

Unite

Mental Health Guide for reps and negotiators



Preventing stress and promoting
GOOD MENTAL HEALTH AT WORK

mental health



FOREWORD

As your General Secretary, I believe that now is the time for real change. There are many issues we must face together : fire and rehire, closures, suppression of pay and attacks on our Reps, with many employers emboldened to take advantage of the pandemic.

Mental health and stress have been high on Unite reps' priorities for a number of years, and COVID19 has intensified the need for Unite action.

This guide is to support our shop stewards, workplace reps, safety reps, union equality reps, and our members to tackle mental health issues and discrimination at work, and to campaign and negotiate for good mental health.

Unite's industrial programme is about protecting jobs and improving pay and conditions - getting back to the workplace, defending jobs, pay and conditions - and supporting our members' and reps' health, safety, equality and wellbeing.

In solidarity



Sharon Graham

General Secretary



The printed version of this guide contains model agreements and policies and the online version provides links to these documents.

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INTRODUCTION

Recently there has been a significantly greater public awareness of mental health issues. Many of our members have been affected and our reps have been negotiating for prevention and support on behalf of members.

In the past few years, the pressure on workers has been intense as they have faced government cuts, social security reforms, the increased cost of living and threats to job security, pay and conditions. Unite reps have reported that colleagues are approaching them much more frequently to talk about mental health issues and ask for information and support.

Issues such as redundancies, reorganisation, overwhelming workloads, being expected to do more with less, low paid jobs and zero hour contracts are common; bullying and all forms of harassment are also increasingly being raised; all these issues often resulting in increased levels of stress, anxiety and depression which sometimes has led to mental health problems among our members.

This guide is for shop stewards/workplace reps and provides an overview of mental health issues at work; how to support members and negotiate with employers. The guide includes good practice examples and case studies; model agreements and policies on mental health, stress and disability equality; and a stress at work survey.

Stigma

Unite believes that it is important for mental health problems to be recognised as a disability equality issue. People who are using mental health services or have used these services in the past should not be discriminated against in the workplace on this basis. Different people, even those with the same medical diagnosis, react in a variety of ways to certain situations. The individual is always the best person to indicate their own needs. DO NOT MAKE ASSUMPTIONS.

According to Time to Change survey¹, nine out of ten people with mental health issues reported the negative impact of stigma and discrimination on their lives. They also, have the highest 'want to work' rate of any disability group but have the lowest in-work rate. One third of people with mental health issues reported having been dismissed or forced to resign from their job and 70% have been put off applying for jobs, fearing unfair treatment.

Labour Force Survey analysis² of mental health problems confirmed they are a significant barrier to getting into work.

We know that work pressures, as well as austerity, have been causing emotional distress for many workers. Many employers are unable to deal with this effectively leading to increased stigma, and many losing their jobs and unable to find new employment.



¹<https://www.time-to-change.org.uk/news/latest-survey-shows-public-are-less-likely-discriminate-against-people-mental-health-problems>

²https://touchstoneblog.org.uk/2017/05/mind-gap-impact-mental-health-problems-employment/#_ftn5

Interestingly, even the government's 'Thriving at Work' report found that 300,000 people have to leave work every year because of long-term mental health issues.

Social Model of Disability

Unite supports the "Social Model" of disability. We advocate that it is not a person's impairment or condition which disables them but it is society's reaction to it that limits their lives and opportunities.

When there is support it still puts the onus on the individual e.g. cognitive behavioural therapy, recovery plans etc. While this can be very important, alone it cannot be enough as this does not address the many root causes: unemployment, poverty and discrimination. It is the discrimination we have to tackle, ending the blaming of individuals.



Reps in the workplace

Employers have a legal duty of care to ensure healthy and safe workplace environments.

Time off for reps in Food Manufacturing

Unite reps have ensured that the employer is aware of mental health problems at work and that action is taken.

Members have been affected by for example, managers and HR practices as well as disability. Also, some members were unable to attend interviews due to mental health problems. Therefore, reps negotiated for reasonable adjustments and time off for counselling and ensured that members were not penalised for not attending an interview.

The union equality rep negotiated time-off to attend members' homes with HR to discuss return to work with members who find it difficult to do so.

