

NEED FOR LEGAL FRAMEWORK ON MANAGERIAL STRESS MANAGEMENT AT WORK PLACE

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ABSTRACT : *The organizations in India need a clear and comprehensive legislative frame work for promoting cordial stress free environment in the organization- which will enhance the productivity and health of the industrial sector in India. There is a necessity to describe mechanisms by which the stress at the work place remains under surveillance. Regulations as regards stress prevention and control for managerial personnel aim in mutually understanding the obligations by employers and employees. This paper attempts to review the status of stress management at work place both for employers and employees for the legal frame work in India. Stress which cannot be managed by yoga, exercise or music, the stress which causes harm and is arising out of the employment occurring at the work place need to be dealt with through the legal frame work. It has to be broader and not alternative dispute resolution by Civil Procedure Code (Amendment) Act, 1999 under S.89- not through mediation system. The frame work should be such that employee should be in a position to file a suit against employer without the risk of job security and other advancements.*

Key Words: *Legal Frame Work, Stress, Work Place, Managerial Stress*

INTRODUCTION

Stress is the response of stimulus due to external as well as internal environment. Stress is nothing but pressure leading to psychological unfavorable state known as 'tension'. The ability of a human to detect the change in the environmental conditions and respond to stimuli is managing stress. Stress can affect mental, emotional or physical emotions in human and may break equilibrium of sound state of mind. Workplace stress means a reaction of people in the disturbed state of mind that he finds it difficult to manage or complete the work assigned to him in a stipulated time with quality. The psychologist considers this state of mind as an impact causing hormones surge through the human body. Irrespective of whether it is an acute stress or chronic stress, it has detrimental effect on human body and needs to be avoided.

IMPACT OF STRESS IS ON BOTH EMPLOYEE AND EMPLOYER

No one reach on peak without being stressed whether he / she are on junior position, middle level or Top Management. The natural behavior of human towards stress are situational like to react it where tension is high and return back to normal but when stress is constant then this will not be reversed and does not reach to relaxation. (Rebecca Maxon)

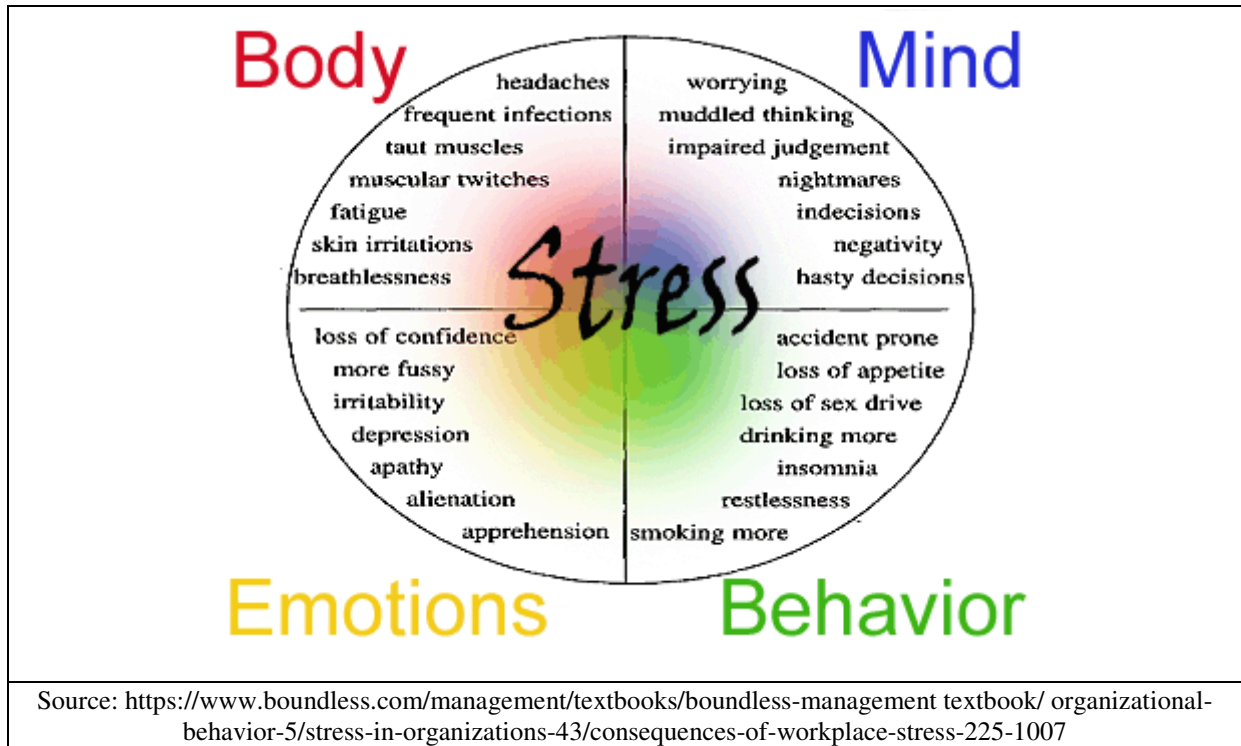
The reaction of stressed employees will show remarkable effect on individual, family, work and

