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#### **Employment Law** • HR • HSEQ



#### **Mental Health at Work Awareness**

- Mental Health in the Construction Sector
- The business benefits
- The Mental Health Continuum and interaction of work and non work factors.
- Overview of the legislative framework
- How to approach discussions (Case study examples)



#### Mental Health in the Construction Sector

80% of employers reported that mental health was a major issue which was impacting on their business. Working Environment – Long working hours, deadlines, travel and commute Demographics – male dominated environment



Sickness absence £690m Presenteeism £1240m Turnover £220m



Stress and other mental ill health is 2<sup>nd</sup> cause of work absence Average of 21 days for mental ill health

#### **The Mental Health Continuum**



#### A couple of other points:

The Recovery Message What is stress and how does it relate to mental ill health?.







# The impact of work and non work factors

Most mental ill health is caused by a combination of both work and non work factors. Therefore difficult to disentangle the impact of various factors on mental health so it is in employers' interest to support employees whatever the original cause or trigger.



## **Potential workplace triggers**

- Long working hours
- Unrealistic deadlines or expectations
- Poor working environment
- Unmanageable workloads or lack of control
- Negative Relationships or poor communications
- Lack of management support
- Job insecurity or relentless change
- High risk roles



#### The legal framework

All employers have a duty of care under health and safety legislation regarding the health, including mental health, of employees. Also required to comply with the requirements of the Equality Act 2010.





## The legal framework

The Equality Act 2010

Definition : A physical or mental impairment that has a substantial, adverse, and long term effect on normal day-to-day activities.

Even if an employee doesn't think they have a disability, the Equality Act may protect them from discrimination if their mental ill health condition fits its definition of disability.



#### Scenario 1

Raising the subject with an employee where poor mental wellbeing is believed to be a factor

Scenario 2

Supporting an employee who has been diagnosed with a mental ill health condition

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#### **Raising the subject**

Choose an appropriate place Encourage the employee to talk Encourage people to seek advice and support Seek advice and support yourself Reassure



# Managing mental ill health and disciplinary issues

In some cases, it may be appropriate to have dual track approach, where the employee sets out an agreed framework for managing e.g. the unacceptable performance, whilst at the same time initiating support for any health needs



## Supporting an employee

- Maintain appropriate contact where employee is absent Preventative adjustments
- Adjustments to aid recovery
- Consider allowing 'KIT' days where appropriate to maintain contact and facilitate a return to work
- Set up a WRAP approach and have a dialogue with the employee can set out joint understanding and expectations.



#### How can we help?

#### **Promoting Employee Wellbeing – Awareness Training for Managers (1day certificated course)**

- Inverness 9<sup>th</sup> February 2017
- Aberdeen 23<sup>rd</sup> February 2017
- Glasgow 16<sup>th</sup> March 2017
- Mental Health First Aid (2 days)

Onsite and remote consultancy support – facilitate discussions/meetings ,pragmatic and commercially focused HR/Employment Law advice

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