



# Stress Management Procedures

## Systems of Work

How to Deal with a Person on Stress Leave.

### Outcomes

- A transparent and effective Stress Management Procedure for companies to utilise.
- Guidelines for dealing with a person on stress leave.

## How to Deal with a Person on Stress Leave

Under the Health & Safety at Work Act 2015, companies must protect workers from potential workplace harm. This includes recognising and acting when an employee is experiencing workplace stress. This guide details the procedures a company should follow to ensure effective stress management tools are implemented.

This how to guide will cover:

- Stress Management Requirements.
- Procedures for dealing with an employee on stress leave.

## Stress Management – Overview

Stress is a common part of everyday life with most people experiencing some form of stress in their day, and typically this is seen to be healthy if managed appropriately. Stress however becomes of concern when an individual is not able to cope with the demands of their environment i.e. when stress turns to distress. There are a number of warning signs and symptoms that may allow you to spot when an employee may be suffering from distress. These include changes in one or more of the following ways (not complete):

- Memory problems.
- Inability to concentrate.
- Poor judgment.
- Seeing only the negative.
- Agitation, inability to relax.
- Feeling overwhelmed.
- General unhappiness.

If one of your employees have identified has identified higher levels of distress –then you need to take action.

You need to:

- Consider what, if any support they may need and talk to the employee or discuss the options with your manager.
- Suggest to your employee that they take regular breaks and get out of the office at lunch, even if it is just a quick 5-minute walk.
- Keep connected to your employee and suggest they reach out for support if they are struggling.
- Keep a watch for evidence of your employee's thought patterns – help them to interrupt negative and self-limiting thoughts and talk to them about these observations.
- Suggest employees talk to employee assistance services (if available) or their GP.

Management should regularly monitor the situation with the employee. You may decide to undertake regular reviews, e.g. weekly. You should review once solutions have been implemented and when they end (e.g. end of leave, end of reduced workload).

## Definitions

- **Stress.** An interaction between a person and their (work) environment. For the person it is an awareness of not being able to cope with the demands of their work environment, with an associated negative emotional response.
- **Stressor.** Events or circumstances which generally result in pressure.
- **Hazard.** An activity, arrangement, circumstance, event, occurrence, phenomenon, process, situation or substance that is an actual or potential cause of Harm. The H&S at Work Act definition of Harm includes "not only physical illness or injury but also mental illness or injury caused by work-related stress"
- **Serious Harm.** A condition that results in death, or the permanent loss of bodily function, or severe, temporary loss of bodily function. Under the H&S at Work Act, it also defines Serious Harm as "any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence".
- **Stress Management Systems.** Two ways of dealing with workplace hazards that lead to stress and fatigue:
  - Eliminate -remove or replace the stressor or hazard.
  - Minimise -reduce the exposure to the stressor or hazard.
- **Prevention**
  - Primary prevention – creating a healthy place of work and controlling stressors so that the work is interesting, rewarding and paced within the person's capabilities (i.e. elimination of the hazard).
  - Secondary prevention – improving the fit between the person and the job by selection, on-the-job training, performance feedback and monitoring of problems (i.e. isolation of the hazard to adequately trained or equipped personnel).
  - Tertiary prevention – helping the person suffering from stress (also called minimisation or stress management).

## Stress Management Process

Stress Management applies to permanent full-time, permanent part-time, fixed-term, and casual workers. It does not apply to agency temporaries and independent contractors. The Health & Safety at Work Act 2015 extended coverage of workplace injury to include injury caused by 'stress' or 'mental fatigue'.

Stress and mental fatigue refer to an interaction between a person and their (work) environment. For the person, it is an awareness of not being able to cope with the demands of their work environment, with an associated negative emotional response.

Serious Harm is a condition that results in death, or the permanent loss of bodily function, or severe temporary loss of a bodily function. Under the Health & Safety at Work Act 2015, it also defines Serious Harm as "any harm that causes the person harmed to be hospitalised for a period of 48 hours or more commencing within 7 days of the harm's occurrence".<sup>1</sup>

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<sup>1</sup> Health and Safety at Work Act 2015 (as at 1 December 2020),  
<https://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html>

## Procedures

The following steps detail the Company's procedure when dealing with an employee who is away from work on stress leave.

### 1. Stress Leave Application

When an individual requests stress leave the Company is to have an initial discussion with the employee to discuss illness and ongoing employment.

### 2. Request Medical Certificate

The Company can request a medical certificate. If the medical certificate does not provide sufficient information and / or the individual is going to be away from work for a prolonged period, Human Resources / Management assist the Manager in requesting the consent of the individual to contact their doctor. With the individual's consent, Human Resources / Management write to the individual's doctor requesting more detail regarding the nature of the illness. If information from the individual's doctor is insufficient, the Company should request that the Individual visit a Company nominated doctor. If the individual does not consent to Human Resources / Management contacting their doctor refer to the conditions in the employment agreement and/or the company policies and follow up with a letter reminding the individual of 'good faith' obligations. If the individual continues to refuse, consider a disciplinary process.

*Note: 'Stress' is not a medical diagnosis. A certificate stating someone is unwell from 'stress' does not automatically constitute evidence of Serious Harm.*

### 3. Employee Discussion

The Manager should contact the individual via letter or phone call. The Manager should send a letter to notify the individual of the meeting agenda. The individual should bring a medical certificate and may also bring a support person. The Manager and employee should discuss the illness, impact on the job, company concerns, and (in)ability to hold the job open. The individual should be offered the Employee Assistance Programme (EAP) (if applicable) and asked whether they wish to maintain regular contact while on leave and whether the Company can offer any other support or assistance. The Manager and employee should also discuss the return-to-work date. A reasonable timeframe for the employee to return should be set. This should be based on the individual's medical certificate/recommendation from the individual's doctor and how long the Company can reasonably keep the role held open.

## 4. Scheduled Return to Work

Prior to the employee's return to work, management should request medical clearance. Clearance can be verbal or written. If there is any doubt over the individual's ability to return to work, it is advisable that written medical clearance is received. If no clearance is received, management should request that the Individual visit the Company nominated doctor. If an individual is not fit to return to work, management needs to advise the individual that they cannot return until medical clearance is given. Termination on the grounds of medical incapacity may be a result of the employee being unable to return to work in a reasonable timeframe. The Manager and Human Resources need to meet the individual on return to work. This meeting must occur on the first day back in the office and before commencing any work. The meeting should be to review the cause of stress. If the cause of stress is work-related, the Manager should consider steps that can be taken to prevent reoccurrence.

## Additional Learning

The EMA has a variety of learning opportunities available in person or via our e-learning platform. For more information visit: <https://www.ema.co.nz/ema/learning/ema/training>

We also can provide tailored training solutions to your business based on your specific needs. If this is of interest to you, contact [learn@ema.co.nz](mailto:learn@ema.co.nz)

We also provide conferences, webinars, and member briefings. For more information visit: <https://www.ema.co.nz/ema/events/ema/events> or contact [conferences@ema.co.nz](mailto:conferences@ema.co.nz) .

## Get in Touch

For specific assistance and enquiries, please contact EMA Advice Line, Consultants or Legal services. Advice Line NZ 0800 300 362 or AU 1800 300 362.