Unite supports members through representation at work and in negotiations with the employer, as well as through campaigns, guidance and training. Unite has a wide network of workplace reps, shop stewards, safety reps, union equality reps and union learning reps. Reps too, need protection from stress.

Unite reps have a critical role in negotiating policies that address stress related problems and control the risk of mental health issues arising from the workplace.

They should make certain that those affected have access to appropriate support and also that measures are in place to ensure retention of staff. Unite reps can carry out a stress survey among members to help with further action on good mental health in the workplace. The Unite Stressbusters 'stress at work' survey can be found at the end of this guide.

The Health and Safety Executive's stress survey is a valuable tool which can also be used by Unite reps. A link to this survey can be found on page 21 of this guide.

Resolving a dispute in housing

Unite surveyed its contract maintenance members in a social housing organisation during a dispute over changes in pay, working hours and conditions.

The findings revealed shocking levels of mental health issues and stress among the workforce. Also, 59% of those affected had not raised their issues with management.

Unite shared these findings with the employer and following negotiations the dispute ended successfully.

LEGISLATION

The Equality Act 2010¹

The Equality Act 2010 makes it clear that mental health issues are covered by the Act and states that a person has a disability if that person "...has a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities."

Also, the Code of Practice states that "The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities."

Workers with mental health illnesses do not need to have a clinically well-recognised condition to be covered under the Equality Act 2010. This protection may also cover those members suffering from stress, depending on the circumstances.

Please remember that mental health disability discrimination employment tribunal claims must be brought within three months of the occurrence of the discrimination.

This period does not include time spent in early conciliation. If early conciliation is unsuccessful, a certificate will be sent by Acas. Once the certificate is received the amount of time left to make a claim is the same as before the conciliation started.

In some cases discrimination may extend over a period of time to make up a continuing act and in these cases a claim must be brought within three months of the last discriminatory act.

¹Northern Ireland – Disability Discrimination Acts 1995 to 2011
Republic of Ireland – Employment Equality Acts 1998-2015 and the
Equal Status Acts 2000 to 2018

Health and safety legislation

Employers have duties under the health and safety legislation, as well as some common law duties.

Under Section 2 of the **Health and Safety at Work Act 1974**² employers have a general duty of care to ensure the health, safety and welfare of all their employees and this includes employees' mental health.

The **Management of Health and Safety at Work Regulations 1999**³ require employers to carry out suitable and sufficient assessments of health and safety risks.

Following the risk assessment employers have the duty to identify preventative and protective measures to reduce risks. This includes risks to mental health.

As well as the duties placed on an employer under health and safety law, there is a common law duty of care between an employer and employee. This duty of care is in place to protect an employee from psychiatric injury as well as physical injury.

Remember claims for work related psychiatric injuries are hard to prove. If you feel you have suffered psychiatric injury as a result of your working conditions you should seek legal advice from Unite Legal Services as soon as possible. They will ensure that you achieve the best possible outcome. By claiming, you can make your employer investigate and put preventative measures in place.

The Safety Representatives and Safety Committee Regulations 1977⁴ give safety reps the right to investigate and tackle workplace stress.

While the burden of proof used to be on the employer to show they were not negligent, **The Enterprise and Regulatory Reform Act 2013** amended the Health and Safety at Work Act 1974 so that the burden is now on the employee to prove that the employer was negligent and that the negligence caused the injury.

²Northern Ireland – Health and Safety at Work (Northern Ireland) Order 1978

Republic of Ireland – Safety, Health and Welfare at Work Act 2005

³Northern Ireland – Management of Health and Safety at Work Regulations (Northern Ireland) 2000

Republic of Ireland – Safety, Health and Welfare at Work Act 2005

⁴Northern Ireland – The Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979

Republic of Ireland – sections 25 and 26 of the Safety, Health and Welfare at Work Act 2005

PREVENTION IS KEY

Tackling mental health problems in transport

The sector organised a well attended and successful Mental Health seminar addressed by the General Secretary. He emphasised the importance of the ability of those present in the room who are making a difference in our workplaces. Also, the important role Unite can play around this issue.

This seminar was for HR from major companies and stewards from the same companies. There were a number of speakers including from Samaritans, Mind, Health and Safety Executive and Mental Health First Aid. There were also key contributions from stewards who spoke on the effects it can have on them at work and personally.

