



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission

Mental health is your business

Guidance for developing a workplace policy



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This guidance and supporting materials are available online at www.equalityhumanrights.com/yourbusiness

Foreword

In 2008 the Commission's *Who Do You See?*¹ research found that people with mental health conditions are one of the most discriminated against groups in Wales with:

- 37 per cent of people being unhappy if their close relative married someone with a mental health condition
- Only 40 per cent of people thinking that people with a mental health condition are suitable to be primary school teachers

Following these findings we have been working in partnership with mental health experts from the voluntary sector and equality practitioners in the public sector to address mental ill health in the workplace.

This guidance is a result of that partnership. Together we have looked at what makes effective policy and practice, defined the business case and agreed a strategy to promote the guidance to employers and others.

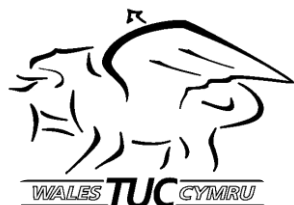
We hope this guidance assists you in tackling sickness absence and addressing the stigma associated with mental health conditions.

Kate Bennett
National Director for Wales

Partners



O blaid gwell
iechyd meddwl
For better
mental health



dros adferiad
o afiechyd
meddwl difrifol



for recovery
from serious
mental illness



The NHS Centre for Equality and Human Rights

Canolfan y GIG ar gyfer Cydraddoldeb a Hawliau Dynol



Introduction

Mental health conditions are widespread and most of us will either experience one, or know someone who has experienced one. **One in four adults** in the UK experience at least one diagnosable mental health condition in any one year, and one in six experiences this at any given time². Mental health conditions are the second largest category of occupational ill health³.

The term mental health condition covers many different conditions. Mood problems are common involving both low mood (depression) and less commonly over excitable mood (or mania.) Anxiety is another common problem, as are more long standing personality disorder problems. Features of mental distress may include self-harm or eating disorders. This is not a complete list and there are varying degrees of severity.

In recent years it has become increasingly common for people in the public eye to speak openly and honestly about their ill health and how it has affected their personal and professional lives. Author Marian Keyes has spoken about her struggles with depression, while Ruby Wax, Stephen Fry, Alistair Campbell, Bill Oddie and Natalie Imbruglia have all made their mental ill health known publicly.

While such openness has undoubtedly made progress in lessening the stigma around mental ill health, much remains today. Research by Time to Change found that 92 per cent of people believe that admitting to having a mental health condition would damage someone's career. This fear is not altogether unfounded with the same survey finding that 56 per cent of people would not employ someone they knew had depression from time to time.⁴

Making sure that your workplace has an effective mental health policy for staff means that mental ill health can be managed more effectively benefiting both employer and staff member. Effective practice can reduce sickness absence, improve productivity and decrease recovery time. By supporting valued members of staff, you are retaining skills, knowledge and experience, which can be very difficult to replace.



Why is mental health a workplace issue?

Mental ill health is not confined to the home but affects the whole lives of those concerned, including work and careers. It may affect productivity, performance, attendance, emotional and physical health and wellbeing.

- Most people with mental health conditions are in paid employment and are almost as likely to be working as anyone else.⁵
- Employers should expect to find that **at any one time nearly one in six** of their workforce is affected by a mental health condition⁵

Mental ill health has huge implications for employers as research shows that 91 million days are lost each year due to mental health conditions. The combined costs of sickness absence, non-employment, effects on unpaid work and output losses in the UK is **£26 billion a year**. This can be averaged out at a cost of around £1,035 per employee. This implies that a small organisation employing 50 people will typically incur costs of around £50,000 a year because of mental ill health among its employees.⁵ Recent research from Wales estimates the total cost to the Welsh economy to be £7.2 billion, larger than the total amount of public spending in Wales on health and social care for all health conditions combined⁶.

According to the Shaw Trust, Welsh employers could be losing £292 million a year to mental health conditions⁷. However, research shows that mental health management programmes offer good returns on the money invested. According to the Sainsbury Centre for Mental Health “British Telecom has reported that its mental wellbeing strategy has led to a reduction of 30 per cent in mental health-related sickness absence and a return to work rate of 75 per cent for people absent for more than six months with mental health problems...If all employers could achieve the same reduction...it can be calculated that the overall savings would come to over £300 a year for every employee in the workforce”.⁵

Being a good employer means supporting staff through new or difficult periods in their lives. People experiencing mental ill health often report being subject to adverse employment actions, including disciplinary action and losing their jobs. Employment can play a crucial part in wellbeing, and can aid recovery. Evidence shows that after taking six months sickness absence, only 50 per cent of employees return to work, after one year this goes down to 25 per cent and after two years only five per cent.⁸

However, the benefits aren't just for the employee. Goodwill and loyalty among employees is a business asset. A company which has a good reputation for supporting its staff at times of personal difficulty may gain an advantage in keeping existing members of staff and attracting new ones.

