

K&L GATES

Managing the increasing complexity of Mental Health in the Workplace

Meet the team



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The threat in the modern world is not so much outside us but inside us



Why Should We Care?

11 things you need to know about mental wellbeing



1/6 workers experiences depression, anxiety or unmanageable stress at any one time.

Costs UK employers **£26bn p/a** - on average **£1,035** per employee.



64.7m prescribed items of antidepressants, **3.7m** more than the 61m items dispensed during 2015. **108.5%** increase on the 31m antidepressants dispensed in 2006.

£8.4 Billion

a year in sickness absence - this adds up to **70 million** lost working days a year, including one in seven directly caused by a person's work or working conditions.



£15.1 Billion a year in reduced productivity at work - 'presenteeism' accounts for **1.5 times as much** working time lost as absenteeism and costs more to employers because it is more common among higher-paid staff.



In 2015/16 stress accounted for **37%** of all work related ill health cases and **45%** of all working days lost due to ill health.



£2.4 billion a year in replacing staff who leave their jobs because of **mental ill health**.

The total number of cases of work related stress, depression or anxiety in 2015/16 was **488,000 cases**, a prevalence rate of **1510 per 100,000** workers. **1.5%**

Most common ways in which poor mental health in the workplace affects performance

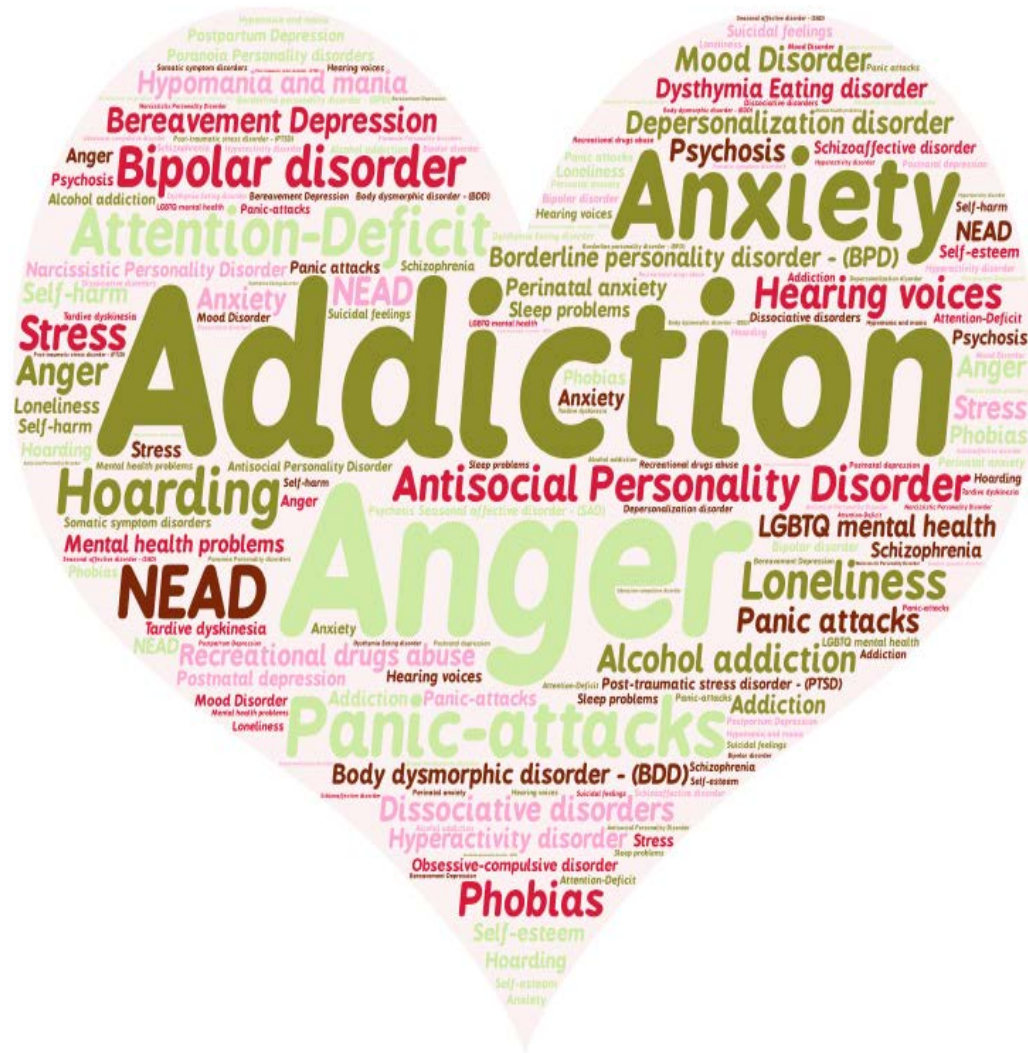


Ninety eight percent of business leaders surveyed said good mental health is important to the performance of their organisation. However, just **14 percent** have a formal mental health policy in place and fewer than one in five offer line management training. %

In 2014, there were **41,921** hospitalisations for self-harm by poisoning or other methods among 10-24 year olds in England. +

The main work factors cited by respondents as causing work related stress, depression or anxiety (LFS) were **workload pressures**, including **tight deadlines**, **too much responsibility** and a **lack of managerial support** ⚡

There are over 200 mental health illnesses



Tackling the fear around mental health

What gets in our way?

1. You're either mentally ill or mentally healthy.
2. Mental illness is a sign of weakness, especially in men (Stigma).
Career limiting.
3. Confidentiality (treatment of data).
4. People with mental illness are difficult/violent.
5. Mental health problems are forever (short term vs long term)
6. We get scared and we don't know how to handle it.
7. If you have a 'Wellness' policy it might not necessarily support the 'how to'.

