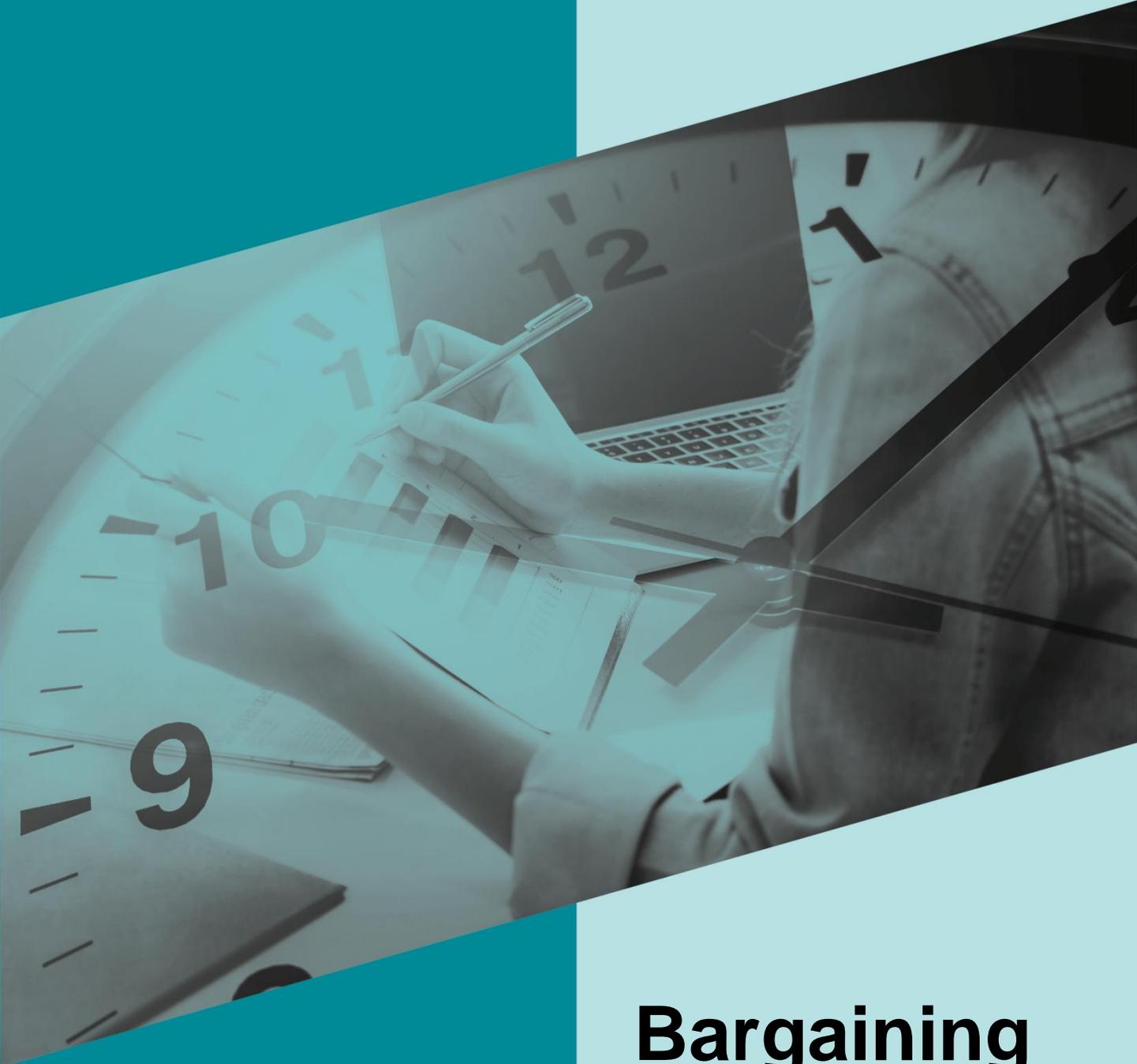# Bargaining on workload

UNISON
the public service union

BARGAINING ON WORKLOAD

Introduction

Pay, hours and leave are core dimensions of terms and conditions in the workplace that are usually clearly defined and agreed for most types of contract. Workload is another central concern of most staff, but is often much harder to pin down, measure and agree in quite the same way.