Employers also have legal obligations towards their staff. The main areas of legislation that relate to mental wellbeing in the workplace are:

- The Health and Safety at Work Act 1974 (HASWA)
- Human Rights Act 1998 (HRA)
- Management of Health and Safety at Work Regulations (1999)
- Equality Act 2010

Health and safety laws ensure workers have the right to work in a safe environment where risks to health and wellbeing are considered and dealt with efficiently. It also ensures a responsibility to cooperate with legislation.

If the mental health condition has a substantial, long-term adverse effect on someone's ability to carry out normal day-to-day activities then they will be covered by the **Equality Act**. Note that disabled people don't have to disclose that they have an impairment. The Equality Act aims to end the discrimination that many people face on protected characteristics including disability in employment and other areas. The Equality Act replaces the Disability Discrimination Act.

The **Public Sector Equality Duty** requires all public authorities to prioritise action to address the most significant inequalities within their remit (including disability) and take actions that are likely to deliver the best equality outcomes. In doing so the duty is an important mechanism through which mental health discrimination and stigma can be tackled more effectively.

The scale and impact of mental ill health is so significant that the majority of public authorities in Wales could be identifying and prioritising the issue. A specific action to deliver real outcomes on the duty would be to develop and implement a mental health workplace policy.

The Public Sector Equality Duty replaces the Disability Equality Duty.

The **Human Rights Act** regulates the relationship between individuals and public authorities (like government departments, police services, hospitals and local councils) to protect you by making sure that such organisations use their powers responsibly. It ensures that people are treated fairly, and with dignity and respect.

An effective workplace policy and practice will be a good investment to retain skilled and experienced staff.



What actions can employers take?

There are several steps that employers could take in order to effectively address mental health. Organisations should develop their own workplace policy to reflect the needs of their employees. Some employers have identified key areas as effective from their expertise:

1) A corporate policy addressing mental health that:

- is written specifically for each organisation through **consultation** with key stakeholders, for example a Disabled Staff Group, or with voluntary or community organisations who have specialist knowledge on mental health.
- specifically addresses **recruitment** to ensure that potential employees aren't discriminated against because of their mental health history.
- is subject to an **Equality Impact Assessment**. This will make sure that there is no discrimination in the way that the workplace policy is designed, developed or delivered and ensures equality of opportunity is promoted.
- clearly **defines mental ill health** and its prevalence. This can be linked to the definition provided by the Welsh Assembly Government. National statistics can be used but by involving local voluntary groups it is possible to get regional statistics. The policy must not be limited to stress or anxiety.
- **links to other appropriate policies** such as disability leave, flexible working, career breaks, domestic abuse, grievance, disciplinary, capability, sickness absence, performance management and dignity at work. By making links with existing policies this can allow individuals to change working patterns or workload, ensure flexible working and allocate leave to facilitate any practical arrangements, such as attending medical appointments or counselling. It is important to remember that each person's needs are different and that any measures should only be used with the authorisation or consent of the individual concerned.
- **provides some indicators of mental ill health**. For example, some of the key things to look out for are *changes* in an employee's usual behaviour such as poor performance, tiredness or increased sickness absence, an increased use of alcohol, drugs or smoking. Other signs might be tearfulness, headaches, loss of humour and changes in emotional mood.

- provides **clear understanding of the role of line managers**. This can include practical steps to encourage the disclosure and discussion of mental health conditions and identify appropriate support. Managers should be aware that mental ill health can influence the self confidence of people who may be unable to confide in others or seek help. Managers should endeavour to support those experiencing mental ill health in a sympathetic, empathetic, non-judgemental and confident manner. Examples of appropriate questions can be found in the links to line managers' guides on page 15.
- clarifies the specific **role and responsibilities for the human resources** team. This can ensure a central responsibility of developing a policy and procedures on mental health for managers and employees. The human resources team can pledge to review and update other policies, procedures and practices that are linked and could affect the implementation of a mental health policy. For example, the Employee Assistance Programme or staff training programmes.
- clarifies the specific **roles and responsibilities of employees**. If they feel able to, this can allow employees to take basic steps to assist friends and colleagues. By behaving in a supportive manner, an employee can assist an affected colleague in gaining confidence to tackle the problems that they might experience.
- includes a **commitment to promote awareness** and understanding of the policy, perhaps by use of the intranet. This ensures all staff can be aware and have information on the policy and its aims. This can also include displaying posters and including information on mental health within other training sessions such as wellbeing or performance management.
- provides a clear **list of local and national key contacts** of support and advice agencies. This will allow those who wish to seek assistance have access to the most appropriate professional help available.
- includes a **designated contact for further information** on the policy. This will allow employees to identify a person who can signpost colleagues to the most appropriate sources of advice.
- is **reviewed on an annual basis** by gathering information on how the policy is working for employees and managers.