Why are we getting more issues in the workplace?

1. Because there is an increase in mental health issues!
2. Awareness of mental health issues
 - Media, Labelling, Internet, Reporting
3. Information/Speed of life overload
 - Lack of education/training in mental resilience
 - Overwhelm - Having the 'perfect' life
4. Social/Environmental/Cultural change

The 4G problem



Generation Z (Born after 2000) – Love conversation, don't want to be lectured. Communicates with multiple people through social media sites. Continuously share their personal lives and views publicly.



Millennials ('81 – 2000) – Direct, know what they want, ambitious and entitled. Understand their 'rights'. Work to live.



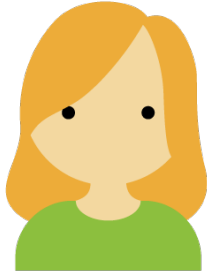
Generation X ('65-'80) – Live to work, diligent, loyal and hard work ethic



Baby Boomers ('46-64') – Structured and more formal approach and communication style.



Generation Z



Rates of depression and anxiety among teenagers have increased by 70 per cent in the past 25 years. The number of children and young people turning up in A&E with a psychiatric condition has more than doubled since 2009 and, in the past three years, hospital admissions for teenagers with eating disorders have also almost doubled.

In a 2016 survey for Parent Zone, 93 per cent of teachers reported seeing increased rates of mental illness among children and teenagers and 90 per cent thought the issues were getting more severe, with 62 per cent dealing with a pupil's mental-health problem at least once a month and an additional 20 per cent doing so on a weekly or even daily basis.

What would I notice?

CIPD research found that 26% of employees have experienced mental health problems while in employment. While more than half have taken time off work as a result, more than four in ten say they always go to work when experiencing mental ill health and 53% say they sometimes do.

- Finding it difficult to concentrate (80%)
- Taking longer to do tasks (62%)
- Finding it more difficult juggling a number of tasks (57%)
- Putting off challenging work (42%)
- Being less patient with people or clients (50%)
- Having difficulty making decisions (60%)
- Being more likely to get into conflict with others (37%)

It's going to take more than fruit and massage



Culture/Environment

- How do we improve our environment and ensure that senior executives and key stakeholders understand the importance for employee wellbeing?
- Does your business or department drive the right culture?
- Stressing or Stressed environment?
- Company values and obligations of leadership
- Communication channels/content for driving cultural change as it relates to wellness and mental health
- Access to support network and or information

