

Mental Health in the Workplace

Mental ill health affects approximately one in four people in the UK. Conditions range from more common conditions, such as stress and anxiety, through to conditions such as bipolar and schizophrenia. It is essential that employers understand these conditions and know how best to support workers who experience them. Many workers still feel unable to approach their manager to discuss mental ill health, and managers themselves are often unsure how to best advise and assist staff, as mental health can feel more complex and personal than physical health.

Mental illness is literally that – an illness – and is just like any other illness an employee may present with. In the workplace employers and managers should think about workers who may feel stressed and overloaded due to their working conditions (work related stress), as well as those who have been diagnosed with mental ill health that may not have been as a direct result of their work, but could affect their health, safety and wellbeing at work.

Making reasonable adjustments to the workplace, as well as identifying areas that cause additional stress, are two ways of working towards a happier, more productive workforce.

A mental health condition is considered a disability if it has a long-term (lasts, or is likely to last, 12 months or more) effect on normal day-to-day activity (such as using a computer or working set times).

Key risk factors

Stressors are things that cause stress and triggers are things that can start feelings of anxiety. Stressors in the workplace could be targets, workload, long hours or feeling undervalued. Triggers in the workplace could include having to speak in front of a large group of people, having poor self-esteem or being under too much pressure.

There are six things in the workplace that can lead to or exasperate work-related stress, these are:

- **Demands:** employees can struggle to cope with the demands of their job.
- **Control:** employees may feel unable to have a say about the way they do their work.
- **Support:** employees may feel that they do not receive adequate information and support from their colleagues and superiors.
- **Relationships:** employees may be subjected to unacceptable behaviours, eg bullying at work.
- **Role:** employees may not fully understand their role and responsibilities or perceive they lack appropriate training.
- **Change:** employees may feel that the organisation does not engage with them adequately when undergoing an organisational change.

If mental health issues are not managed effectively in the workplace they can lead to a high turnover over in staff, presenteeism, leaveism, absence, mistakes, low productivity, accidents and errors.

Did you know?

The HSE reports that in 2020/21, some 822,000 people experienced work-related stress, depression or anxiety with 451,000 workers suffering from one at least one of these conditions for the first time. In fact, work-related stress, depression and anxiety accounted for 50% of all work-related ill health.

Key definitions

Mental health: a state of wellbeing in which an individual can cope with the normal stresses of life and can work productively.

Mental ill health: a person's emotional wellbeing has been adversely affected.

Reasonable adjustments: changes to enable a person to work more easily and give them the equal opportunities.

Presenteeism: the act of attending work while sick.

Leaveism: working whilst on holiday or outside contracted hours.

Stress: the feeling of being under too much mental or emotional pressure.

Depression: ranges from lasting feelings of sadness and hopelessness to losing interest in the things one used to enjoy and feeling very tearful or anxious.

Anxiety: a feeling of unease, such as worry or fear, that can be mild or severe.

Case law

Walker v Northumberland County Council

A social worker, Mr. Walker, dealing with child abuse cases was overloaded with work and not given enough support. He was diagnosed with stress related anxiety following two breakdowns and was dismissed by the Council on the grounds of permanent ill health.

The Council was found to have breached its duty and costs were:

- damages of £175,000
- £150,000 for the 2 week trial
- sick pay
- ill health pension.

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Recommendations for employers:

- **Understand mental health:** educate yourself on the most common conditions and the relevant legislation and industry guidance.
- **Create a business case:** employers need to appreciate the positive business reasons for supporting staff with mental ill health. It is key to understand issues such as conflict, presenteeism, leaveism, lack of employee engagement and staff turnover.
- **Understand the recruitment process:** ensure when recruiting that you take into account legislation relating to pre-employment questionnaires, plus equality and data protection – measures designed to protect people suffering mental ill health.
- **Ensure the best possible working environment:** promote a happy workforce with management consultation and support offered to employees. Make fair inclusive decisions.
- **Promote wellbeing:** through training, seminars, work groups and handouts. Consider workplace intervention in the form of an employee screening and care management programme.
- **Tackle the causes of mental ill health and guarantee early intervention:** make sure you can spot the signs of workplace stressors and notice the early signs of a mental health illness to stop a problem escalating.
- **Consider providing mental health first aid:** trained mental health first aiders can spot signs and symptoms and offer advice and support.
- **Encourage disclosure:** talk to employees in a supportive and confidential way in order to allow them to be honest about their feelings. If possible draw up a document that identifies mental ill health triggers and any reasonable adjustments that can be made. Consider if an ethics or whistleblowing helpline should be set up to ensure that unacceptable behaviour can be reported and investigated an early stage.
- **Promote rehabilitation:** understand the return to work process from fit notes to reasonable adjustments and communicate this to the relevant people. Ensure a process is in place for those returning to work, which ensures they receive the best possible integration and support.
- **Make sure your policies and procedures are up to date:** and if appropriate there is a stress management strategy in place.
- **Challenge any stigma associated with mental ill health:** lead by example and openly recognise that mental and physical ill health are comparable in that they both compromise a person's performance and wellbeing.

Legal requirements

- **The Equality Act 2010:** repealed the Disability Discrimination Act (DDA). The aim of the Act is to protect disabled people and prevent disability discrimination. Under the Act a person is defined as disabled if they have a physical or mental impairment and the impairment has a substantial and long-term (12 months or more) adverse effect on their ability to perform normal day-to-day activities
- **The Health and Safety at Work etc Act 1974:** sets out your responsibilities as an employer and shows how you can put your duty of care into practice in the workplace
- **The Mental Health Act 2007**
- **The Mental Capacity Act 2005**
- **The Human Rights Act 1998**
- **The Management Health and Safety at Work Regulations 1999.**

Start making a change today

Mental health charity Mind gives the following advice to start making positive changes today.

- Walk around your workplace at lunchtime, and see how many of your staff are still sat at their desks. Encourage them to take a lunch break every day.
- When you leave work, tell your staff it's time to go home – if there is no one to tell, maybe you should consider working shorter hours.
- Introduce yourself to staff. How many people do you work with that you've never spoken to? Talking regularly to all your employees could give you a better sense of what is happening on the ground.
- Enjoy some team time with your staff and get out of the office. Organise a lunchtime activity such as a softball match, a picnic/meal out or arrange an off-site team day.

Mental Health in the Workplace

Key points for employers to remain fair and equal:

- As an employer you must not treat a disabled person less favourably than another employee because of disability.
- You must not treat an employee badly because you think they have a disability.
- You must not treat an employee unfavourably where this is a link to a disability.
- You must make reasonable adjustments to work practices, and provide other aids and adaptations, for disabled employees.
- The law covers employees during recruitment, employment and if they are being dismissed for any reason, including redundancy.
- You are not allowed to use 'pre-employment questionnaires' to ask about health before you offer a job except in very specific circumstances.

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