This was a successful initiative and several companies have committed to engage with their stewards to begin implementing positive change on this very important subject.

The European Commission's Mental Health and Employment toolkit describes good workplaces as:

- All staff have some control of their working day
- Staff are able to make suggestions and influence activities.
- Staff are clear about what they are expected to do.
- Staff get feedback on performance
- There is a safe and healthy working environment

Unite reps raising awareness in Construction

Within a company, reps have developed awareness raising techniques, utilising site inductions in order to deliver key messages about mental health and ensuring signposting. Also, the following methods have been effective:

- 1) Speaking to small groups using tool-box talks. This breaks down perceived barriers faced by workers with mental health issues. This has developed awareness and helped build confidence to have conversations around mental health.
- 2) Reps have taken part in a video on a major infrastructure site with Scottish Health Working Lives. This involved workers having discussions about how they felt at work, with a particular focus on stress and their own mental health. Unite had a positive outcome where this was widely used throughout Scotland to support Mental health awareness strategies.

Preventing work-related mental health conditions by managing stress in the workplace, and protecting workers' dignity at work by preventing bullying and harassment is central to Unite's health and safety and equality agenda.

Some employers are training Mental Health First Aiders which can be beneficial and some of our reps have taken up this position in their workplaces. However, many employers are using Mental Health First Aiders as a means to an end and claim that they are dealing with mental health well-being at work.

Unite reps need to emphasise that it is the employers' duty to prevent stress and mental health problems in the first place and not just providing first aid after the event.



NEGOTIATORS CHECKLIST – Prevention

Ensure employers:

- ✔ Commit and promote good mental health at work
- ✔ Address mental health problems regardless of the cause
- ✔ Create an environment where members feel confident to disclose their mental health disability and ask for adjustments without fear of reprisal
- ✔ Inform employees that support is available and signpost them
- ✔ Carry out regular mental health and stress audits
- ✔ Carry out a mental health impact assessment when introducing or reviewing work practices, policies and procedures
- ✔ Provide early access to occupational health services
- ✔ Provide advice and support to staff who need to take time off due to mental health problems
- ✔ Prevent bullying, harassment and victimisation

Negotiating policies in Health

High levels of stress in the NHS, growing pressure to do more work, gaps in mental health services, and shortage of medical staff mean that mental health nurses are themselves stressed.

Unite Scottish region negotiated stress and mental health policies with management seeking positive commitment to managing stress, and making sure everyone knows their responsibilities.

Unite reps need to negotiate a mental health policy which focuses on prevention, protection and support that includes:

- A general positive attitude towards workers with mental health issues
- Commitment to promote awareness
- Promotion of good mental health
- Training for managers, supervisors and other staff members
- Non-discriminatory recruitment, selection and retention process
- Rehabilitation of those returning to work after long term absence
- Adjustments at work
- Regular mental health/stress audits
- Recording absence due to mental health issues separately from sickness absence
- Health & safety in the workplace – not just stress prevention but also dealing with all hazards, some of which (such as manual handling) may add to occupational stress
- Links to other policies and procedures for example, flexible working, disability leave, career breaks, grievance & disciplinary procedures, capability, sickness absence, performance management, dignity at work (bullying and harassment), training and development
- Support provided by the employer and role of managers and Human Resources
- Recognising the role of union reps including shop stewards, safety reps, union equality reps and disability champions and ensure that they are involved and consulted



NEGOTIATORS CHECKLIST – Policy

Ensure employers:

- ✔ Develop and put in place a supportive mental health policy that includes actions to tackle workplace stigma about mental health problems
- ✔ Identify steps they will take to support and promote mental health well-being
- ✔ Have policies and practices that are above legal minimum standards
- ✔ Review sickness absence policies to ensure they do not discriminate against those with mental health issues
- ✔ Review all policies and practices to ensure they follow the social model of disability
- ✔ Address and tackle causes of stress and mental health problems in policies and practices
- ✔ Ensure the disciplinary procedure does not discriminate against members with mental health issues
- ✔ Develop and implement anti bullying and harassment, flexible working and stress management policies
- ✔ Include links to other policies and procedures in their stress and mental health policies for example: flexible working, disability leave, career breaks, grievance & disciplinary procedures, capability, sickness absence, performance management, stress management, harassment and bullying, training and development
- ✔ Actively involve all staff in establishing the improvements and changes necessary for inclusion and well-being at work



SUPPORT IN THE WORKPLACE

Members with mental health problems should be supported by the employer and there are a number of ways that employers can provide support. For example, reasonable adjustments, preventative measures, training and development, raising awareness, disability leave, flexible working, employee assistance programme, being understanding and ensuring non-discrimination and equality.

