See Me

End mental health discrimination

Spotlight on…

Safe, effective and pertinent disclosure of mental health problems at work

Safe, effective and pertinent disclosure is one of seven key building blocks for creating a workplace environment inclusive of mental health and free from mental health stigma and discrimination.

Disclosure is key to ensuring people with experience of mental health problems are able to ask for help and get support when they need it, and are supported to stay in/return to work swiftly after a period of ill-health.

Why disclosure of mental health problems is important in the workplace

The Equality Act (2010) protects disabled people from discrimination:

- This includes any mental impairment that has a substantial adverse effect on their ability to carry out normal day to day activities. This usually means the mental health problem lasts (or lasted) more than a year.

- There doesn't need to be a diagnosed condition. It's about how normal day to day activities are affected. These may be different from work activities.

Disclosing a mental health problem is the first step to get employers' support:

- Disclosing a mental health problem is completely an individual's choice. There aren't rules as to how disclosure should happen.

- Employees can disclose for a range of reasons: e.g. to get reasonable adjustments, to explain absence patterns, or because they feel passionate about challenging stigma. They may be in work for a while before they choose to open up about their mental health.

- Employers have a 'duty of care' towards employees. This means taking all reasonable steps to keep employees safe from mental and physical harm. It also means being aware and mindful of early signs of poor mental health, checking in with employees; opening conversations about mental health at work in a compassionate and supportive way; signposting to support, and exploring reasonable arrangements, wherever possible.

- Employers have the legal duty to make 'reasonable adjustments' as soon as they're made aware of an employee struggling with physical or mental health.

- Employees also have a 'duty of care' to look after their own wellbeing and safety.

- Employers have the power and the means to make the process of disclosing a mental health problem empowering, safe, effective and pertinent. This can reduce the risk of disclosure impacting negatively on the individual (who might already be feeling vulnerable).

Disclosures can help employers improve employees' working conditions by:

- Identifying any potential disparities in the diversity profile of the workforce, to inform actions that address any perceived inequalities and barriers to equal opportunity.

- Understanding whether employment policies, practices and procedures are equitable and are being implemented fairly. This can be done by examining under- or over-representation of employees experiencing mental health problems.

- Identifying differences in the outcomes or experiences of employees experiencing mental health problems. Where required, developing training and guidance to support line managers in managing a diverse workforce.

- Developing and implementing training and guidance to support employees to understand mental health problems and know what to do to help a colleague who might be struggling.

The impact of mental health stigma and discrimination on disclosure

Mental health stigma and discrimination gets in the way of people seeking help:

- An employee disclosing can worry about:
  - Not being listened to
  - Confidentiality
  - Not being taken seriously
  - Being judged by managers and colleagues
  - Being seen as a burden
  - Receiving a diagnosis or being labelled
  - The consequences of speaking out, such as losing their job, being moved to a different role or not considered for promotion.

- Less than one in ten employees in the UK are currently seeking support for their mental health (including counselling, talking therapies and medication), despite over half experiencing feelings of anxiety or depression[1].

- Fewer male employees are seeking help than females in the UK – this suggests that male employees are still finding it difficult to reach out for help and talk about their mental health, even when they're struggling. Employers should continue to take action to encourage and support conversations around male mental health, and make the support that is available visible, accessible and stigma-free.

- Ethnic minorities work predominantly in sectors offering few job protections, including provisions for sick leave and sick pay.[2] In some ethnic minority communities mental health problems are rarely spoken about and can be seen in a negative light, which may make it more difficult for people from these different communities to seek support at work and discuss any mental health issues they are facing[3].

Mental health stigma and discrimination can stop line managers opening conversations about mental health and providing support to employees:

- Many line managers worry about speaking to another person about their mental health due to a lack of knowledge and confidence, being fearful of saying or doing the wrong thing, and not knowing where to signpost to. Many managers resist having the conversation as they worry about having to take responsibility for the person disclosing and the impact the disclosure might have on the wider team.

Mental health stigma and discrimination gets in the way of employees caring for themselves, asking for help, accessing support and supporting each other:

- Self-stigma and public stigma lead to inaccurate beliefs that people experiencing mental health problems can't recover, are violent and dangerous, or else weak, attention seekers and incapable of making their own decisions.

- Employees that take these believes into the workplace can exclude, avoid or use coercive practices with people experiencing mental health problems and collude with others to restrict their freedoms.

- Employees might feel that their workplace environment isn't safe for them to disclose a mental health problem so they keep their struggles a secret from their line manager and colleagues.

1. The Workplace Health Report (2021). Champion Health.
2. Submission of evidence on the disproportionate impact of Covid-19 on ethnic minorities in Scotland (2020). Qureshi et. al.
3. Race and mental health at work (factsheet, 2020). Business in the Community.

What the See Me in Work programme identified

The See Me in Work programme identified key conditions for safe, effective and pertinent disclosure:

1 **Policies and procedures inclusive of mental health that express commitment and action on mental health;** are co-produced with people with lived experience; are implemented consistently to encourage safe disclosure, and provide personalised and accessible information, signposting and support for all employees.

