

Nursing Under Pressure: Redefining Labour Law to Support UK Nurses' Mental Well-being



**“Overstretched,
overworked,
underpaid and
increasingly burnt
out”**

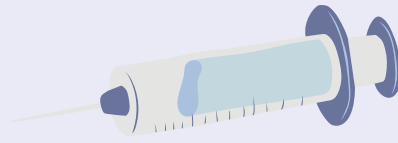
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Executive Summary

Despite the NHS's acknowledged importance of mental health, the legal protections for NHS nurses in England and Wales are notably insufficient, revealing a stark gap between recognition and real support. Labour laws haven't evolved to address the challenges nurses face. The Health and Safety at Work Act 1974 governs employer responsibility for mental health and safety in the UK, but is ineffective in guaranteeing these safeguards especially within the nursing sector. 'In the UK, nearly half of nurses have considered leaving the profession due to health and wellbeing concerns'. This is especially troubling given the alarming rates of work-related stress, depression, and anxiety among healthcare professionals. This brief outlines three key deficiencies: (1) working time; (2) wages and; (3) lack of health and safety –and proposes reforms for NHS workers' mental health.



Issues



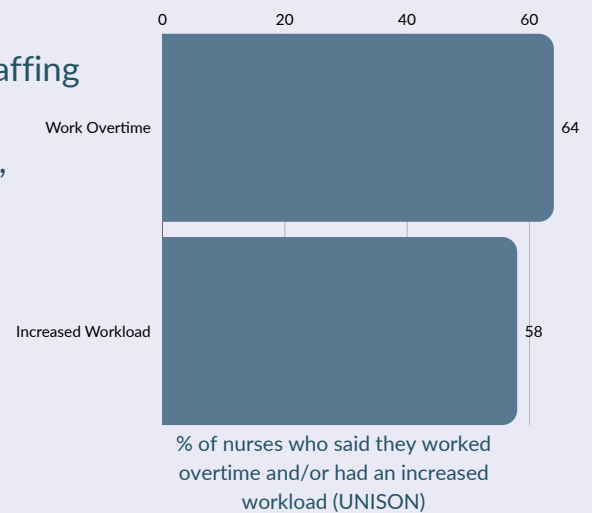
1. Working Time

Issue:

Despite legal employer obligations under the Working Time Regulations Act (WTRA) 1998 and the Health and Safety of Work Regulations Act 1999, NHS nurses endure persistent challenges due to staffing shortages, resulting in heightened workload pressures and insufficient rest breaks. Notably, 5% of nurses in England exceed a 13 hour day shift. This leaves nurses feeling like “they do not have enough energy for family and friends during leisure time”.

Overtime:

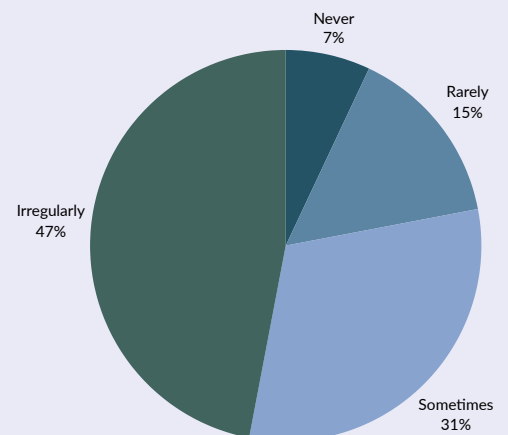
The online survey of 3,380 UNISON members reveals nurses’ unrewarded overtime efforts to compensate for staffing deficiencies, significantly affecting their mental well-being. The widespread normalisation of overtime within the NHS, further evidenced by the Royal College of Nursing (RCN) 2021 employment survey underscores the imperative need for targeted interventions to mitigate nurses’ burdens and safeguard their mental health. Alarming, 74% of nurses regularly exceed their contracted hours, leading to profound consequences: 57% contemplate leaving the profession, 70% experience feelings of undervaluation, and 60% suffer from exhaustion.



Rest Breaks:

While Regulation 12 of the WTRA 1998 entitles all workers to a 20-minute rest break after 6 hours of work, many nurses work consecutively. Discrepancies between entitlements and actual working conditions exacerbate mental health risks, necessitating reform to ensure adherence to regulations and protect nurses’ well-being.

How often nurses take rest breaks



Reform:

- Implement strict regulations on overtime hours to prevent nurses from working beyond their designated shifts, ensuring adherence to working time limits.
- Enforce mandatory rest break policies, with regular monitoring and penalties for employers who fail to provide adequate rest-breaks



2.Wage

Issue:

The connection between the low wages of NHS nurses and their mental health is direct and profound. Financial strain from inadequate pay adjustments amid escalating living costs is a significant source of stress, anxiety, and declining mental well-being. The intense demands of nursing, requiring significant emotional and physical effort, exacerbate these issues further.