Holistic approach in shipbuilding and repair

At Europe's largest dockyard, Unite reps are working closely with the company using a holistic approach. In recognising that many factors may cause or contribute to the worsening of mental health problems, a triage system has been put in place to identify issues and offer support.

The Employee Assistance Programme (EAP) identifies whether the person needs health support, HR support, advice or a combination of any one of these. For example, mental health counselling and emotional support, debt counselling and support, family care, everyday matters, personnel relationship counselling.

The system incorporates a 24/7 advice line using telephone, email or online. Mental Health First Aiders (MHFA) who are based across the site provide confidential support; this will be further supported through specific occupational health provision.

Joint up working in Aerospace and Shipbuilding

Recognising that mental health problems are one of the leading causes of sickness, the union and the company adapted their existing mental health policy.

Everyone is supported by the occupational health team through counselling sessions and Cognitive Behavioral Therapy. These are provided by fully trained counsellors and NHS nurses.

The company also introduced mental health first aiders across all sites covering all shift patterns.

Unite also offered all reps Mental Health Awareness training and Mental Health First Aid training on site. This means that reps have the necessary tools to recognise the signs and provide help and support to members.

Reps are now looking for improvements in company policies to prevent mental health issues and support members who need it.

Unite reps need to make sure employers comply with their duty of care and create an environment that anyone with a mental health problem can seek help and support.

Unite reps need to negotiate a policy to prevent issues arising in the first place and if they do, ensuring a support system is already in place.

NEGOTIATORS CHECKLIST – Support

Ensure employers:

- ✔ Comply with confidentiality
- ✔ Fully consult the member on their recovery and return to work plans. This should be with support and necessary adjustments for example: flexible working, a gradual return to work, changes to workstation or job, longer breaks
- ✔ Include support mechanisms in return to work plans for the possibility of relapse in mental health problems and regularly reassess for any changes that might be suggested by the member
- ✔ Agree with the member how or if colleagues will be informed of their condition, absence or return to work. This should be done in a supportive way
- ✔ Brief other staff on any changes that might affect them e.g. changes to the member's shift pattern and any knock on effect
- ✔ Assign another member of senior management if the members' manager is part of the problem

TRAINING, DEVELOPMENT AND UNION EDUCATION

For members

The right training and development can be a significant factor in supporting people in the workplace. This could either be part of reasonable adjustments for a member with mental health issues or as part of a wider approach to mental health awareness training for all workers.

Negotiating training for members – Steel industry

A union learning rep noticed large numbers of people going off sick with stress, and therefore, set up mental health first aid courses in the workplace. This was supported by Unite and the Wales Union Learning Fund. 700 people have attended and this was later incorporated into the company's 'Well-being' policy.

When negotiating, Unite reps can include mental health awareness as part of training and development discussions.

Unite reps can also organise and support members through, for example, organising workplace forums, talking to members informally and formally about their experiences in the workplace. Moreover, Unite education and training encourage members with mental health issues to get more actively involved.

Negotiating training in Not for Profit

A recent Unite survey of 500 members in a not for profit organisation revealed that almost 60% were subjected to stress, long hours and work pressures and about 20% had suffered bullying at work. Only 3% of respondents said they used the staff helpline.

Unite is negotiating for management training to help eradicate an epidemic of stress and cases of bullying and to provide the right support in an often highly pressurised working environment.

For reps

As well as representing individual members with grievances and disciplinary cases related to mental health issues, the role of Unite reps is to ensure employers prevent and tackle any workplace issues that may contribute to members' mental health problems including adjustments at work.

Mental Health Awareness training for reps

Unite has been delivering Mental Health Awareness training in regions. Unite reps who attended these courses reported that they now, understand the signs and are available to listen and provide guidance. The training also helps reps to approach management and negotiate for prevention as well as providing support.