finally to business and end at employer. There are different types of stresses

When body reacts due to stress it converts into frequent illness, cardiovascular and musculoskeletal disorders. There are different reactions of different people according to their circumstances. At workplace, if employee faces circumstances like heated arguments, business readjustment, strategical changes, merger and acquisition of current organization, retrenchment, layoff, late salary, up-gradation, target achievement etc. feels stress. Due to workplace tension, individuals are not able to give adequate time to family and finally from both the side, employee feels suffocation and reacts weirdly. Such stressed employee reactions gives changes in his / her performance at personal and professional life and entire environment get disturbed. (Holmes-Rahe Life Events Scale)

IMPACT OF STRESS ON EMPLOYER

In the 21st century, stress management will be the most important and challenging as it effects on economic consequences. Workplace stress costs U.S. employers an estimated \$200 billion per year in absenteeism, lower productivity, staff turnover, workers' compensation, medical insurance and other stress-related expenses. (Indian Employers rank stress No. 1 lifestyle risk factor (NDTV, 2014).



GENERAL MANAGEMENT OF STRESS

Individuals, adopt some of following ways types to manage and reduce their stress level:

- Take deep breath,
- Schedule for day for energy and focus,
- Eat right and sleep well,
- Identification of self-imposed stress,
- Meditations and Prioritize the priorities

Some of the practices adopted by employers to create happening working environment like:

- Flexible working hours
- Five days a week,
- commutation facility
- work family program,
- Canteen for hygienic and healthy food
- Health club,
- Gymnasium,
- Stress management training sessions etc.

(Rebecca Maxon)

BROAD OBJECTIVE OF PRESENT INVESTIGATION

- To determine the present situation of the stress among the employees of the level of manager and above
- To determine the need for legal frame work for managerial stress at the work place by making literature survey and
- To find primarily the research gap if any in this area

LITERATURE REVIEW

At international level it has been observed that:

"There is less stress in developing countries than in developed countries."

This may be due in part to increased consumerism and the growing influence of advertisers who "try to convince the consuming public that a want is a need." In developing countries, the sense of values are different, the value of family and nation is much stronger. In developed nations, they emphasis on what is possessed or how much money is earned. (Rebecca Maxon)

A Study of "Banking Organizations" describes adequate explanation of stress and its nature, dimensions, causes, manifestations and coping up strategies. It was observed that most of the employees experience medium to high level of stress at work.

It has been revealed during the study in banking industries, role stagnation, inadequacy of role authority and role erosion were the main reason of job stress. (FarooqAsha2003)

As per research by New York-based Families and Work Institute found 41 percent of staff who responded to a survey on workplace stress reported experiencing stress "often" or "very often" on the job.

Mills notes that there are many relaxation skills including the use of music, meditation, diaphragmatic breathing exercises, aerobic exercise, muscle relaxation and imagery. Many of these techniques can be learned through books and video- and audiotapes such as those that the Wellness Center makes available to students, faculty and staff through its stress lab.

According to techniques used by psychiatrists and other professional counselors, Cognitive techniques

help people monitor their thinking, identify "unrealistic" negative thoughts and replace those thoughts with more positive coping statements. Develop communication skill and to learn how to speak about own needs and wants and how to give positive and negative feedback to others. These, help reduce negative moods such as anxiety and depression. They also are helpful when teaching individuals to manage their own angry reactions to people and situations (Mills).