Nonetheless, workers know when the demands on them are being ramped up to excessive levels, so the pace of work has always been a central battleground between employers and employees.

But while the push for greater levels of output through more intensive working is often ever present, the budget cuts that have formed the background to public services for much of the last decade, along with the gradual penetration of automation into public services, have given the issue even greater prominence.

Data generated by automation can lead to much more detailed tracking of workers' performance and complex algorithms can be utilised by computer technology to increasingly dictate the intensity of work schedules. The tracking of time a call centre operator spends in responding to calls and on that basis setting norms for the minimum number of call responses per hour is a typical example of just such a system.

Automated systems of working can also generate work practices that intrude deeper into employees' private lives, blur the lines between work and leisure, and leave workers feeling unable to "switch off" outside of their contracted hours.

This guide is intended to assist negotiators in making the case to employers for controlling workloads, putting in place the means for assessing workload and taking measures to address excessive workloads.

The guide is structured as follows:

Making the case to control workloads

An employer's duty to control workloads is rooted in the protections to staff health enshrined in the Health and Safety at Work Act / Order and the Management of Health and Safety at Work Regulations. While the former imposes a general requirement to ensure the health, safety and welfare of employees, the latter establishes a specific requirement to carry out an assessment of the risk to health from working arrangements and take action accordingly.

The Health and Safety Executive Stress Management Standards provide a framework for an employer to evaluate stress-related risks. Therefore, assessment of workloads can take place within this broader framework, which is explained in the UNISON Stress Toolkit.

Under the Safety Representatives and Safety Committees Regulations, health and safety reps must be consulted on any risk assessment and be provided with the results.

In the case of disabled workers, the Equality Act in Britain and the Disability Discrimination Act in Northern Ireland provide the added protection that reasonable adjustments, which can include adjustments to workload, must be made to ensure they are not put at a disadvantage in the performance of their work.

In the case of pregnant workers, those who have given birth within the previous six months or are breastfeeding, the Management of Health and Safety at Work Regulations also offer a specific provision that demands a risk assessment, which should take account of workload.

Employers leave themselves open to prosecution if they fail to discharge these duties and staff suffer significant ill health as a result of that negligence.

However, in addition to highlighting workload control as a health and safety measure, it may be valuable to find some common interest with employers by highlighting the damaging impact to the organisation of excessive workloads, which usually fall into the following categories:

- Turnover – excessive workloads that staff feel they cannot sustain over the long term will lead some employees to leave the organisation;

- Sickness absence – the stress created by excessive workloads can act as a trigger for mental health problems and will almost certainly bring about a greater number of days lost to sickness absence;

- Productivity – Even if staff remain with the organisation and avoid time off because of sickness, in attending work to face an excessive workload, employees are liable to suffer a dip in morale and motivation, reducing their daily productivity.

The role of workload in contributing to these impacts is apparent in the feedback gathered in a major UNISON survey covering almost 10,000 members who put "excessive demands of the job" as by far the greatest cause of stress in the workplace, with two-thirds of those surveyed identifying it as a factor.

More than four in five (83%) members said that they had experienced stress as a result of their workload in the past five years, one in five (20%) needed to take time off sick as a result and almost nine in ten (87%) felt that services sometimes suffered due to pressure put on staff at work.

Those issues are even more acute in certain parts of the public services. For instance, a UNISON survey of over 14,000 schools support workers found that over half (55%) face workload problems. More than one in 10 felt that that their workload was "impossible" and that they never managed to do all of the work expected of them. Over half (52%) stated that they had suffered from stress, anxiety or depression due to workload.

These patterns have been confirmed in wider studies, such as the Benenden Health Mental Health in the Workplace 2017 survey, which found that among those suffering stress, 38% attributed that stress to workload. That was more than double the proportion citing any other reason for their stress.

In the health service in particular, workload concerns are reflected in pressure by the union on employers over staffing levels, given its acute impact on patient safety. UNISON's Health Group has produced guidance on how to raise those concerns in the NHS https://www.unison.org.uk/content/uploads/2019/10/25807.pdf

Measuring signs of excessive workload

Making the case to an employer will be bolstered where signs of damage to the organisation can be demonstrated and once an employer has accepted the case, measurement of workload must remain an ongoing element of meeting the duty to protect staff health.

