costs of production
- inventory

poor planning, inefficient work methods, lack of skilled workers, lack of training opportunities and limited management experience. This case study demonstrates that even where employee conditions might be expected to be less secure, Indian owned Prem Durai Exports found that improvements to the work environment brought about greater economic efficiency.

A LIVING WAGE

What is a living wage? A living wage may be defined as a wage level that allows the worker, within a standard working week (that is without having to work excessive overtime) to meet their basic needs and those of their dependent family members, and allow for some discretionary income.⁴⁵

JEANS SAYS ... In London, I have worked with TELCO, an organisation made up of local groups. It calls for a living wage of £6.70 per hour⁴⁶ as well as more socially responsible contracting.

Loss to the individual – unpaid overtime

Finally, ethical questions need to be asked about consistent overtime with no compensation. In some cases work responsibility is passed from the company to the employee in the form of a bigger work load but with no deadline extension. Therefore employees find that they are staying late to finish a task in time but feel that because the task is their responsibility they cannot ask for help from their boss to reduce the burden. In some cases managerial attempts to pass pressures on to suppliers or customers has actually resulted in a greater burden for the workforce.

The HSE estimate that in 2002 work-related ill health (not injury) potentially cost employers £1.5 billion and the economy £11.6 billion. Stress is a leading cause of employee ill health. Clearly, billions of pounds are therefore being lost because of stress in the workplace.

JEAN SAYS ... The Greens want fair hours for fair pay. The UK Government talks about vision but it is clear to me that without focus on prevention of ill health, short-sighted policies will result in the public sector picking up the bill once again.

In the UK an astonishing 2.4 million workers working in excess of 48 hours receive no overtime payment for doing so.⁴⁷

UK workers were owed £23 billion from unpaid overtime in 2005.⁴⁸

"People should have a right to say no to long hours and the (Working Time) Directive rightly gives them that protection. But they don't want unions and politicians telling them when they can work or for how long. That would be over-zealous interference of the nanny state. Further restrictions on working time would be a kick in the teeth for many firms, particularly smaller ones."

Digby Jones,
Director, Confederation of
British Industry (CBI)

RESPONSIBILITY

The argument put forward by some employer organisations and business is that there is no need for further regulation. They believe that business should regulate itself and make sure that employees are not forced to work long hours. Thus individuals should have a right to work if they want to.

Some steps have been taken towards more 'light touch' legislation. Recognising the link between health and productivity, the Corporate Health and Safety Performance Index (CHaSPI) was recently set up. Backed by the Health and Safety Executive, CHaSPI aims to increase business efficiency by addressing employee health.

When it comes to improving the work environment, CBI Policy Adviser Kate Groucutt favours employer driven programmes over further legislation. *"Over three quarters of employers also have arrangements to help employees suffering from stress, including job reorganisation and access to occupational health services, which could help prevent more serious problems."*

But the Greens disagree. This CBI figure based on their 2004 survey also includes informal arrangements in its 79% claim. Informal arrangements are procedures where there is no policy written down. Companies with *formal* policies in place numbered at only 24% in the CBI survey. This is probably a more realistic figure and is similar to the 20% of companies where the Mental Health Foundation found a stress policy in place.

Informal arrangements between managers and employers are not sufficient safeguards. Employees worry that they will receive little in the way of sympathy from management, and this fear appears to be well founded. Right Corecare interviewed 280 human resources professionals at the end of last year and 45% of them said managers in their organisations had no understanding

of their own behaviour under stress, let alone any ability to recognise the symptoms of stress among the employees who reported to them.

Respondents to the CBI survey frequently claimed they offered access to an occupational health specialist. Yet research from King's College London shows that in the UK there is only one occupational health specialist for every 43,000 workers. Clearly something doesn't add up. While the CBI survey was extensive, having been sent out to all CBI member companies and a large range of public sector organisations, a considerably smaller number responded (528). It would therefore be fair to assume that respondents might be more likely to have policy in place. There are some encouraging signs however, the 2005 CBI survey showed an 11% increase in companies with a formal policy against stress.

To tackle the problems, better monitoring by the Government is needed, firstly of stress levels in the workforce and secondly of how policies to tackle the problem are implemented. It is not about blaming the managers but it is about placing responsibility where it can best be handled.

LACK OF ADVICE AND HELP FOR MANAGERS

The HSE has identified that there is not enough help available for managers where stress and time off affect work. Employers are often not equipped to recognise the warning signs of stress and

mild depression in workers, and so are unable to help them when the problems start. Increased access to advice for managers and employees could therefore improve productivity.

