

Mental Health@Work

Preventing Harm and Providing Help

Dan Shears

GMB National HS&E Director

CPI Conference, July 2019

Background

- ▶ GMB - General Union operating across all sectors of UK economy
- ▶ 625,000 members, split 50:50 public and private sector
- ▶ Work-related stress is therefore a key issue for members across the board
- ▶ We take good practice and share it...

Background (2)

- ▶ 1in3? 1in4? 1in6? Stress and mental health are key workplace issues and on the increase
- ▶ Primarily the impact of austerity, but also gradually removal of stigma
- ▶ Historically guidance on stress from GMB, but not wider mental health issues
- ▶ Excellent materials developed elsewhere - TUC, GOFAL, MIND, LRD, BITC, Papyrus etc.

The Legal Position

- ▶ 3 Key Pieces of regulation:
- ▶ Health and Safety at Work Act 1974
- ▶ Equalities Act 2010
- ▶ Management of Health and Safety at Work Regulations 1999

HSWA 74

- ▶ Section 2:
 - *“(1)It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.”*
- ▶ There is no distinction made between physical and mental health, yet for most of my working life (20 years), this has been interpreted as physical health only.

HSWA 74 (2)

- ▶ The Robens Committee considered mental health within its deliberations in 1970-72, commissioning specific research:
 - Mental Health in Industry, Dr Andrew Treacher, University of Bristol
- ▶ The final report made no specific recommendations on mental health per se, but noted that mental health should fall under the purview of the Employment Medical Advisory Service

Equalities Act 2010

- ▶ Provides for reasonable adjustments to be made by the employer, so long as certain provisions are met
- ▶ Critically, requires the worker to inform the employer of their condition - often a problem with mental health conditions due to stigma
- ▶ There can be tensions between HSWA and EA - risk perception and control may be at odds with EA requirements

Management Regs 1999

- ▶ Formalised the requirement for risk assessments
- ▶ Required as much for mental health (“stress risk”) as physical health and safety
- ▶ HSE Stress Management Standards (SMS) ultimately come from here
- ▶ Most employers unaware of SMS, as not a legal requirement

GMB Approach

GMB

PROTECTING YOU
AT WORK

- ▶ Proactive:
 - Policy
 - Risk Assessments
 - Inspections
 - Action Plan
 - H&S or other Committee

GMB Approach (2)

- ▶ **Reactive**
 - Occupational Health/EAP
 - Reasonable Adjustment
 - Mental Health First Aid
 - Other Signposting

Negotiating Policy

- ▶ What the policy should include, in terms of:
 - Objectives
 - Management Buy-In
 - Priority of collective actions on mental health risks and stress
 - Role of GMB reps and stewards
 - Support for all workers, including adjustments, return to work and performance management
 - Provision of training and information
 - Ill-health recording,
 - Referral to independent, competent occupational mental health professionals
 - Review periods and methods of communication

Inspections

- ▶ Including stress and mental health on joint inspections
- ▶ Talking to colleagues – in private where needed – to take away stigma
- ▶ Looking at environmental stressors:
 - noise levels
 - lack of natural light
 - poorly designed/inappropriate machinery, especially IT equipment
 - temperature and ventilation.
- ▶ Clear links to policy – must be core activity

Risk Assessment

- ▶ Has the employer performed a risk assessment? Is it accurate?
- ▶ If not, Stress Management Standards approach is the minimum standard - Health Working Lives Scotland 68-question survey is more detailed
 - TUC Stress MOT is acceptable alternative
- ▶ Training on the Standards is essential
- ▶ May need individual risk assessments where conditions place worker or colleagues at higher risk (*eg medication causing drowsiness*)

Demands

Includes issues like workload, working patterns, and the physical environment.

- The Standard is that:
 - *Employees indicate that they are able to cope with the demands of the jobs; and*
 - *Systems are in place locally to respond to any individual concerns.*

Control

How much say employees have in the way they do their work.

- The Standard is that:
 - *Employees indicate that they are able to have a say about the way they do their work; and*
 - *Systems are in place locally to respond to any individual concerns.*

Support

The level of support provided by line management and peers.

- The Standard is that:
 - *Employees indicate that they receive adequate information and support from their colleagues and superiors; and*
 - *Systems are in place locally to respond to any individual concerns.*

Relationships

Includes promoting positive working to avoid conflict and dealing with unacceptable behaviours.

- The Standard is that:
 - *Employees indicate that they are not subjected to unacceptable behaviours, e.g. bullying at work; and*
 - *Systems are in place locally to respond to any individual concerns.*

Role

Whether people understand their role within the organisation and whether the organisation ensures that the person does not have conflicting roles.

- The Standard is that:
 - *Employees indicate that they understand their role and responsibilities; and*
 - *Systems are in place locally to respond to any individual concerns.*

Change

How organisational change (large or small) is managed and communicated in the organisation.