Analysing symptoms

Signs of an excessive workload on staff will normally become evident in the number of hours worked beyond the contracted terms and the toll it takes on staff, which can be detected in worsening turnover, sickness absence and productivity rates.

Therefore, any evidence that can be collected on these dimensions can be of great assistance in demonstrating to employers that they have a problem and need to do something about it.

Figures on turnover, vacancy and sickness absence are likely to be collected by the employer on a regular basis and negotiators should press for that information to be shared with the union in a way that offers a meaningful breakdown of the data.

In order to expose where action is most needed, separate figures are often necessary for discrete roles or departments carrying differing demands. For instance, within a waste collection service, the data for waste collectors may tell a very different story to those for administrative staff or the figures for the organisation in totality.

In some cases, employers may also collect productivity related data, such as the number of elderly patients visited per day by home care workers or response times for engineers in a gas company.

Data on hours worked in excess of standard contractual hours is likely to be more readily available from the employer in terms of paid hours, but in some cases could also be available for unpaid hours.

For some staff, such as zero hours workers, there may be no standard contractual working week that can act as a benchmark for measuring excess hours, so in this case it may be

necessary to assess their average total hours worked. The problems faced by such workers most commonly lie in lack of work or the unpredictability of work patterns, but there are occasions when they face excessive hours as they feel they cannot turn down time offered without facing the consequence of employers punishing them by refusing to offer hours in the future.

The type of data normally collected by an employer may allow for agreement on a set of indicators that can be assessed jointly with the employer as a sign of workload pressures on a regular basis. Alternatively, the union may seek such a set of indicators from employers that it can assess independently.

The table below shows the kind of indicators that may be collected to enable assessment of how they change over time and how they compare against wider norms.

Indicator	Level in current period	Percentage change on previous period	Comparative national / regional / sector norms
Turnover rate			
Vacancy rate			
Sickness absence rate			
Productivity measures			
Accident incident rate			
Average weekly paid hours worked in excess of contracted hours			
Average weekly unpaid hours worked in excess of contracted hours			
Average weekly hours worked of staff with no contracted hours			

High turnover, high sickness absence and low productivity can be caused by a variety of factors other than workload, such as uncompetitive pay rates or bullying in the workplace. Therefore, digging into the reasons behind the figures is liable to offer indicators of greatest relevance to workload. For instance, exit interviews may identify whether workload was a factor in someone's decision to leave and the reported forms of sickness may be revealing.

Convincing an employer that they have a problem can be aided by highlighting the organisation's figure against the norms for that indicator, which can be the national norms, the norms for the local area, or the norms for the sector in which the employer operates.

Comparing against wider norms

Turnover rates

The turnover rate is calculated by taking the number of staff who have left the organisation over a given period (usually a year) and dividing by the average number of staff employed during that period by headcount.

The latest exhaustive annual survey conducted by XpertHR found the median turnover rate across the economy running at 14.4% in 2019.

One of the highest sectoral turnover rates is in adult social care, where almost a third (30%) of staff are leaving every year.

In emphasising the costs of higher turnover rates to employers, it is worth noting that average recruitment costs currently stand at over £2,000 per job, when in-house resourcing time, advertising, agency and search fees or all taken into account[1].

A slightly more sophisticated version of the turnover rate is the voluntary resignation rate. This figure excludes all those who have left due to factors such as redundancy and retirement, therefore focusing on the most relevant factor - those who are likely to have left as a result of finding a job on better terms.

Vacancy rates

The vacancy rate is calculated simply by taking the number of jobs currently vacant and dividing by the number of jobs at the organisation or in a specific department.

The Office for National Statistics indicates that the vacancy rate across the economy is 2%. Sector analysis shows the public administration category at 2.7%, education at 1.6%, human health and social work at 3.1%, the electricity and gas sector at 3.1% and the water supply sector 1.2%.[2]

Within the "health and social work" category, the adult social care sector has a vacancy rate of 7%, while the NHS also displays one of the UK's highest vacancy rates at 7% in England[3].