On the other hand, some employers are failing to make the link between ill-health and long hours. While one in five of the workforce see stress as the biggest barrier to productivity, only one in ten employers recognise that it even has a negative impact on their business.⁴⁹

IT IS IN THE INTERESTS OF BUSINESS TO LIMIT WORKING HOURS

CBI's annual absence and labour turnover survey concluded that employee absence cost UK employers £11.6 billion in 2004 (nearly £500 for each person employed). We know that stress is one of the biggest causes of work-related absence and therefore is a significant contributor to this figure.

It is in the interests of business to ensure they have protection against legal challenge. A 2002 court judgement ruled that the employer was legally responsible where the employer has been made aware of employee stress or if there are 'signs from the employee of impending harm to health' from work stress.⁵⁰ Employers failing to act could suffer financial damage. Indeed a 1991 Court ruling concluded that it was 'not lawful to require an employee to work so much overtime as was reasonably foreseeable would damage his health'.⁵¹

A CHANGE OF DIRECTION?

The penny is starting to drop. In September 2005 following a joint study by the DTI, the TUC and CBI, the Government called on firms to 'work smarter not longer' and praised firms which had shown innovation in this field.

Case studies from influential companies such as British Telecom, Land Rover, Accenture, Eversheds and many others showed that reduction in working time

and a series of flexible measures improved productivity, staff morale, retention (particularly of women) and reduced costs associated with staff turnover.

Before and after scenarios at BI Worldwide following change in policy towards a long-hours culture:

BEFORE "The culture had been so grim and everybody was too frightened to say if they felt overworked. They just resigned as soon as they possibly could."

AFTER "While some managers were reluctant to acknowledge stress as a legitimate issue, the culture of the company is such that it can now be discussed openly, though confidentially, and HR is empowered, if the individual agrees, to approach his or her line manager to try to resolve any issues."

But even though the joint report admits 'there is evidence that regularly working long hours is associated with fatigue and this may affect performance', it does not recognise the health and safety implications nor reach the logical conclusion to end the opt-out from the EU Working Time Directive.

While improvements can certainly be made, responsibility for workers' health should not lie solely with employers. As we have seen, many feel unequipped to tackle the problem. Flexible work practices have been effective in business development but with a stretched workforce there is no scope for increased flexibility or innovation. We have to do more than just assume workers are protected, we have to know. Guarantees can only be provided through legislation and effective implementation.

Unfortunately, patchy legislation has left important parts of UK health and safety regulation uncovered. The Government is opting-out of one key measure that could safeguard Britain's workers against excessive hours.

Over two thirds of employees who work more than 48 hours want to reduce their hours.⁵²

In a 2004 survey of managers, 36% were doubtful that their workforce was coping effectively and only 11% were confident that their organisation had a successful strategy for dealing with stress.⁵³

"Employers are sitting on a ticking time bomb if they don't consider the serious implications stress can have on their business now."

Paul Ball, employment lawyer and training specialist at Eversheds law firm

"An opt-out from a piece of health and safety legislation is wrong in principle."

Stephen Hughes, Labour MEP

'A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.'

Article 152 of the Treaty Establishing the European Community

GOVERNMENT POLICY

UK health and safety legislation as it currently stands is not sufficient to protect workers from long-hours health problems.

HEALTH AND SAFETY LAW⁵⁴

Under existing health and safety legislation your employer has a duty 'to ensure, so far as is reasonably practicable, your health, safety and welfare at work'. In particular, your employer must assess the risks to your health and safety and make you aware of any potential health hazards. Employees are given general guidelines to take reasonable care of their own health and safety and that of others. However, while specific hazards such as temperature, noise and radiation are mentioned in this legislation, the health implications of working long hours are not.

WORKING TIME REGULATION IN THE UK

The EU Working Time Directive represents a milestone in workers' health and safety rights. It plays a vital role in protecting workers from the effects of working excessively long hours, having inadequate rest and disruptive work patterns. The Directive has contributed to a better reconciliation of work and family life. With such a Directive in place, people should not be working long and unhealthy hours.

UK Regulations deriving from the Working Time Directive offer effective protection against long hours as they set out:

- **a 48 hour week maximum**
- **a maximum 8 hour shift**
- **weekly rest periods of at least one day off per week**
- **daily rest period entitlements of 11 hours rest per day**

- **rest breaks, at a minimum of 20 minutes after 6 hours work**
- **4 weeks annual paid leave (but only after 13 weeks employment)**

However, in the UK there is a notable derogation from the Directive – the opt-out.

