'Stressing' the importance of promoting good mental health in the workplace.

In January 2017, Prime Minister Theresa May vowed to fight the "hidden injustice" of workplace mental ill health and, in doing so, commissioned an independent review by Lord Dennis Stevenson and Paul Farmer (Chief Executive of the charity, Mind).

Yesterday, the Stevenson Farmer Review of mental health and employers, "Thriving at Work", was published. The Review makes 40 recommendations to the Government setting out what employers can do better to support all employees, including those with mental health problems, to remain in and "thrive through work"[1]. The most important recommendation is that employers should adopt and commit to six mental health core standards, which lay the foundations for an approach to workplace mental health. These include:

- having a mental health at work plan in place;
- increasing awareness among employees;
- encouraging good working conditions;
- encouraging open conversations about mental health and the support available;
- stipulating line management responsibilities; and
- routinely monitoring staff's mental health and wellbeing.

Mental Health at Work

The World Health Organisation defines 'mental health' as "*a state of wellbeing in which every individual realises his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community*".

Work-related stress is defined by the Health and Safety Executive ("HSE") as *'the adverse reaction people have to excessive pressure or other types of demand placed upon them'*. It is a reaction to experiences at work. This is distinct from a normal amount of 'workplace pressure', which can have a beneficial effect in improving performance and job satisfaction.

It is well known that a person's mental health can be affected by many factors, including those outside of the workplace as well as those inside the workplace. If someone is experiencing difficulties, or is stressed outside of work, it may affect how they work and vice versa. It is, therefore, an important consideration for both employers and employees.

Statistics from the Department of Work and Pensions reveal that **300,000 people** with a long term mental health problem lose their jobs each year. **One in six** workers suffer from anxiety, depression and unmanageable stress each year and in 2015, a total of **18 million days** were lost to sickness absence caused by mental health conditions.

Analysis by Deloitte, commissioned as part of the Review, revealed a demonstrable cost to employers, and quantifies for the first time how investing in supporting mental health at work

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[1] https://www.gov.uk/government/publications/thriving-at-work-a-review-of-mental-health-and-employers

is good for business and productivity. Deloitte's analysis shows that poor mental health costs employers between £33 billion and **£42 billion** each year, however, evaluations of workplace interventions show a return to business of between £1.50 and £9 for every £1 invested.

Mental Health at Work – the Health and Safety Perspective

Under The Health and Safety at Work (Northern Ireland) Order 1978, every employer has a duty to: *"ensure, so far as is reasonably practicable, the health and safety at work of all his employees".* There is, therefore, a clear onus on employers to protect employees from stress-related illness as a result of their work.

Under the Management of Health and Safety at Work Regulations (NI) 2000 ('MHSWR'), businesses have a legal duty to undertake a risk assessments and to act upon the results. If the business employs more than 5 employees, then the risk assessment should be in writing. In the past duties under MHSWR focused on physical well-being, but it is now recognised that it applies equally to psychological health and well-being. In carrying out such an assessment in relation to stress, HSE promotes the "Management Standards approach", which encourages employers to firstly assess risks in 6 key areas namely: Demands, Control, Support, Relationships, Role, and Change. These are 6 areas, which can impact negatively on employee health if they are not properly managed. Once the stress risk factors are identified, the employer should decide who might be harmed and how; evaluate the risks; record the findings and then ensure that the action plans put in place are regularly monitored and reviewed to assess effectiveness.

Guidance and support for employers

ACAS (the equivalent statutory body to the LRA) recently issued guidance entitled "*Promoting Positive Mental Health in the Workplace*"[2]. This guidance, which was timely issued on World Mental Health Day (i.e. 10 October 2017), provides practical guidance to employers on ways that they can promote positive mental health within the workplace. The guidance attempts to create a benchmark for employers to abide by. Much of the guidance focuses on the use of plans and policies to champion education and awareness for both the employer and other employees to understand how mental health is being addressed in the workplace.
Given the increased importance and awareness around the subject of mental health at work, many organisations are facilitating ways to assist employers with introducing or improving their approach to positive mental health in the workplace. Many organisations are now providing mental health first aid courses and training courses for line managers to help encourage them to openly discuss mental health in the workplace in an attempt to de-stigmatise the topic.

What action can you take?

1. Look at what you are doing now against the HSE Management Standards

2. Review / implement a Stress at Work Policy

3. Implement a Mental Health at Work Plan

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[2] http://www.acas.org.uk/index.aspx?articleid=1900

4. Review / undertake a stress risk assessment

5. Provide training and support for management.

6. Increase awareness among staff and encourage open conversations.

7. Ensure a process of continual review and improvement

If you require any further advice or information concerning this area, please contact a member of the Employment Team or Health and Safety Team at Carson McDowell.