2) Provide training

Rates of prevalence are not well recognised by employers. In a recent survey of 550 managers commissioned by the Shaw Trust (2006) nearly half of employers thought that none of their workers would experience a mental health complaint during their working lives⁹. Employers and the voluntary sector suggest a first step in addressing mental health effectively is training to raise awareness and increase skills and confidence:

- All staff could benefit from basic training to **raise awareness** and a more detailed level will help those with key roles in implementing the policy eg. Human Resources practitioners, line managers, health and safety managers etc.
- Staff should be clear about their **roles and responsibilities** to colleagues experiencing mental ill health but also be able to recognise possible signs of mental ill health. Employees at every level should know under what circumstances to report ill health to whom and what support services are available.
- Introduce and **train mental health link staff**. This recognises that staff may not wish to go through normal line management or human resources to discuss issues relating to mental health. Employers could consider training staff to be Mental Health First Aiders.

3) Build awareness through a workplace campaign:

- Information should be available both **publicly and privately**. Employers could use newsletters, payslip notes, email, the intranet, staff briefings, notice-board posters, notices in toilets etc. to inform employees of available help for employees with mental ill health and the company mental health policy.
- **Utilise information and campaigning tools** such as posters or leaflets from Trade Unions and specialist voluntary sector organisations to raise awareness. This could include working towards the principles of the Mindful Employer charter. A list of these is available on page 15.
- Employers should provide information in their staff handbooks, employee induction programmes, and should **link it to other complimentary information** such as that on Employee Assistance Programmes, or wellbeing initiatives.
- Employees should be encouraged to **feedback** suggestions of how to raise awareness, and how the organisation can address mental health.
- Ensure that the list of **trained Mental Health First Aiders** or other appropriately trained staff is available to all employees so that there are options regarding who the issues can be shared with.



Three case studies:

British Telecom

British Telecom has 104,000 employees across the UK. Since 2004 BT has worked with the trade unions to develop corporate policies and procedures to create a culture which reduces the stigma of mental ill health.

This comprises of a consistent approach to helping staff with mental ill health, practical support in addressing issues at work, and helping people back to work after a sickness absence. BT has also installed an online stress management toolkit which can alert specially trained managers that an employee is at risk of mental ill health.

The success of BT's mental health policies and procedures can be clearly measured:

- BT doesn't reject job applications on grounds on mental illness
- Mental health sickness absence is down by 30 per cent
- stress claims have been reduced dramatically
- 75 per cent of long term absentees return to their own job
- Medical retirement rate for mental illness is down by 80 per cent

Bradford and Bingley

Originally a building society, Bradford & Bingley is a FTSE100 bank. With 206 branches across the UK, it employs over 3,200 people.

In 2005 Bradford and Bingley created a cultures and values programme including the following health initiatives; the development of a stress management programme for all staff; a counselling service for staff to discuss work and personal matters and an occupational therapist advice service for staff among other initiatives.

The success of this programme can be clearly measured:

- Staff turnover is down from 30.1 per cent in 2005 to 23.3 per cent in 2006
- The staff survey result for recommending Bradford & Bingley as a place to work has increased from 45 per cent in 2005 to 72 per cent in 2006
- Bradford & Bingley's stress absence rate is down 80%, which is estimated to have saved £250,000 in lost wages alone
- There has also been about a 1% increase in productivity at no cost

EDF Energy

EDF Energy, a subsidiary of EDF Group has nearly 13,000 employees based in the London headquarters or offices and operations countrywide. EDF energy cites psychological ill health as a major challenge to their business.

EDF Energy developed the Employee Support Programme (ESP) for all staff. This is a partnership between OH professionals and psychologists, providing advice on handling a full range of psychological conditions both work and non-work related:

Employees are encouraged to access the service at an early point in the development of a stress related illness to help counteract potential long term sickness absence down the track

A 'round table' approach helps those with psychological conditions to return to work. Meetings involve the patient, the treatment team and management, providing a unique opportunity to discuss any factors which could have led to the development of the health problem and to look at how difficulties can be resolved to facilitate a return to work. This service has been extended to all areas of the company.