THE OPT-OUT

Workers in the UK can sign a document called the 'opt-out' which effectively removes the limit on their working hours. Many feel the voluntary aspect of signing the opt-out has been lost. This is because only one in three employees know about their opt-out rights and many employees are presented with the opt-out along with their contract. The European Commission was so concerned about the misuse of the Working Time Regulation that in May 2004, it actually took the UK Government to Court.

According to the TUC, two thirds of British workers who work more than 48 hours have not been asked to opt-out and one in four were not given a choice about doing so even though it is illegal. Employee organisations do not want 'light touch' legislation because they know that so far, many employees have been put under pressure to work longer.

"All the evidence shows that long working hours are bad for our health, equality, our families and for society. Our long-hours culture is also bad for business because lower working hours relate directly to higher productivity." Derek Simpson, General Secretary, Amicus.

Other concerns about the exploitation of working time rules, particularly in the UK, have been reflected in two important reports:



policy that empowers workers

The Report on working time adopted in the European Parliament. Labour's own MEPs voted for the Report which called for a removal of the opt-out, coming under heavy Government pressure for doing so.

A research report for the European Commission. This exposed UK abuse of the Working Time Directive, and prompted the European Commission to launch a public consultation on the matter.

Despite receiving Parliament's clear position on the issue, at Council level the UK Government is still fighting to keep the opt-out in working time legislation with the promise of further safeguards. Given that current rules are poorly enforced, such assurances are unconvincing.

JEAN SAYS ... In the UK, this Directive should act as a health and safety net for the workforce. Less than 30% of employees in Britain are members of unions and thus a staggering 70% (at the very least) are not covered by collective agreements. Without better working time legislation these workers have no way out of excessive employment hours. The Greens, from the word go have been the only party to clearly and consistently call for the removal of the opt-out from the Working Time Directive. I want to see policy that can empower workers. This is about who controls your time. People should feel entitled to refuse to work over 48 hours in any one week.

EU INITIATIVES TO COMBAT STRESS

In 2002 the European Parliament and Commission launched the first pan European campaign to combat work-related stress. The campaign recognised that common causes included lack of job security and control and work overload. Unfortunately, despite such recognition of the link between long hours and stress and despite the European Parliament calling for its removal, the opt-out remains in the latest European Commission proposal on working time.

COMMISSION CONSULTATION ON MENTAL HEALTH

There is an opportunity to voice your concern. At the beginning of 2005, the WHO European Ministerial Conference on Mental Health established a framework for comprehensive action, calling for tougher political commitment to mental health. The European Commission, a collaborating partner in the conference, has subsequently produced a mental health Green Paper. A public consultation on the issue was launched in October 2005.

The European consultation on mental health asks policy makers, experts, stakeholders in health sectors and representatives from civil society for information and opinion on European strategy.

Small and medium sized enterprise (SME) concerns about limitations to the working week:

Q. Won't there be increased reliance on costly casual labour to meet temporary demands?

A. Costs could in fact be reduced, with less money being spent on retraining staff or on days lost through illness.

Q. Wouldn't monitoring employee hours result in unnecessary administrative burden?

A. Monitoring hours makes good business sense. Figures should already be available for hourly paid staff. Monitoring can be carried out with relative ease, is not time intensive and can increase efficiency.

Q. The UK has good health and safety records, why should we call for more?

A. UK health and safety data fails to identify thousands of people suffering from stress-related illness. Stress-related absence costs business millions of pounds every year.

‘There is no health
without mental
health.’⁵⁵

European Commission

‘The Commission
invites all interested
citizens, parties,
organisations and the
European Union
institutions to
contribute to the
preparation of a
possible EU-Strategy
and an Action Plan on
Mental Health by
commenting on this
Green Paper.’

‘There is still more to
do for those with
mental health
conditions, who have
one of the lowest
participation rates in
employment among
the disabled
group.’⁵⁶

Department of Work
and Pensions

Current proposals focus on issues such as preventative action and social inclusion, two policies which could be dramatically improved through safe average working hours. Indeed the Commission acknowledges that *‘schools and workplaces, where people spend large parts of their time, are crucial settings for action’*.

‘Interventions to improve individual capacity and to reduce stressors in the work environment increase health and economic development.’ Green Paper

FUTURE UK POLICY INITIATIVES

The UK Government claims that it wants to improve health in the work place. Ministers frequently state that more should be done to get people back into work. A recent Government initiative was launched by the Department of Health, the HSE and the Department for Work and Pensions to offer more advice to companies and to draw attention to best practice.⁵⁷ Yet while there have been improvements in helping many disabled people return to work, by its own admission the Government has failed to improve the situation for those with mental health problems.