Sickness absence rates

The Chartered Institute of Personnel and Development (CIPD) put average annual sickness absence rates across the UK at 5.8 days per employee in 2020.

By sector, it put the average at 8 days across the public sector, 5.2 among not-for-profit organisations and 4.3 days in private sector services[4].

Across UNISON's major bargaining groups, the NHS publishes the highest level of detail on sickness absence rates. Its monthly updates, carried on the link below, show rates by occupation, region, organisational type and trust.

https://digital.nhs.uk/data-and-information/publications/statistical/nhs-sickness-absence-rates

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[1] XpertHR, Key Recruitment Metrics Survey 2019/20

[2] ONS, Labour Market Overview, March 2021

[3] NHS Vacancy Statistics, December 2020

[4] CIPD, Health and Wellbeing Survey 2020

Additional hours

Surveys suggest that around a half of staff who work beyond their contracted hours do so because of the scale of their workload and average overtime is 10 hours per week[5]. Among those who work unpaid overtime, it is estimated that they put in an extra 7.7 hours per week[6].

The data above sets out some very broad measures that may be useful reference points for an organisation's results, but if you are looking for assistance in uncovering whether there are any more specific rates available as benchmarks for the staff you are representing, please contact UNISON's Bargaining Support Group via bsg@unison.co.uk

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[5] OnePoll Survey, March 2018
[6] TUC estimates, February 2021

Gathering evidence from members

Particularly where an employer is obstructive in sharing data or there is reason to believe that the collected data is not showing a full picture, it may be useful to gather the views and experiences of staff to supplement employer figures.

Working with an employer to develop a survey can improve the chances of employers taking action on the basis of the survey results and can also make it easier to reach a larger proportion of the workforce. However, where the employer is uncooperative, the union may decide to act independently with a survey among its members.

A model survey that can be adapted to suit local circumstances is available in appendix 1 of this guide. The information collected in this way can provide an indication of the following key issues:

- Perceptions of workload and how it has changed;

- Damage to their health and morale;

- Scale of unpaid hours worked;

- Reasons for working unpaid hours;

- Frequency of staff shortages;

- Frequency of working beyond grade;

- Level of support from management.

The great advantage of a member survey is that it can be targeted on employee experiences of workload specifically, whereas many dimensions of employer data such as turnover and sickness absence rates can be affected by many other factors than workload.

A survey can also enable assessment of differing experiences of workload for different parts of the workforce, by breaking down responses by factors such as department, occupation, part-time/full-time status, income band, disability, gender, age or ethnicity.

In enforcing union rights around the control of workload, it may be useful to refer to the right of health and safety reps to be consulted over risk assessments and their right to conduct workplace inspections to assess workload risks.

In gathering staff views and experiences, it may also be valuable to utilize the Safety Representatives and Safety Committees Regulations, which give health and safety reps the right to investigate health and safety matters and conduct at least four workplace inspections a year.

Assessing demands

Productivity ratios are often taken as the means for raising the demands of a job. For instance, the ratio between staff and patients on a hospital ward may be squeezed to seek greater output from the same input. Therefore, although workload pressures can cause drops in productivity, the intervention of an employer to select a productivity measure and impose a higher standard rate can artificially raise it.

It may be the case that the union does not agree with some such measures as a reasonable indicator of a worker's productivity (this is dealt with later in this guide under actions to address excessive workload), but they may still be useful to show changes to the pressures placed on staff.

These demands may be specifically set out by an employer by for example stating that staff must complete a certain number of tasks a day, such as call-centre operators answering a specified number of calls or parking enforcement staff covering a certain distance each day. But they can also be the implied the consequence of other changes made to the organisation. For instance, budget cuts are liable to intensify demands if the demand on services remains unaltered.

It may be straightforward to track demands on staff if the employer clearly sets out expected outputs from staff. However, expectations may be more informal, in which case discussions with management and staff would be needed to establish the rate of work imposed.

It may also be necessary to turn to approximations for the demands placed on staff, most commonly by tracking staffing levels against any reasonable measure of the volume of services provided. At its crudest level, this can be a comparison of the number of staff employed against the organisation's annual turnover.