Unite reps would benefit from the union's mental health awareness training and organising for equality Unite education courses. These courses will increase their awareness of how the workplace can affect mental health and help improve terms and conditions and policies for members and equality.

Ask your Regional Education Officer for information about Unite's education courses on Mental Health Awareness and Equality.

NEGOTIATORS CHECKLIST – Training

Ensure employers:

- ✔ Provide training for all staff on stress and mental health and remove stigmas
- ✔ Provide training for managers to recognise critical signs of stress and mental health problems and ways of dealing with it constructively

LOOKING AFTER UNITE REPS

Many of our reps have been under pressure at work as well as supporting and representing an increasing number of members with mental health issues. It is crucial that Unite reps receive the right support to safeguard their own mental health.

As set out on page 16 of this document, Unite provides Mental Health Awareness training for our reps. However Unite reps are also employees of their own organisations, and as such their employers have a duty of care to them under health and safety law and good practice. Employers therefore, should provide mental health awareness training for reps and robust support systems. These should take into account extra pressures and responsibilities reps are exposed to.

To this end Unite reps as a matter of vital importance, should negotiate inclusion of these support systems in any facilities agreement, mental health policies and agreements at both national and regional levels. Please refer to employer's responsibility section in the model agreement on page 23 of this document.

It is important for reps to:

- Take care of themselves and ask for help and support when needed
- Set practical and achievable goals

UNITE'S CAMPAIGNING AND GUIDANCE

Unite launched a campaign, Organising and Campaigning on Stress and Mental Health (2011), an initiative of the Unite National Disabled Members' Committee working with the union's National Health & Safety and Unite Mental Health Nurses Association. The union published a campaign pack including a workplace stress questionnaire. Members were encouraged to carry out workplace surveys and follow this up with their employers to get action on the findings. This campaign was built on the positive experiences of a sectoral campaign initiated by the Community, Youth Workers and Not for Profit Sector.

The Health and Safety Executive "Stress Management Standards" are used in the union's training and resources. The HSE has promoted constructive dialogue between employers and employees to manage work demands, the control someone has over their work and role, and managing change at work and work relationships.

If used properly, the Standards put control back into the hands of those who are affected – providing management commits to it as well. For more information please refer to pages 20-21 in this guide and Unite's stress guidance available from the union's National Health & Safety.

Unite Disability Equality at Work Guide includes model policies emphasising employer commitment to provide paid disability leave ensuring sufficient time to adjust to changed circumstances, paid time off for reasonable adjustments, counselling and support; and specifically for all workers to have equal access to Health & Safety provision, and to ensure that Health & Safety is not used to justify discrimination against disabled people.

Unite guidance on Dignity at Work covers zero tolerance on harassment, discrimination and bullying that can affect mental health.

EXAMPLES OF UNITE ACTION ON MENTAL HEALTH

Action on Mental Health in Road Transport Commercial Logistics and Retail Distribution

Across transport, Unite has been building alliances and prioritising mental health action and awareness by engaging all the major road transport and logistics employers. The sector organised two separate but linked events – a well attended and successful Mental Health seminar for HR in all major employers in the sector and for Unite reps in the same employers. As well as leading lay reps and senior officers, a number of speakers including from Mind, HSE and Mental Health First Aid contributed. There were also key contributions from stewards with experience in this area who spoke about representing members with mental health issues and what is needed from employers and the union. They also highlighted the effect it had on them not just as stewards but as individuals and the knock on effect to their personal lives.

The feedback has been that “these were excellent seminars and this was just the beginning.”

Action on Mental Health in Construction

A survey of Unite members revealed that mental problems are rife in construction. However; the majority do not seek help or raise this with management.

Breaking the silence and seeking help is a construction sector campaign. Unite’s focus is to highlight the issue and end the conspiracy of silence that surrounds mental health problems while lobbying employers to raise awareness, train managers and staff and to put preventative and supportive measures in place.

In the longer-term the focus is on major reforms to the industry. There needs to be greater job security and an end to the hire and fire culture.

The immediate challenge is to make the industry take their heads out of the sand.

WORK CAN AFFECT YOUR MENTAL HEALTH

Don't suffer in silence

If you need someone to talk to and who is willing to listen, contact your Unite rep or official.