WELFARE TO WORK

Earlier in 2005, then Secretary for Work and Pensions David Blunkett tried to address incapacity benefit through a new **Welfare to Work** plan.

‘If people re-associate with the world of work, suddenly they come alive again ... that will overcome depression and stress a lot more than people sitting at home watching daytime TV.’ David Blunkett.

When the plan was unveiled, disability groups voiced fears that many people could be made worse by being forced into inappropriate working conditions. The **Pathways to Work** scheme was viewed as a far preferable policy option. These programmes have proven to be successful in helping those with mental

difficulties identify what work they could do and in providing more help to actually achieve this aim.

Indeed the Government approach keeps on failing to make the connection between work culture, health and reasons for time off. Mr. Blunkett remarked that in the last 25 years, the number of claimants have risen four-fold stating *‘something very strange has happened to our society’*.

JEAN SAYS ... I would argue that this is not a rise in couch potatoes watching daytime television in a zombified state. As we have seen from the figures, many incapacity benefit claimants want to work. I doubt they are happy claiming the £76.45 per week (maximum) that the state has to offer. Surely the guarantee of a de-pressurised work environment is a far more appealing prospect for those taking time off due to stress. Better working time regulation would have a positive impact on health policy in general.

IMPROVING GOVERNMENT HEALTH POLICY

In trying to combat the main health problems in society the Government White Paper **Choosing Health: Making Healthier Choices Easier** focuses on:

- reduction of smoking
- increasing exercise
- sensible drinking
- improving mental health and well-being

All of which are exacerbated by working long hours. Removal of the opt-out could bring about improvement in all of these areas.

The Government **Workplace Health Connect** Report concludes that work health success indicators are:

- 1 improvement in the health and well-being of people of working age
- 2 increased employment – with more people able to work than ever before

- 3 optimal performance and attendance
– with people at work for more of the time
- 4 people and their employers
empowered to promote and protect their own health
- 5 increased productivity – so that people are more effective when they are at work
- 6 a reduction in health inequalities and social exclusion – resulting in benefits for individuals, families, communities and society
- 7 people being able to work to a later age if they wish
- 8 people with health problems or disabilities being able to optimise work opportunities

JEAN SAYS ... The Greens argue that through a limit on the working week, money that would otherwise have been lost to long-hours culture could easily be regained and re-diverted into more staff and better pay. Through such a measure, steps towards all eight success points could be achieved.

AGE AND WORKING HEALTH

The looming pensions crisis has led policy makers to conclude that the workers will have to extend their working lives. Stress is a significant contributor to social exclusion as *'mental disorders are a leading cause of early retirement and disability pensions'*.⁵⁸ If we anticipate that more people will have to work into their late 60s and beyond, we will have to address employment issues that specifically affect them. The demographic shift in society will bring with it an increase in age-related diseases such as dementia and depression.⁵⁹ Therefore, it makes sense to couple pension policy with legislation to promote working health and well-being of older people.

CONCLUSION

So why can't the Government accept that long hours are simply damaging to flexibility, innovation and health? Why doesn't Tony Blair stop pushing for the opt-out to be adopted in other EU countries? When will he protect the workforce and regulate the working week?

The Government recognises that long hours cause stress. It concedes that stress results in ill health and absence from work and recognises that absence from work costs business, society and the economy. This is a classic example of short-term policy creating long term problems. The Greens' joined-up policy would see a dramatic improvement in health, social policy and productivity.

Phasing out the opt-out from the Working Time Directive would not dramatically change the lives of the majority of British employees as many people already work within the recommended 48 hour week. However, it would bring about improvements in health, particularly mental health, to a significant minority and would offer greater protection to those working long and damaging hours. It could also force the Government to re-evaluate pay and increase the minimum wage to a living wage, a measure consistently championed by the Greens.

Above all the Greens believe in a right to work in a healthy environment. This should be non-negotiable. An opt-out of health and safety legislation is therefore unacceptable.