However, demands on staff are not solely about the volume of work, but also about the difficulty of the work. The demands of a job are usually set out in a job specification, which should detail the kind of work expected of the person fulfilling the role.

Therefore, a staff survey or regular contact with members can begin to detect where staff are being required to consistently take on work in excess of the demands set out in the job specification.

In summary, an indicator of the demands being placed on staff can normally be measured through:

- Productivity targets;
- Staffing ratios (e.g. number of staff compared to a measure of demand, such as number of patients or revenue);
- The rating of tasks demanded against those specified in job descriptions.

Steps to control workload

The appropriate action to be taken will clearly be influenced by the picture of workload pressures painted by employer data and staff feedback.

Where it is clear from the evidence collected that staff are working excessive hours, particularly unpaid hours, the following points should be considered:

- Workplace cultures can have a major effect on workload by establishing an expected pattern of working well beyond contracted hours. Managers can set the tone for such practices and staff themselves can get into a pattern of matching or surpassing colleagues' long hours out of fear of facing negative judgements by managers and colleagues if they fail to do so.

- Therefore, the union can press employers to establish management training that places an expectation on managers that they will pressurise staff to limit unpaid hours rather than extend them, in all but exceptional circumstances. Managers should also set an example themselves by avoiding persistent hours well in excess of contracted levels and training in workforce planning can help address workload surges created by staff shortages.

- The union may seek to co-ordinate a collective commitment among staff to limit their hours, but the union has to be conscious that any form of what may be considered "working to rule" is illegal under UK employment legislation without a legal ballot.

- Unfortunately, it is not uncommon, particularly in higher paid roles, for employment contracts to contain clauses that allow for working hours as necessary to meet the requirements of the job. Though such clauses are still constrained by the Working Time Regulations and the demands of health and safety legislation, they are nonetheless a weakness in the ability of the union to control workload, so the union should seek to avoid such contract clauses which allow an open-ended call on staff.

- The tendency that has become particularly acute with the development of more sophisticated information and communication technology for staff to check and respond to messages outside of contracted hours should be addressed with an agreement that staff have a right to turn off IT equipment at the end of their contracted hours. There may be exceptional circumstances where it may be reasonable to set this rule aside, but this should be agreed through the union.

However, long hours are often a symptom of other factors driving intensive workloads.

If the employer specifies productivity targets for its workforce, these are an obvious target for negotiation where staff are reporting the demands are excessive.

In some cases, pressure can be eased by considering whether a wider set of indicators better assess performance. For instance, productivity targets built around the number of visits a home care worker makes per day can fail to take account of the quality of visits. Therefore, rating feedback from patients can temper productivity measures based on crude volumes, if the number of calls required pay day are relaxed.

If productivity targets are not set, the root of the problem may lie in inadequate staffing levels and so recruitment plans should form part of the solution.

If staff identify persistent working beyond their grade, a review should be sought of what staff are being required to do against their job description.

Even where the union successfully persuades the employer to establish an assessment of workload and take appropriate actions to address it, should maintain monitoring and come together with unions at regular intervals to assess data. Major changes, such as reorganisation, redundancy and introduction of new technology should be accompanied by a workload review.

Appendix 1 – Model workload survey

UNISON **[branch name]** is currently assembling a case to put to **[employer's name]** for monitoring and controlling workloads. In order to ensure this case is firmly based on your experiences and views, we would greatly appreciate it if you could spare the time to complete this survey.

The survey covers just 21 questions and would normally take just around seven minutes to complete. All responses to this questionnaire are anonymous and will be treated as confidential. It will not be possible to identify any individual from information used for assembling the case we put to **[employer's name]**.

1. How manageable do you consider your current workload?	
No problem	
Occasionally excessive	
Frequently excessive	
Constantly excessive	

2. How has your workload changed over the last year?	
Decreased	
Remained the same	
Increased	

3. Has your workload caused you stress over the last year?	
Never	
Occasionally	
Frequently	
Constantly	

4. Has stress caused by your workload resulted in you having to take time off ill over the last year?	
Yes	
No	

5. Has your workload caused a decline in your mental health over the last year?	
No	
Yes, slightly	
Yes, greatly	
Prefer not to say	