Stress in the workplace is becoming a major concern for all teachers, headmasters and government. By providing teachers with safe working environments, increased education standard, decrease in absenteeism, increased school's enrolment, reduced drop-out rate, improved teachers morale, decrease in compensation claim and reduction in workplace accidents. (Dr. S.S.Jeyaraj)

Samples of individual and situational factors which will facilitate to cut back the results of nerve-racking operating conditions like Balance between work and family or personal life, support network of friends and coworkers, relaxed and positive outlook. (Shri. Jagdish Prasad Jabarmal of Tibrewala University)

During the study he found world spirituality has revolutionaries in the paradigms of newline human resource development in corporate sector. Newline Several studies have observed that the workplace environment is newline polluted with pessimistic tendencies such as distrust, jealous, hatred, greed, newline unhealthy competition, and so on. This situation has led to erosion of values and the time is to ripe to think of those spiritual attributes like to improve the newline quality of an individual in terms of behavior, attitude, character, newline understanding and so on. (Hegde Mohandas)

The highly competitive banking industry has levied varied role requirements on employees resulting into stress. This study, thus, aims at an exploration of the sources of role stress at commercial banks, identifying the coping strategies used by the employees, assessing whether the employees can be segmented on the basis of their role stress experiences, examining the determinants of role stress based employee segments, proposing a comprehensive model for role stress phenomenon at commercial banks. The objectives have been met by an empirical study of the phenomenon of role stress of a sample of employees of commercial banks. The theoretical and policy implications of the findings of the study have been discussed which can facilitate the understanding and management of role stress at banks. (Arti Devi)

According to their research, Employees are severely stressful due to role overload, inter-role distance and role stagnation stresses, while as they are relatively less stressful on role ambiguity, personal inadequacy and self-role distance variables of role stress, coping behavior vary across groups of employees

categorized on diverse organizational and background factors. The findings imply that in the banking sector there is a great scope for improvement in the stress scenario in general and employees' coping practices in particular. (Farooq Ahmad)

SUMMARY : NEED FOR LEGAL FRAME WORK

The legal frame work for managing stress for managerial personnel in organizations in India is a need today. The organizations need a clear and comprehensive frame work for promoting "stress less environment".

The investigation on stress management causes of stress, mitigation methods of stress have been made through the literature overview. Literature study clearly state that in India and other countries, research cover all the areas of workplace stress like Body, Mind, Behavioral and Emotional and endeavor to find suitable solution to reduce the stress by through different notions like gumming, counseling, spiritually but not by means of legal tool. The legislative action for proper management of stress is one of the crucial and currently prevailing major issues of corporate world and similarly related to young generation of society. Stress is not limited to a person who is facing it but also affected to all concerns that are around him/her.

At present no legal frame work exists to prevent and control the stress at workplace. In absence of the legislation the employees find it very difficult to manage the stress at workplace. The employees either surrender themselves or find suitable other job. As such for the proper administration of justice a sound legal frame work must exist.

BROAD VISION - LEGAL FRAME WORK

The legal frame work should broadly define the broad categories of Managerial stress which can be monitored by legal mechanism starting from mediation. The stresses which cannot be managed by Yoga, music or exercise, are defined as managerial stress to be managed legally. The stress which causes harm arising out of the employment leading to Blood pressure, headache, body ache, acidity, anxiety and loss of appetite are the part of managerial stress. Managers and Senior managers and up to the level of Chief Executive officer face the conditions of over work, lack of autonomy and job insecurity

The stress can be measured and quantified. Beyond certain level, the stress needs to be monitored predominantly on the employers. The legal frame work should be such that it is comprehensive not for the organizations but also for the lawyers in educating and training so that good corporate governance can be achieved. The frame work must be such that it strongly leads stewardship role in Government-Probably Ministry of Industries It should cover following aspects:

- Defining objectives of the stress prevention & control
- Outlining the term 'Stress' quantitatively
- Defining the duties of the employer or occupier of the organization in the proposed legislation
- Outlining the rights of employer and employees related to stress management
- Inclusion of stress free environment and statutory appointment of Stress Control Managers in each organization having some defined net worth
- Defining powers and functions of the Stress Inspectors appointed for implementation of Stress prevention and reducing overall stress impact
- Describing prevention and safety measures to be taken by each organization under the umbrella of some suitable Act
- Providing punishment and penalties and appropriate action against employers giving rise to directly or indirectly the stress

Settlement of dispute on stress is an amicable way may start with mediation at a level as enshrined in the legal frame work. The mediation system has been prevalent from ancient India. The formal legal system of alternative dispute resolution has been statutorily recognized by Civil Procedure Code (Amendment) Act, 1999. The mediators in stress management need to be formally trained for resolving stress related issues in the organization. The manual should be also prepared by the experts who really know the mechanism of dispute resolution as the stress issues can't be resolved in a similar ways. Mediation and conciliation in stress prevention and control should not be employer dominated.

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