Alternatively, contact:

Mind www.mind.org.uk
03 00 123 3393 or text 86 663

Samaritans www.samaritans.org
116 123 (free call)

CALM (Campaign against Living Miserably) www.thecalmspace.org
0800 585 595

unite
Construction, Allied Trades and Technicians
www.unitehaurton.org

Speak to someone before you unravel

Action on Mental Health in Health



Unite and its Mental Health Nurses Association (MHNA) have signed up to support the #WheresYourHeadAt campaign. The campaign aims to improve the mental health of the nation by ensuring employers look after the wellbeing of their workforce by explicitly including mental health in the First Aid regulations. This is to make it easy for members to talk about their mental health issues at work and ensure that there are trained colleagues on site for guidance and signposting.

This is just one piece in the jigsaw to help support workers with their mental health problems. Please use the link to find out more about the campaign <http://www.wheresyourheadat.org> and follow the campaign timeline via <http://www.wheresyourheadat.org/our-journey/>

Action on Mental Health, Unite Health & Safety campaign – “Looking for Trouble”

“If we don’t look for trouble, trouble is going to come looking for us. Look for trouble, find it, fix it.”

“Looking for Trouble” on health and safety in the workplace is one of the key functions of Unite Safety Reps.

Unite expects employers to be doing this as part of their duties on health and safety at work. It is often the case that to identify problems it is necessary to go out and look for them. Having found problems, something must be done about them. As part of that campaign, we expect Unite safety reps to get involved in dialogue with employers in looking for stress and psychosocial risks in the workplace, and creating a climate where workers feel comfortable raising their stress and mental health concerns.



Looking for Trouble

on Health & Safety

WORK-RELATED STRESS

According to TUC, work-related stress is the second-biggest occupational health problem in the UK, which costs the UK £3.6bn every year; there is evidence to suggest that 30 to 40 per cent of sickness absence is linked to work-related stress. This is a very important issue that should be tackled and prevented. However, stress is not a mental health diagnosis or a recognised mental health condition but work-related stress either leads to mental health problems or exacerbates existing problems. Most people subjected to work related stress will have anxiety, depression or what is termed generalised anxiety disorder.

Mental health issues will have several contributing factors, with good management of work related stress playing an important role in preventative strategies. The Health and Safety Executive (HSE) Stress Management Standards is an essential element in identifying and controlling the risk around work related stress.

Reps can use the Unite Model Stress Policy and Unite Stressbuster Survey in this guide to help with discussions and negotiations with the employer.

What are the Health & Safety Executive (HSE) Management Standards for work related Stress?

The Management Standards define the characteristics, or culture, of an organisation where the risks from work related stress are being effectively managed and controlled. The Management Standards cover six key areas of work design that, if not properly managed, are associated with mental health and well-being issues, lower productivity and increased sickness absence. In other words, the six Management Standards cover the primary sources of stress at work. These are:



- **Demands** – this includes issues such as workload, work patterns and the work environment
- **Control** – how much say the person has in the way they do their work
- **Support** – this includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues
- **Relationships** – this includes promoting positive working to avoid conflict and dealing with unacceptable behaviour
- **Role** – whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles
- **Change** – how organisational change (large or small) is managed and communicated in the organisation

The Management Standards represent a set of conditions that, if present, reflect a high level of health well-being and organisational performance. The Management Standards:

- demonstrate good practice through a step by step risk assessment approach;
- allow assessment of the current situation using surveys and other techniques;
- promote active discussion and working in partnership with employees to help decide on practical improvements that can be made;
- help simplify risk assessment for work related stress by: identifying the main risk factors for work related stress;
- helping employers focus on the underlying causes and their prevention; and
- providing a yardstick by which organisations can gauge their performance in tackling the key causes of stress.

HSE website

<http://www.hse.gov.uk/stress/standards/index.htm>

"How to tackle work-related stress

A guide for employers on making the Management Standards work"

<http://www.hse.gov.uk/pubns/indg430.pdf>

HSE Survey Tool on work related stress

<https://www.hse.gov.uk/stress/standards/step2/surveys.htm>





AN EXAMPLE OF A MENTAL HEALTH AGREEMENT

Between

Unite the Union

and

_____ (Company Name)

1. Statement

The employer and Unite the Union (henceforth known as 'the union') recognise that good mental health is paramount in a workplace environment.