Responsibility of Leadership

- CIPD research finds that employers spend on average 18 days of management time on every formal disciplinary case and 9 days on each formal grievance case
- Leadership Behaviours – leading and learning from the top
 - Understanding leadership impact and responsibility for the health and welfare of others.
- Accepting and understanding mental health issues and how to spot them
- Confidence in 'how to deal with and have a conversation' (training)
- Consequence of ignoring or being reactive rather than proactive, 'playing therapist'
- It's not an 'HR Problem' it's everyone's problem

Employees need to take responsibility too

- Encouraging accountability & responsibility from employees for their own wellbeing and mental health
 - Education/training/personal development/goals
 - Understanding of what the company does to support mental health (work\life balance values)
- How open is the culture for highlighting an issue and do they know who to go to if they need to talk. (confidentiality, used in reviews etc)
- How resilient are they? 'Is there opportunity for training, mentoring and or coaching?

What is 'Mental Resilience'?

Resilience – The capacity to recover from difficulties or challenges flexibility, pliability, suppleness, plasticity, elasticity, springiness, give, durability, ability to last, strength, sturdiness, toughness - bouncebackability

- Managing your own internal experience (building mental muscle)
- Coping with ambiguity, change and stress
- Being able to navigate the normal ups and downs of life (at work and home)
- Being able to prioritise and understand the importance of your own mental health needs and that of others

What is good practice?

- Wellness/Wellbeing/Mental Health policy
 - Areas covered (culture/environment/leadership/employee information, good practice)
 - Feedback gained from employees or survey data specifically measuring wellness and mental 'healthiness' and the impact of the business, leadership and culture/environment
 - How to use medical reports
 - Appropriate/correct questioning
- Training – managers and employees on mental health and mental resilience in the workplace
- Introducing and encouraging physical activities during breaks or meditation/mindfulness
- Introducing counselling services or helplines for mental health issues

Legal Responsibilities & Definitions

Mental Health and the Workplace

- What is stress?
 - “The adverse reaction people have to excessive pressure or other types of demand placed on them”
- Employer duty
 - To ensure the health safety and welfare at work of their employees so far as is reasonably practicable
 - Health and Safety at Work Act 1974
 - Management of Health and Safety at Work Regulations 1999
- Extends to stress-related illness or injury

Discharging your legal duties



HSE's Strategy – The Focus on Mental Health



Equality Act 2010

- Who is protected?
 - “Mental Impairment” – impairment that is long term and has a substantial adverse effect on normal day-to-day activities
 - “Long Term” – has lasted more than 12 months or is likely to last more than 12 months
 - Substantial effect?

Equality Act 2010 continued

- Duty to make reasonable adjustments
 - Disabled person placed at a “substantial disadvantage” by:
 - Employer’s provision, criterion or practice (PCP);
 - A physical feature of the workplace; and/or
 - Employer's failure to provide an auxiliary aid
 - Duty applies to job applicants and employees
 - Duty arises if employer knows or ought to have reasonably known someone would be placed at a disadvantage

Equality Act 2010 continued

- Potential adjustments
 - Reallocating work temporarily
 - Changing an employee's duties
 - Providing additional supervision
 - Assistance with prioritising work
 - Minimising noise
 - Providing quiet spaces for breaks

Equality Act 2010 continued

- Direct discrimination – treating A less favourably because of A's disability
 - E.g. refusing to hire job applicant because they suffer from depression

- Indirect discrimination – employer's PCP places A (and others who are disabled) at a particular disadvantage
 - Proportionate means of achieving a legitimate aim?
 - E.g. requiring employees to hit daily targets for sale calls could place employees suffering from stress at a particular disadvantage

Equality Act 2010 continued

- Discrimination arising from disability
 - A treated unfavourably by employer because of something arising from A's disability
 - Proportionate means of achieving legitimate aim?
 - E.g. dismissing employee for absences that are the result of their depression

Also...

- A treated less favorably because of the disability of another person
 - E.g. applicant not hired because child suffers from mental health issue
- A treated less favorably because they are perceived to suffer from a disability
 - E.g. applicant not hired because the employer incorrectly believes that they suffer from depression on the grounds that they mention that they have previously taken time off for it
- Protection from Harassment Act 1997
- Conservative manifesto to transform mental health support, including the Stevenson and Farmer review

Questions?

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