According to the University of Helsinki, those working overtime or suffering from work-related fatigue are more likely to put on weight. Likely causes identified by the Department of Public Health research team included less time for exercise and increased consumption of fast food.

regulate the working week

*"Instead of being
resentful that
Government
intervention might
prevent us from working
excessive hours, we
should be angry that
Government
intervention has
prevented us from
working healthy safe
hours and from
spending time with our
families."*

Jean Lambert, Green Party MEP

*"Company restructuring
should be seen as an
opportunity. More staff
equals more flexibility.
This brings about a
healthier workforce less
likely to take time off,
less likely to quit and
therefore more likely to
bring about
productivity, saving
money in the long run."*

Jean Lambert, Green Party MEP

SOLUTIONS

European Employment Strategies, which are backed by the UK Government make the case for more and better jobs and improved social inclusion. Specific EU and UK strategies place great importance on good working conditions and the promotion of a healthy and safe work environment.



To achieve this there must be an emphasis on preventing ill health, creating acceptable conditions for return and promoting social inclusion. Without such an approach we cannot achieve the EU employment aims set out at Lisbon.

We have to create joined-up policy that recognises the link between long hours, stress, ill health, and time off work. Failure to do so misses a golden opportunity to improve productivity, work-life balance and to redirect money that would otherwise be lost through costs to the employer, the individual and to public services.

However, the British Government refuses to take the first important step towards this opportunity. Despite the fact that, along with the majority of the European Parliament, Labour's own MEPs admit the opt-out is flawed, Tony Blair has vowed to fight to keep it in the Working Time Directive. If he succeeds, many workers will find themselves working over 48 hours per week in the office when they should be at home with their family, out with their friends or simply having time to themselves.

This Report has put forward the clear evidence in support of the following:

- **In the UK we work the most excessive hours in Europe. We have a long-hours work culture**
- **Working sustained hours is detrimental to health, both physically and psychologically**
- **The UK lacks informed managers and qualified specialists to help those suffering from stress-related disorders**
- **Despite probable underestimations in figures, stress is one of the biggest causes for time off work**
- **Those with stress and mental health problems make up a significant proportion of incapacity benefit claimants**
- **Many in this same group want to get back into work but feel that conditions prevent them from doing so**
- **Time off through health problems linked to long hours is costly to the individual, society and the economy**
- **Employee absence is costly for the employer through productivity lost, staff turnover and retraining**
- **Productivity and morale can increase through shorter working hours**

- Voluntary agreements and light touch legislation have failed to safeguard workers' health
- Many workers do not know their working time rights or feel as though they have not freely decided to opt-out of them
- The UK Government, against the will of the European Parliament (including its own MEPs) continues to defend the opt-out in the Working Time Directive

The Greens want this to change and have consistently campaigned for fair hours and fair pay. As Green Group Co-ordinator of the Employment Committee, I believe that significant positive steps can be taken and include:

- A change in the 'work hard, play hard' employment culture
- A living wage
- Recognition of stress as a significant factor in the workplace
- Provision of funding to help employers tackle stress in the workplace, particularly SMEs
- Focus on preventative action
- More occupational specialists
- Support for Pathway to Work Schemes
- Stress awareness and prevention as a basis of management training
- More obvious channels for employees and employers to seek advice on stress and other work health problems
- Better quantitative and qualitative monitoring of stress-related illness in the workplace for better understanding of the extent of the problem in the UK
- Use of more innovative and flexible work methods which don't compromise job security
- Money otherwise lost through stress-related ill health should be re-

diverted into more staff and better training in stress prevention

- Better Government assessment on the indirect effects of stress and long hours on workplace performance, road safety, eating habits and community cohesion
- Companies to view restructuring as an opportunity to retain staff and address burn out

KEY SOLUTION

Above all, the removal of the opt-out from the Working Time Directive would provide basic cover for all employees and enable them to limit their work hours.

But to persuade the UK Government, political pressure is needed:

Write to your MP and your MEP about your right to a work-life balance.

For information on your MEP visit www.europarl.eu.int/members/public.do?language=en or for your MP www.writetothem.com

Submit your opinion through the Commission Green Paper on Mental Health

This can be done via the Commission website. The deadline is 31 May 2006. www.europa.eu.int/comm/health/p_h_determinants/life_style/mental/green_paper/mental_gp_en.pdf

Support your trade union

Most unions, working in the interests of employee health, have been trying to convince the Government that long hours are dangerous. See the TUC work-life balance campaign for more information www.tuc.org.uk/theme/index.cfm?theme=itsabouttime

Case study: The Welsh Government

With money from the European Social Fund EQUAL Programme, the Welsh Government has launched a £5 million programme to improve job retention by tackling stress – focussing on prevention and advice.

Entitled **Healthy Minds at Work** the initiative will help workers by:

- developing self-help awareness for employees
- providing training for individuals and groups
- offering support via a new contact and support centre
- establishment of a centre for best practice

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