

Workplace mental wellbeing

February 2020

February's "[Time to Talk Day](#)" created an opportunity for employers to review policy and culture against best practice in employee mental wellbeing.

Workplace mental wellbeing is a top concern among employers, according to European-wide [research](#).

According to the [World Health Organization](#), lost productivity due to mental illness costs the global economy is US\$ 1 trillion per year. In the UK, workplace mental illness is estimated to cost 2% of GDP and the latest statistics from the Health & Safety Executive ([HSE](#)) show that work-related stress, depression or anxiety now represents 44% of all work-related ill health and 54% of working days lost – a total of 12.8 million days in 2018/19.

The continuing rise in such figures highlights the need for companies to increase their focus on mental health to ensure employee wellbeing and avoid complaints or litigation from staff. One of the initiatives designed to encourage such dialogue is "[Time to Talk Day](#)", which took place on 6 February 2020.

Workload pressures, tight deadlines, too much responsibility, and a lack of managerial support were the main reasons given as the cause of workplace stress in the HSE findings. Employers have a legal duty to protect employees from stress at work by undertaking a risk assessment and acting on it.

In some instances, where an employee is suffering from a mental health condition, which has substantial impact and long-term effect on day-to-day activity, it may be classed as a disability. If it is, an employer must take positive action under the [Equality Act 2010](#) and consider whether reasonable adjustments can be made. Furthermore, the Act makes it unlawful for an employer to

treat a person with a disability less favourably because of their disability, unless there is a justification for doing so.

Depression or anxiety is not enough on its own to meet the definition of 'disability' under the Act and it is sensible to take legal advice on the definition of disability under the Act and the circumstances of each case. Whatever the extent of an individual's mental health concerns, there is a responsibility on the employer to take reasonable care of all employees.

In extreme situations, mental health may result in work-related suicide attempts. Men working in construction are shown to have an increased risk and union officials have said the Hinkley Point nuclear power station project is grappling with a mental health crisis. According to the Unite union there were 10 suicide attempts in the first four months of 2019, as well as a rise in the number of people off sick with stress, anxiety and depression, and an increase in workers suffering from mental distress.

Our employment partner, [Karen Cole](#), explains:

"Such reports are a tragic reflection of the long-term impact that stress in the workplace may have on workers. Fortunately, this situation is not common, but demonstrates why it is so important for organisations to face up to the challenge of employee wellbeing. Employees need to feel supported and not worried about what will happen if they speak up. That comes down to having the right culture in the organisation."

She added:

"A good starting point is to review processes and practice to see whether organisations provide support and protection from any unfair or discriminatory treatment. If there are gaps, then make sure they are closed. In the same way that employees with physical issues should

feel free to speak out, so should anyone with mental health issues”

Organisations should look at the [resource pack](#) offered by “*Time to Talk*” on how to deal with mental health issues in the workplace.

Should you require any further assistance in relation to policies and procedures in your business, contact [Karen Cole](#) today.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