2 **Accountability** that defines what, whom and how duty holders (e.g. line managers) are responsible for their actions; sets out the obligation for duty holders to inform and explain their actions, and is enforced through disciplinary actions.

3 **Supportive action** that follows a disclosure is vital to build the confidence and trust for employees. It also helps the employer to take the necessary steps to retain skills, knowledge and talent by putting in place reasonable adjustments and/or an effective return to work process that supports recovery.

4 **Confident and informed line managers that:**

a. Are aware of key policies and procedures related to disclosure

b. Are clear on what steps to take to respond to employees' disclosure of mental health problems

c. Put employees' wellbeing above the business needs

d. Are open to having conversations about mental health with employees at any point, providing a personalised and compassionate response.

5 **Confidentiality** is at the heart of disclosure: It helps build trust and empowers employees to disclose mental health problems, ask for help when they need it; and share positive experiences with others that might be afraid of disclosing.
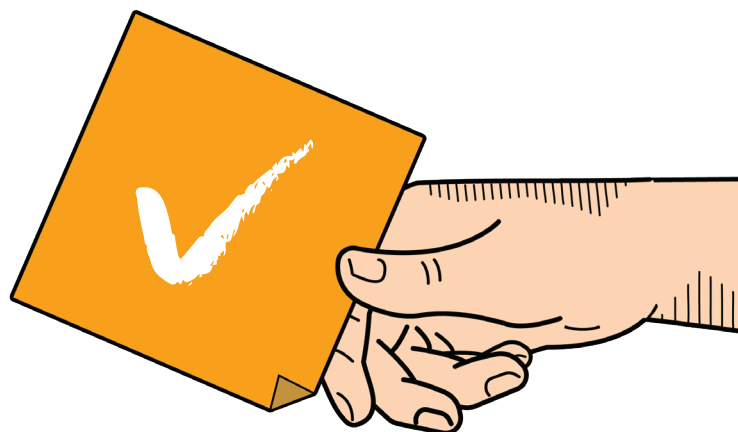
When trying to create the right conditions for employees to safely disclose a mental health problem:

Don't...

- Assume that your messages and expectations around disclosure will filter down from senior management to lower levels of the organisation.

- Say you commit to supporting mental health in the workplace unless you really mean it. Employees could feel a false sense of security to disclose.

- Assume employees are aware of disclosure policies and procedures.

Do...

- Ensure the organisation's commitment to safe, effective and pertinent disclosure runs through all levels of leadership, and is sustainable.

- Create the conditions for safe, effective and pertinent disclosure by making it everyone's business in the organisation.

- Ensure your communications and messages are balanced and lead to culture change.

- Credit those that show inclusive attitudes and behaviours, and ensure the organisation has supportive policies and practices in place that empower people to open up about their mental health.

- Monitor disclosure rates; an increase in disclosures and a decrease in 'prefer not to say' options can indicate a higher level of confidence in the organisation.

- Survey employees on how comfortable they feel about talking about their mental health in the workplace to their colleagues and line managers.

- Facilitate 'information sharing' events, a dedicated section on disclosure in the intranet, shared files, etc. and build regular communications.

- Invest in mental health training and awareness around disclosure.

- Ask for updates to personal information on an annual basis to ensure the organisation has up-to-date information for all employees, and include mental health and wellbeing questions.

- Consider adopting 'reasonable adjustment passports' for employees to share with their line manager. These are records of adjustments held by an employee who has a disability, impairment or health condition. They are 'live' documents that are agreed between a worker and their manager about agreed changes to work.

- Ensure line managers and human resources employees respond quickly to the mental health needs of employees and handle data in a confidential manner.

- Ensure line managers are confident, able and ready to respond to people irrespective of the severity, nature or type of mental health problem.

- Take action to remove any variation between departments and/or managers in how policies and procedures related to disclosure are implemented.

- Regularly showcase good practice through anonymised case studies and worked examples of disclosure.

Key resources and reading

● **Conditions for safe, effective and pertinent disclosure – A case study from Babcock:**
www.seemescotland.org/media/10229/see-me-bb2-case-study_disclosure.pdf

● **Guidance on Equality Act (2010):**
www.acas.org.uk/equalityact

● **Let's Chat tool, See Me (2019):**
www.seemescotland.org/workplace/resources-and-e-learning

● **See Me in Work e-learning:**
www.seemescotland.org/workplace/resources-and-e-learning/e-learning

● **Managing and supporting mental health at work: disclosure tools for managers, Mind (2011):**
www.mind.org.uk/media/44253/Managing_and_supporting_MH_at_work.pdf

● **Disclosure pros and cons tool, Heads Up:**
www.headsup.org.au/your-mental-health/talking-about-a-mental-health-condition-at-work/disclosure-tool

● **How to support mental health at work, Mental Health Foundation:**
www.mentalhealth.org.uk/sites/default/files/how-to-support-mental-health-at-work.pdf

● **Adjustment disability passports, Trades Union Congress:**
www.tuc.org.uk/research-analysis/reports/reasonable-adjustments-disability-passports

See Me

End mental health discrimination

Find out how See Me in Work can help your organisation at:

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