To ensure good mental health requires good, coordinated industrial relations across the company in order to create a workplace environment that promotes and supports the mental wellbeing of all employees.

To this end, the employer and the union agree that employers have a duty of care to their employees which means that they should take all steps possible to ensure their health, safety and wellbeing.

Demonstrating concern for the physical and mental health of workers including those with fluctuating conditions should not just be seen as a legal duty. It is a key factor in building trust and reinforcing an employer's commitment to its employees and can help improve staff retention, boost productivity and pave the way to greater employee engagement.

In this agreement the employer and the union set out their full commitment to address any issues through cooperation, consultation and mutual agreement to set firm principles that will apply across the organisation.

2. Scope

This agreement applies equally to all employees who are employed by.....

Separate policies and procedures exist to deal with different aspects of health & safety and equality and should be read in conjunction with this agreement as appropriate.

The employer and the union aim to promote mental health wellbeing in the workplace.

This agreement does form part of the contract of employment and may be amended with required notice at any time following meaningful consultation with the union.



3. Objectives

To recognise workplace factors that may negatively affect mental health of staff including aspects of work organisation and management, and environmental and social conditions.

To develop the required skills through training, and to promote and manage mental health problems effectively.

To create and promote a workplace culture based on trust, support and mutual respect that allows for open communication amongst workers, management and the trade union, and that is free from stigma and discrimination by:

- Providing all staff information on mental wellbeing, increase their awareness and provide training
- Ensuring that all staff are set realistic targets which include hours, quantity and intensity of work
- Ensuring all staff have clearly defined job descriptions, objectives and responsibilities and provide them with good management support, appropriate training and adequate resources to do their job
- Establishing proper two-way communication to ensure staff involvement, particularly during periods of organisational change
- Encouraging those with mental health issues to consult with the union representative, HR, their own GP or a counsellor of their choice
- Dealing sympathetically, fairly and consistently with any member of staff experiencing mental health problems ensuring non-judgmental and proactive support
- Investigating the contribution of working conditions and other organisational factors to mental health problems and take steps to eradicate the effects
- Ensuring all managers have the information and training about managing mental health in the workplace

4. Employer Responsibility

Must abide by relevant health and safety and employment law, the Equality Act 2010 including their legal duty of care.

Have a moral and ethical duty not to cause physical or psychological injury or fail to prevent it.

In addition to its legal duty of care, the employer will:

- Ensure a safe working environment
- Ensure jobs are clearly defined and staff do not work excessive hours
- Provide areas for rest and relaxation
- Carry out regular risk assessments including for jobs, workstations, policies and procedures and implement recommendations in consultation with staff and union representatives

- Prevent and protect staff from discrimination, bullying and harassment, by colleagues, managers, supervisors and third parties
- Provide adequate training for all staff including managers, supervisors and union representatives including shop stewards, workplace reps, health and safety reps, union equality reps and union learning reps
- Ensure paid release and facilities to support all union representatives in this training and in carrying out their duties as well as providing them with breaks during their working day
- Provide communication channels for any member of staff to raise concerns
- Conduct regular mental health/stress audits
- Assist and support any member of staff with mental health problems and to sympathetically manage sickness absence
- Ensure sickness absence due to mental health problems is recorded separately from sick leave and will not be used in any circumstances as criteria for redundancy, disciplinary, promotion or performance appraisals
- Make temporary or permanent reasonable adjustments to prevent issues arising and to support employees with mental health problems. This should be done in full consultation with the employee and the union
- Ensure a system of support is in place for all staff including union representatives whom are emotionally affected when dealing with difficult mental health cases
- Provide awareness training and robust support systems for union representatives at an appropriate level. This should take into account that representatives will be dealing with other employee's mental health issues including possible complex cases
- Monitor and review the effectiveness of measures to promote mental health wellbeing and the effectiveness of this policy

5. Employee Responsibility

Employees also have responsibilities for their health and safety at work and it is expected that they will:

- Take reasonable care of their own health, safety and wellbeing
- Be mindful of their colleagues' health, safety and wellbeing, ensuring that they do not knowingly or willingly do anything which may have an adverse health and wellbeing impact on others
- When appropriate, raise any health, safety and wellbeing issues of concern and seek help from their manager, human resources, occupational health and union representative