The success of this programme can be clearly measured:

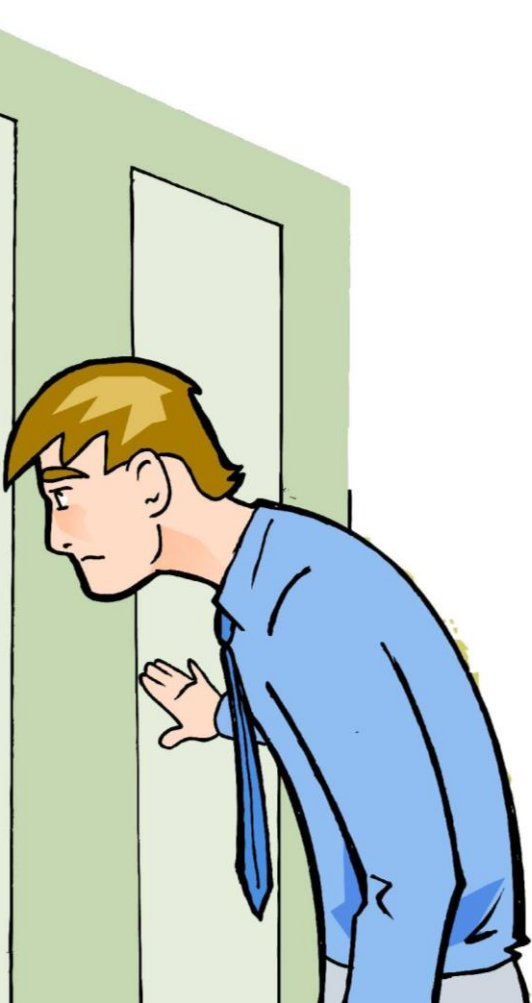
- A reduction in overall sickness absence from 3.9 per cent in 2004 to 3.6 per cent in 2006
- A drop in working days lost per employee due to psychological ill health from 1.76 in 2004 to 1.35 in 2006 affecting a cost saving in sickness absence alone of approximately £1.3 million
- A decrease in psychological ill health caused by work. In 2003, 52.6 per cent of people who used the programme were classified as having psychological difficulties related to work circumstances. By 2006 this figure had dropped to 35 per cent
- A reduction of more than 50 per cent in the number of people off work at the time of referral

Advice from other employers

- Advertise vacancies through the local supported work project, to show you **encourage applications from people with mental health conditions**. (Information on Supported Work Schemes can be provided by Disability Employment Advisors at Job Centre Plus.)
- Your policy should **advise against the use of pre-employment questionnaires** as the Equality Act makes this practice unlawful. It also tends to increase the perception of barriers and discrimination. Good practice is to only ask for health or disability-related information once the initial job offer has been made, except where there are specific health and fitness requirements for the job.
- If a potential employee does disclose a mental health condition after the job offer has been made, you should **make any reasonable adjustments** to the work place environment before they start.
- **Reasonable adjustments** may include flexible working hours, working from home, working in a quiet space, temporary or permanent changes to duties, ability to take breaks or a workplace 'buddy' to talk to about workplace difficulties. Please note that this list is not exhaustive.
- At the beginning of any periods of absence **discuss how you will stay in touch**. When a person is on sick leave, send a card, and ask if they want to be visited - but respect their wishes. Early, regular and sensitive contact with people when they are off work can be key in an early return.



- Be supportive of people who want to write **'advance statements'**, which indicate how they want to be treated if they become unwell. It may include information on who they would like to be contacted; what sort of support is helpful; practical arrangements and treatment preferences.
- If appropriate consider offering a **phased return to work** with the staff member working fewer hours but remaining on full pay. For some, this might be a good alternative to full time sickness absence.
- Ensure that there is a **return-to-work action plan**. Remember, under this, reasonable adjustments to working practice etc are considered good practice, even if the person doesn't formally come under the protection of the Disability Discrimination Act.
- Make sure the person doesn't come back to an unreasonable workload, thousands of emails or a usurped workspace. **Set achievable goals** so that the person feels they are making progress.
- Remember, for some people, it may take **time and patience** to achieve the correct medication. Any side-effects must be taken in to consideration against their job requirements: timing, Health and Safety, etc.



Further information

There are many useful guides for employers which offer advice and practical guidance about mental health and the workplace. Please note that some of these resources are only available in English as they have been produced by English organisations. Most of the guides are free unless stated.

