

MIKE PITT, employment, company and commercial law specialist, of Oldham's Pearson Hinchliffe, warns companies against imposing excessive workloads on employees.

IT seems like only yesterday – although it was actually more than 25 years ago – that all the talk was of how new technology was going to mean shorter working hours and the main concern was how we were going to fill all that extra leisure time.

Ironically, workers in Britain today are taking shorter breaks and working longer hours than for decades. One recent report claimed that employees stop work for an average of only 27 minutes at lunchtime and only one in five workers takes a 60-minute break. Another study revealed that 73 per cent of employees work longer hours than they are contracted to do.

Explanations offered include job insecurity, rivalry with colleagues and, of course, increasing workloads as organisations shed employees in the name of efficiency. Employees may be trying to demonstrate their commitment to their role, and to business targets, by working longer hours.

One effect, however, is that employees are often more stressed out and less loyal to their employers. Companies that fail to combat the long-hours culture may end up facing costly tribunals, as employers who impose an unreasonable workload may be liable in law.

Obligations of reasonable care and mutual trust and confidence are implied in every employment contract. Most cases of excessive workload have been claimed to breach the obligation of reasonable care, which provides protection against inflicting psychological as well as physical harm in the workplace. But some employees have claimed that their intolerable workload amounted to a breach of mutual trust and confidence – a provision that aims to protect “the employee’s interest in not being unfairly and improperly exploited”.

Of course, every job brings its own set of tasks, responsibilities and day-to-day problems. The pressures and demands these place on employees are an unavoidable part of working life. Employees are paid to work hard and accept the reasonable pressures that go with their jobs. But these pressures should not become excessive.

Firms should check regularly that their employees are not feeling overwhelmed by their workload. Effective supervision and time-management training for staff could also be needed to encourage more efficient working practices. And companies that have flexible working policies in place should ensure that these are communicated effectively to the entire workforce.

Such measures will not only minimise the risks of expensive tribunal cases, but could also help to make the workforce more contented and productive in the long term.