- The Standard is that:
 - *Employees indicate that organisation engages them frequently when undergoing an organisational change; and*
 - *Systems are in place locally to respond to any individual concerns.*

Key SMS considerations

- ▶ Many organisations run the standards across the whole business, aggregate the results, and believe this is the true picture
- ▶ THIS IS A MISTAKE
- ▶ In essence, more positive workers (usually higher paid managers with greater autonomy) may ‘crowd out’ those with more pressing issues and at greater risk through weight of numbers
- ▶ The reverse is also true - so results need to be segmented by job role as a bare minimum

Action Plan

- ▶ Results of risk assessment should clearly identify areas for improvement
- ▶ Action plan must be jointly agreed to prioritise actions - Working Group
- ▶ Clear timescales included
- ▶ Resources negotiated for delivery
- ▶ Mechanism for review - H&S Committee

Committee

- ▶ Ideally H&S committee, but any consultative body can discuss mental health issues
- ▶ Must be parity between physical and mental health
- ▶ Stress and mental health should be a standing agenda item...
- ▶ ...Both in terms of performance (How many cases and where?) and management (Are root causes identified and tackled? Is the approach effective?)
- ▶ Info must be given on causes of absence and trends - job role; physical location; manager style/approach

Occupational Health

- ▶ Most employers have no internal occupational health provision, so cases are either handled by an Employee Assistance Programme (EAP), which is usually provided by their insurer as part of their policy, or external OH contractors.
- ▶ These tend to be low cost, generic services that only involve a competent professional at the end of the referral process.
- ▶ Mental health is a specialist area that requires providers to be competent to assess and advise on the specific issue(s) that the worker is experiencing.
- ▶ GMB reps must therefore demand to be involved in the selection of occupational health provision to be assured of competence.
- ▶ The minimum standard is SEQOHS Registration

Equalities Act

- ▶ Whilst the vast majority of cases will be work-related stress (and depression), there will be other more complex conditions - PTSD is a big one for GMB
- ▶ If the member is willing to tell the employer about their condition, then the Act may apply
- ▶ We demand reasonable adjustment on multiple grounds:
 - Work environment and equipment
 - Performance management
 - Work Design
 - Work scheduling and hours of work
 - Consideration of Relocation and home working
 - Provision of extra training
 - Arranging for mentoring, shadowing or extra oversight
- ▶ Specialist advice will be needed in most cases - Access to Work should be considered for support and funding

Equalities Act (2)

- ▶ The interface between the EA and HSWA is complicated, especially on risk management and control
 - A key case study is Germanwings Flight 9525. Co-Pilot Andreas Lubitz locked himself in the cockpit and crashed into a mountain, killing all 150 onboard
 - Lubitz was later discovered to have hidden his deteriorating mental health from his employers.
- ▶ Oversight of workers with declared mental health conditions is therefore key - individual risk assessments and adjustments will be needed, particularly if the side effects of medication present potential hazards

Mental Health First Aid

- ▶ GMB is not against MHFA, but there are preconditions for its successful use
- ▶ In the experience of our members, it is often the first ‘go-to’ solution, rather than part of an overall approach
- ▶ This is ultimately self-defeating, as the whole MHFA programme requires both organisational support and avenues to signpost to.
- ▶ 2018 IOSH research is worth reading on this

Mental Health First Aid (2)

- ▶ There are two key criticisms:
 - MHFA does not address root causes. It cannot tackle issues caused by a lack of organisational resources, and it may give false hope that action will be taken
 - *“We don’t go straight to first aid for physical hazards, so why do it for mental health?”*
 - The selection of MHFA is often a problem in itself. ‘Volunteers’ handpicked by management lack credibility, and workers won’t trust them; Managers themselves may be a cause of stress; and it is often the case that boundaries are blurred and workloads exceeded.

Resilience

- ▶ Many employers have bought wholesale into the wellbeing agenda
- ▶ This often includes mental health resilience training, to make workers more able to cope
- ▶ This does nothing to tackle the root causes and source issues.
- ▶ GMB absolutely rejects resilience, and we are deeply sceptical about wellbeing as a whole.
- ▶ Likewise, we have concerns over mindfulness - such activities do nothing to address causes of stress and mental harm
- ▶ Mental health and stress are occupational health and safety issues - they must be treated as such.

Signposting

- ▶ Just to restate:
- ▶ The vast majority of cases are work-related stress
- ▶ We can't solve every problem, and some members will have long term conditions that need careful consideration
- ▶ Our role is to signpost - mental health first aid is fine if negotiated, but must not be imposed
- ▶ Ultimately mental health conditions require expert care...
- ▶ ...but there is much we can do to reduce the risks and provide support.

Thank You!

Your comments, questions and suggestions are very welcome

For more information:

E: daniel.shears@gmb.org.uk

E: lynsey.mann@gmb.org.uk

T: @SaferWithGMB