6. Has your workload caused you to consider looking for another job over the last year?	
Yes	
No	

7. Has your workload affected your morale in the workplace over the last year?	
No	
Yes, my morale has improved	
Yes, my morale has declined	

8. Have workload pressures damaged the quality of service delivered in your workplace over the last year?	
No	
Yes, slightly	
Yes, significantly	

9. If you feel that your workload has been excessive at any time over the last year, what do you consider to be the main causes (tick as many boxes as you feel apply)?	
Staff shortages	
Unrealistic targets	
Tasks above my job description	
Long hours working culture	

10. On average, how many paid hours do you work above your contracted hours per week?	
None	
Up to two hours	
More than two hours, less the five hours	
More than five hours, less than 10 hours	
More than 10 hours	

11. On average, how many unpaid hours do you work above your contracted hours per week?	
None	
Up to two hours	
More than two hours, less the five hours	
More than five hours, less than 10 hours	
More than 10 hours	

12. If you don't have set contracted hours, on average how many hours beyond 37 do you work?	
None	
Up to two hours	
More than two hours, less the five hours	
More than five hours, less than 10 hours	
More than 10 hours	

13. If you regularly work unpaid beyond your contracted hours, what are your reasons?	
Enjoy the work	
Cannot complete the work without doing additional hours	
Feel pressure from managers to do extra hours	
It's standard among colleagues to do extra hours	
Have to cover for staff shortages	

14. How frequently do you fulfil tasks that are more demanding than those defined in your job description?	
Never	
Occasionally	
Frequently	
Constantly	

15. Do you have clear targets set for your work in terms of the volume of work to be completed in a specified time period?	
Yes	
No	
If yes, please state the target	

16. If you do have targets set, how have they changed over the last year?	
Increased	
Decreased	
Remained the same	

17. How frequently do you experience staff shortages in your workplace?	
Never	
Occasionally	
Frequently	
Constantly	

18. Do you regularly review your workload with your manager?	
Never	
Occasionally	
Regularly	

19. Would you describe yourself as a disabled person?	
Yes	
No	
Prefer not to say	

20. What income band are you in?	
Under £10,000	
Between £10,000 and £10,999	
Between £20,000 and £39,999	
£40,000 or over	

21. In which department do you work?	
Set out list of appropriate departments	
Prefer not to say	

Advice on surveys

Surveys can entail some notable pitfalls that can be addressed by observing the following points:

- Try to keep the survey short so that it is not overly demanding on staff time and they are more likely to complete it. As a rough guide, it should take between five and 10 minutes to complete, which means between 10 and 30 questions.

- Requiring answers that are specific reduces the time necessary for analysis. For example, if asking "How would you describe morale?", requiring responses of High, Moderate or Low will enable you to quickly establish from the results that, for instance, 64% of staff see morale as low. If the answer is left open, responses will have to be analysed one by one to place them in categories and provide usable percentages for a claim.

- However, there can be a place for open-ended questions as they can generate quotes and examples of value to your case. For instance, supplementing a survey with a question such as "In what way has your experience of work changed over the last year?" may give you a telling quote that makes a point more effectively than a page of percentages.

- Profile questions are normally asked at the end of surveys to enable the results to be broken down according to certain categories. For example, a gender question will enable you to see how the workload concerns of women differ from that of men. Therefore, think about how you will want to break down results and establish the profile questions accordingly.

- Ensure that the survey carries a preamble that emphasises to members that the survey is completely anonymous, makes plain the purpose for which the gathered data will be used and tells them approximately how long the survey will take to complete.

- Always make sure that the data you submit to the employer protects your members' identities.

- The best method for protecting confidentiality and for reducing the time necessary to analyse results is to conduct an online survey. The recommended online survey service is set out below. However, if the survey is sent out to email addresses, care has to be taken that this is compliant with the General Data Protection Regulations. Distribution should take place through UNISON's WARMS system (Web Access RMS), to ensure that the emails used for members are those that that they have provided for such purposes to the union.

- Consider alternative ways to gain the benefits of an online survey without the restrictions of email distribution. For instance, you could place the survey link on social media if you are confident that it would be accessed by sufficient staff without notifying emails. Alternatively, you could seek to develop a joint pay survey with the employer (if that did not mean too many compromises on questions asked), which the employer could then distribute to staff.

