

Mental Health & The Law

Employers need to ensure that they are aware of the legislation in place relating to employee's mental health in the workplace.

The Health & Safety Executive (HSE)

The HSE was updated in 2018, and now employers need to consider covering mental health first aid training as well as physical first aid.

The Management of Health & Safety at Work Regulations (1999)

This Act requires employers to complete a risk assessment (and record it if they have more than 5 employees) on the nature and scale of health risks at work, including stress.

Employers must ensure that there are proper control measures in place to avoid risks where possible – this includes mental health just as much as physical health.

Fatal Accidents Act (1976)

This allows relatives killed by the wrongdoing of others to recover damages. An employer could potentially be liable for the suicide of an employee whose work-related stress develops into a severe mental problem.

The Disability Discrimination Provisions of the Equality Act (2010)

When an employee's mental ill-health is considered a disability, employers have a duty under the Equality Act (2010) to make 'reasonable adjustments to do their job'. This may mean altering the job role where appropriate to help the employee in being successful.

The Health and Safety at Work Act (1974)

This Act requires employers to ensure (as far as possible) the health, safety and welfare of all employees at work. This includes reducing stress-related illnesses resulting from work as much as possible.

The Stevenson Farmer 'Thriving at Work' review (2017)

Lord Stevenson and Paul Farmer (Chief Executive of Mind) were commissioned by the government to carry out an independent review of workplaces and mental health. They reviewed specifically how employers can support employees with mental health conditions within the workplace.

The 'Thriving at Work' report suggests several actions be taken ('Core Standards') and be implemented by businesses of all sizes.

Whitaker Training can help employers succeed in meeting the 'Core Standards Framework' set out in this report:

- Create a mental health at work plan
- Encourage open conversations and communication, by raising awareness and reducing stigma
- Monitor actions and outcomes (e.g. employee stress) of workplace decisions

The Increase in Legal Action against Employers

In July 2017 tribunal fees were terminated in the UK. Since then, there has been a huge increase in disability discrimination tribunal claims.

There are many expenses to an employer of legal action being taken against them; legal fees, the risk of losing the case, management & human resource costs and time spent dealing with the case (these can be extremely costly).

It is particularly important that employers take mental health seriously and this will go a long way towards avoiding legal action being taken against them for mental health-related illnesses.

Whitaker Training can educate businesses in mental health and help employees to manage their own mental health and that of their colleagues. For the employer, this training will show their commitment to their workforce's health and will help reduce legal action being made against them for mental health-related illnesses.



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Important to get advice from a legal professional.