70%

of NHS nurses
were not paid for
the number of
hours they worked

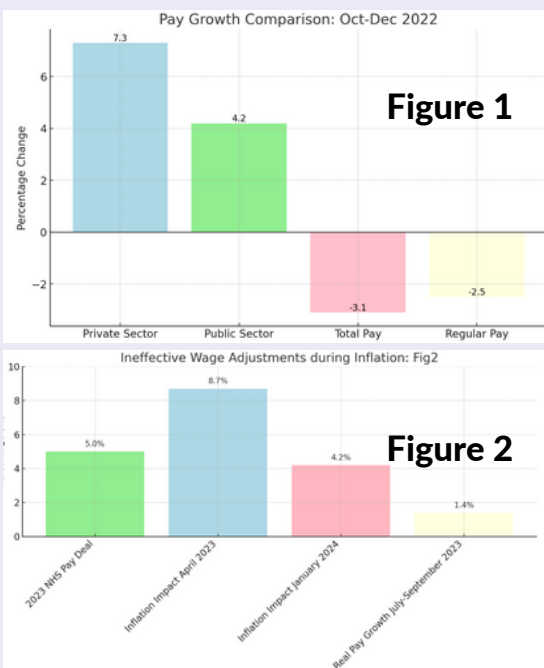


Fig1.Wage Disparities Amid Economic Challenges:

NHS nurses in the UK grapple with notable wage gaps relative to other fields, feeling undervalued and demotivated. A comparison reveals that from October to December 2022, private sector wages rose by 7.3%, while public sector pay only increased by 4.2%, a significant disparity not seen since the pandemic. When adjusted for inflation, real wages significantly dropped, with total and regular pay declining by 3.1% and 2.5%, respectively—the sharpest decrease since 2001.

Fig2.Ineffective Wage Adjustments during Inflation:

- 2023 NHS Pay Deal: Introduced a 5% salary increase plus one-off payments amid high inflation, aiming to mitigate lost earnings.
- Inflation Impact: Peaked at 8.7% in April 2023, with a subsequent 4.2% year-on-year increase by January 2024, significantly reducing the real value of NHS staff wages.
- Real Pay Growth: Slightly improved to 1.4% from July to September 2023, highlighting the gap between wage increases and inflation rates.
- This growth underscores the necessity for wage policies to outstrip inflation to genuinely enhance living standards, underscoring the critical need for wage policy adjustments that adequately reflect economic conditions and support the well-being of healthcare workers.

Reform:

- Implementing a Fair Pay Mechanism: Establish an independent review body committed to evaluating and recommending fair wage adjustments, considering the cost of living and inflation rates.
- Multi-Year Pay Strategy: Transition to a standardised, multi-year pay cycle to allow for long-term financial planning and stability for nurses.



"There is a stress and anxiety crisis in this profession. When nursing staff need mental health support, they deserve it and should not face barriers and delays."

RCN Director of England Patricia Marquis

3. Lack of Health and Safety Protections

Issue:

A more 'direct' approach to workplace mental health is taken through the imposition of regulatory standards governing health and safety. The Health and Safety Act 1974 lacks enforceability and accessibility in how the legal framework provides mental health protections for nurses. It is problematic for nurses on precarious contracts. Their status as a worker rather than employees makes them vulnerable to working unregulated longer shifts. The dynamic of responsibilities not only shifts the burden of regulation on the nurse affected, it imposes restrictions on those seeking protection.

Declining Mental Health in Nurses:

The lack of legal responsibility of nurses in the framework has led to no structural underpinning of the protection of mental health. 1 in every 5 sickness days were lost to mental health issues in 2022. After Covid-19 and the intensification of work and longer hours, 1 in 3 NHS nurses have felt unwell due to work-related stress. The law renders it a right-defined issue, and nurses are forced to take their own steps to mitigate the problem. The framework relies on the autonomy of an individual rather than providing collective protection. It restricts the scope of workplace mental health provisions to those elements that are enforceable in the current law, There is no flexibility for nurses to seek advice on when they can take paid mental health leave.

Reform:

- Implement structural reforms to framework that encompasses all contract types.
- Ensure access to wide scope of mental health and psychological services in the NHS to all nursing staff, with the inclusion of a compulsory mental health module.
- Improvement of regulated working hours for nurses on precarious contracts to protect against burnout and increased stress levels

34% of NHS staff reported feeling burnout because of work



9 out of 10 female nurses experienced greater stress and an increase in poor mental health within the NHS

Final Recommendations

New Legislative Framework: Enact a new legislative framework explicitly addressing mental health protection for nurses, ensuring comprehensive coverage and targeted intervention.

Create an Independent Wage Review Body: Tasked with aligning nurses' pay with living costs and inflation.

Adopt a Long-term Pay Framework: Ensure financial predictability and security through a structured multi-year wage plan.

Increase availability of Training: Create more accessible and affordable for nurses to access and increase services.

Standardise Work Hours for Precarious Contracts: Guard against overwork and stress, promoting a healthier work-life balance.



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