- If you decide on manually distributing a hard copy survey, ensure that the survey can be returned as confidentially as possible. Like the examples above which do not rely on union email distribution lists, the advantage to this method is that it can go wider than UNISON membership if agreed with any other unions representing staff. In this way, it may both gather a wider section of staff views that carries more weight with the employer and assist in recruiting members by highlighting the role of the union in advancing staff terms and conditions.

Online survey providers

SurveyMonkey is one of the most widely used online survey services but UNISON now recommends SurveyGizmo as it has EU servers and therefore complies with EU data protection law, whereas SurveyMonkey servers are US based.

SurveyGizmo offer various different packages, but UNISON recommends the standard version of SurveyGizmo, as it fulfils the required data protection and anonymity features.

Branches must set up their own online surveys and cannot use regional SurveyGizmo accounts. At around £700 for the year, SurveyGizmo is not cheap, but branches can use it for unlimited surveys including branch mapping surveys, consultations and member questionnaires throughout the year.

It is possible to sign up for SurveyGizmo here: https://www.surveygizmo.eu

[Please make sure that you use the .eu address and not the .com address so that it is EU based]

SurveyGizmo's instructions on sending out survey invitations to email addresses are here:

https://help.surveygizmo.com/help/share-survey-via-email

Its instructions on how to make voting anonymous are here: https://help.surveygizmo.com/help/anonymous-surveys

For every SurveyGizmo account that contains UNISON member data, a branch elected official should notify their Regional Head.

Appendix 2 – Model workload agreement

WORKLOAD AGREEMENT BETWEEN
[NAME OF EMPLOYER] AND [UNISON BRANCH]

1. General principles

1.1 Both [Name of employer] and [UNISON branch] recognise that excessive workloads have a damaging effect on the health and wellbeing of staff, as well as a negative impact on services through damage to turnover, sickness absence, morale and productivity.

1.2 This agreement sets out the steps that will be taken to monitor workload and address patterns of excessive workload.

1.3 Both parties recognise that workloads fluctuate and there are occasions when workload rises above the norm. However, this agreement is intended to deal with persistent excessive workload.

2 Mechanism for monitoring workload

2.1 Working within the framework of risk assessments required by the Management of Health and Safety at Work Regulations, signs of excessive workload will be jointly assessed through regular collection and sharing of relevant data.

2.2 [Name of employer] data will be made available on

- Turnover rates;

- Vacancy rates;

- Sickness absence rates;

- Accident rates;

- Paid hours beyond contracted hours,.

2.3 These indicators will be broken down by department and occupation to provide the most appropriate basis for decision making.

2.4 Turnover data shall show where staff have quoted workload as a reason for leaving and reasons for sickness absence shall also be assessed for signs of workload impact.

2.5 This data will be supplemented by a survey of staff on at least an annual basis to identify the following dimensions of workload:

- Perceptions of workload and how it has changed;

- Damage to their health and morale;

- Scale of unpaid hours worked;

- Reasons for working unpaid hours;

- Frequency of staff shortages;

- Frequency of working beyond grade;

- Level of support from management.

2.6 A thorough workload review will be conducted on at least an annual basis but there will be a presumption in favour of an additional review following a major organisational change, such as a reorganisation or introduction of new technology.

3   Actions to address excessive workload

3.1 The appropriate actions to address excessive workload will be linked to the conclusions drawn from monitoring data, as will the set of roles / departments where any action should apply. However, the options for action will include the following:

- Management training to emphasise managers' role in controlling unpaid hours and preventing operation of a long-hours culture on a consistent basis;

- Communicating to staff that they are not expected to check or respond to any messaging through IT systems outside of contracted hours. Any period of exception to this rule will be agreed following discussion with [UNISON branch];

- Review of any productivity targets set for the workforce;

- Review of staffing levels against the demands placed on staff;

- Review of tasks required of staff against their job descriptions.

4. Signatories

This agreement comes into force on:

Date:………………………………..

This agreement will be reviewed on:

Date:………………………………..

SIGNED …………………………… for [Employer Name]

DATE ………………………………..

SIGNED ………………………….. for [UNISON Branch]

DATE ………………………………..