

Mental Health in the Workplace

What are reasonable adjustments?

Reasonable adjustments are changes an employer can make to minimise or eliminate any disadvantages someone with a disability may experience compared to those without. These could range from:

- Making adjustments to someone's workspace
- Changing working arrangements such as start times/shift patterns
- Giving equipment to individuals that will provide support for them
- Changing the way individuals complete activities

Not only does the law (Equality Act 2010) cover direct employees, it also states that employers must make reasonable adjustments for workers, contractors, self-employed individuals and job applicants.



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ACAS has published new guidance and resources to help support employers and employees when handling reasonable adjustments for mental health at work which stresses the importance for employers to take employee's mental health problems seriously and with the same care as they would for a physical illness.

Mental health includes our emotional, psychological and social well-being which is why employers must be observant of how their employees are doing on a daily basis. According to ACAS (2023) Mental health problems can:

- Happen suddenly, because of a specific event in someone's life
- Build up gradually over time
- Be hard to spot because everyone has different signs and signals
- Be hidden because many people find it difficult to talk about their mental health
- Fluctuate over time which means that an employee's ability to cope with the demands of the job might change

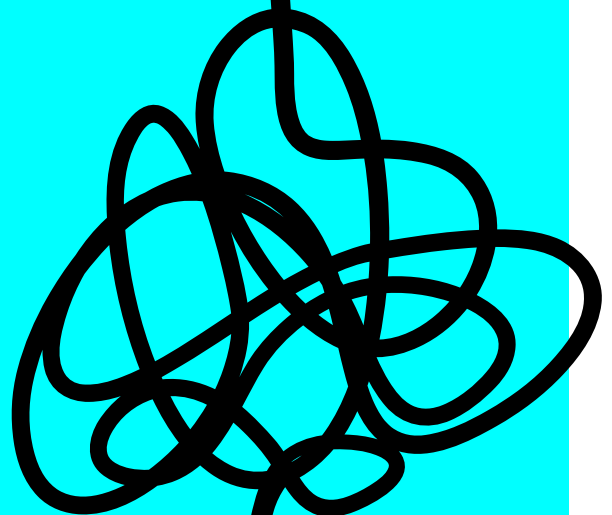
Having the appropriate awareness of your employee's mental health and how to support them will be reflected in your organisational culture. Being able to demonstrate a good approach to best practices will help to retain your staff.

Managing Work-Related Stress

Stress is defined by the Health and Safety Executive (HSE) as 'the adverse reaction people have to excessive pressures or other types of demand placed on them'. People can experience stress from work or their personal lives but all managers have a duty of care to look out for the signs of stress, ACAS(2023) has stated these may be:

- Poor concentration
- Finding it hard to make decisions
- Being irritable or short-tempered
- Tearfulness
- Tiredness
- Low mood
- Avoiding social events

Work-related stress is covered by the Health and Safety at Work Act and the Management of Health and Safety at Work Regulations 1999 and needs to be addressed by all employers, so what can you do?





Supporting your Employees

Creating an honest and safe environment whereby your employees feel comfortable to approach management to discuss how they feel is an integral part of being able to support your employee's mental health. This can be achieved by:

- Always making time for a meeting/phone call on the same day they ask
- Be open-minded about how the person might be feeling, don't pre-empt what they might say
- Ask open questions to gain as much detail as possible
- Listen to everything
- Attempt to identify the cause of the stress
- Discuss a possible solution going forward
- Keep in regular contact after the meeting
- Arrange a review meeting

Risk Assessments

In the event that an employee is showing signs of work-related stress, by law, all employers are required to complete a risk assessment to reduce the impact of the employee experiencing this. The risk assessment will identify the risks and give a detailed explanation of how to reduce the stress they are facing in the role.

Stress on its own is not classed as a medical condition. But a person is protected from discrimination if it affects their physical or mental health disability which would be covered by the Equality Act 2010 as it would fall under being a disability.

Preventing Work-Related Stress

To create a positive working environment there are steps employers can take to reduce the likelihood of an employee reaching the point whereby they feel overwhelmed and stressed, these are:

- Promoting a work-life balance by introducing working from home (if possible), offering overall flexibility eg- start times
- Providing extensive training for managers to enable them to be equipped with the tools to correctly manage individuals and to be able to spot the signs of workplace stress
- Creating a safe environment whereby employees feel they can speak up
- Establish communication channels and support systems so employees know who to speak to



Government Proposals 2023

The government are proposing to make some changes to employment law although at this stage, these are just proposals. Although nothing has been finalised, we wanted to put them on your radar in case they get approved by the government.

Working Time Regulations

This proposal is suggesting that the distinction between normal holiday (i.e., 20 days holiday under the WTR derived from EU law) and additional holiday (i.e., the additional 8 days holiday to comply with the UK statutory minimum of 5.6 weeks holiday) be removed for them to be treated as one entitlement.

TUPE

This proposal would remove the requirement to consult with appointed representatives when there are less than 50 employees in the business and less than 10 employees transferring, although individual consultation would still be required.

Post Termination Obligations

The government is looking to introduce new legislation to limit the restriction period of non-compete post-termination obligations to three months. This will not affect other post-termination obligations such as non-solicitation and non-dealing clauses or confidentiality clauses.

For more information about anything included in this HR Newsletter update, please contact **Emily** on emily@strategisolutions.co.uk

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