Guides for line managers

We Can Work it Out: a local authority line manager's guide to reasonable adjustments for mental illness published by **Rethink**

A guide for line managers in local authorities about reasonable adjustments for mental illness, and how to agree these with employees. Includes the Wellness Recovery & Action Plan (WRAP) to help line managers communicate with staff about adjustments and planning ahead

www.mentalhealthshop.org/products/rethink_publications/we_can_work_it_out.html

Line Manager's Resource published by **Shift**

Shift's Line Managers' Resource is a practical guide for managing and supporting people with experience of mental health problems in the workplace. Includes training resources.

www.shift.org.uk/employers/

Leading by Example: Making the NHS an exemplar employer of people with mental health problems published by the **Sainsbury Centre for Mental Health**

Practical guidance showing how NHS managers and others can lead by example in employing mental health service users in the NHS workforce and at the same time improve the working lives and job retention for all staff.

http://www.scmh.org.uk/pdfs/leading_by_example.pdf

Open Your Mind by **NHS Employers**

The Open Your Mind campaign has been developed to support employers to create a better working environment for staff and improve employment rates for people with mild, moderate and severe mental health conditions. It aims to raise awareness throughout the NHS of the recognised benefits to patients, staff and organisations of employing and retaining staff with mental health conditions.

<http://www.nhsemployers.org/HealthyWorkplaces/MHEmployment/OpenYourMind/Pages/OpenYourMind.aspx>

Realising ambitions: better employment support for people with mental health conditions published by the **Department for Work and Pensions**

Work, Recovery and Inclusion is a new strategy in England that sets out a series of actions that will help meet the aspirations of people in contact with secondary mental health services who want to work. It responds and builds on the recommendations from the independent review undertaken by Rachel Perkins

www.dwp.gov.uk/docs/realising-ambitions.pdf

Promoting mental wellbeing at work published by **National Institute for Health and Clinical Excellence**

This provides guidance for employers on promoting mental wellbeing through productive and healthy working conditions.

<http://guidance.nice.org.uk/PH22>

Tackle Mental Health by the **Shaw Trust**

A one-stop shop packed full of information and easy to use solutions to help you support staff who are dealing with mental health issues.

<http://www.tacklementalhealth.org.uk/>

Healthy Working Wales led by Welsh Assembly Government

Healthy Working Wales has been developed to support employers, employees and health professionals to improve health at work, prevent ill health and to support return to work following ill health.

<http://www.healthyworkingwales.com/>

Representing and supporting members with mental health problems at work: Guidance for trade union representatives published by the TUC

This guidance has been published to help trade union reps and officials provide a good service to members with mental health problems, however it is relevant to line managers and HR professionals. It aims to equip reps in workplaces with the information they need to deal with mental health issues.

<http://www.tuc.org.uk/extras/mentalhealth.pdf>

Training

The aims of Mental Health First Aid are: to preserve life where a person may be a danger to themselves or others; to provide help to prevent the mental health problems developing into a more serious state; to promote the recovery of good mental health; to provide comfort to a person experiencing a mental health problem. MHFA does not teach people to be therapists. However, it does teach people how to recognise the symptoms of mental health problems, how to provide initial help and how to guide a person towards appropriate professional help

<http://www.mhfa-wales.org.uk/>

Information on reasonable adjustments

General information on reasonable adjustments from the Health and Safety Executive:

<http://www.hse.gov.uk/sicknessabsence/reasonableadjustments.htm>

Making reasonable adjustments at work for people with mental health problems guide by the Scottish Association for Mental Health:

<http://www.samh.org.uk/assets/files/197.pdf>

Reasonable adjustments: Line manager guide published by the **Employers Forum on Disability** (cost)

As part of its best-selling guides, the Employers' Forum on Disability has produced a guide on making reasonable adjustments. This makes it easier to identify who needs an adjustment, decide if an adjustment is reasonable and know where to go for more help and advice.

<http://www.efd.org.uk/publications/reasonable-adjustments-line-manager-guide>

Awareness-raising resources

The **Mindful Employer**[®] initiative is aimed at increasing awareness of mental health at work and providing support for businesses in recruiting and retaining staff.

<http://www.mindfulemployer.net/>

'**See me**' is Scotland's national campaign to end the stigma and discrimination of mental ill-health. They are an alliance of five mental health organisations and fully funded by the Scottish Government. They launched in 2002.

<http://www.seemescotland.org/>

Time to Change is a partnership of organisations that have come together to combat the stigma and discrimination that exists around mental health.

<http://www.time-to-change.org.uk/>

Information on the Equality Act

The Equality Act came into force in October 2010 providing a modern, single legal framework with clear, streamlined law that will be more effective at tackling disadvantage and discrimination.

<http://www.equalityhumanrights.com/equalityact>

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