6. Role of the Union Safety Representatives

- All union safety representatives should be meaningfully consulted in good time about any proposed changes to workplace practices that could precipitate stress and mental health problems and be involved at all stages
- Their role will not include responsibility for mental health issues or matters within the work environment
- Use their rights and functions to work with management in implementing appropriate measures to give effect to this agreement
- Attend training with paid time off, to identify and support and represent members with mental health issues in the workplace

5. Role of the Union Equality Representatives

Union Equality Representatives work alongside other union representatives to:

- Promote equality
- Tackle discrimination
- Discuss priorities for pay and bargaining, and to equality-proof policies and agreements
- Recruit, organise, represent and involve all members

Union Equality Representatives are provided with support and assistance from the union, other representatives, branch officers, union education, regional officers and regional Women's & Equalities Officers.

8. Confidentiality

Information about any employee's mental health including fluctuating or progressive conditions will be kept confidential and will not be disclosed to anyone without the individual's written consent.

Any breaches of confidentiality by any member of management or individual employee will be treated as a serious offence and subject to disciplinary procedures.

Signed by _____ (Unite the Union)

Print Name _____ (Unite the Union)

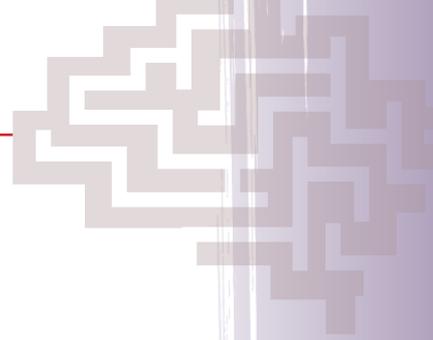
Post Held _____ (Unite the Union)

Signed by _____ (Company /Employer)

Print Name _____ (Company /Employer)

Post Held _____ (Company /Employer)

Date _____



AN EXAMPLE OF A STRESS POLICY

Introduction

We are committed to protecting the health, safety and welfare of our employees and recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.

This policy will apply to everyone in the company. Managers are responsible for implementation and the company is responsible for providing the necessary resources.

Definition of stress

The Health and Safety Executive define stress as “the adverse reaction people have to excessive pressure or other types of demand placed on them”. This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

Policy

- With the involvement of Safety Representatives, the company will identify all workplace stressors and conduct risk assessments to eliminate stress or control the risks from stress. These risk assessments will be regularly reviewed
- The company will consult with and involve Safety Representatives on all proposed action relating to the prevention of workplace stress
- The company will provide training for all managers and supervisory staff in good management practices
- The company will provide confidential counselling for staff affected by stress caused by either work or external factors
- The company will provide adequate resources to enable managers to implement the company's agreed stress management strategy

Responsibilities

Managers

- Conduct and implement recommendations of risk assessments in consultation with staff and other representatives
- Ensure good communication between management and staff, particularly where there are organisational and procedural changes
- Ensure staff are fully trained to discharge their duties
- Ensure staff are provided with meaningful developmental opportunities
- Ensure that staff are trained to recognise when they are stressed and know what to do

- Monitor workloads to ensure that staff are not overloaded
- Monitor working hours and overtime to ensure that staff are not overworking. Monitor holidays to ensure that staff are taking their full entitlement
- Attend training as requested in good management practice and health and safety
- Ensure that bullying and harassment are not tolerated
- Be vigilant and offer additional support to a member of staff who is experiencing stress outside work e.g. bereavement or separation

Occupational Health and Safety Staff

- Provide specialist advice and awareness training on stress
- Train and support managers in implementing stress risk assessments
- Support individuals who have been off sick with stress and advise them and their management on a planned return to work
- Refer to workplace counsellors or specialist agencies as required
- Monitor and review the effectiveness of measures to reduce stress
- Inform the employer and the health and safety committee of any changes and developments in the field of stress at work

Human Resources

- Give guidance to managers on the stress policy
- Assist in monitoring the effectiveness of measures to address stress by collating sickness absence statistics
- Advise managers and individuals on training requirements
- Provide continuing support to managers and individuals in a changing environment and encourage referral to occupational workplace counsellors where appropriate

Employees

- Raise issues of concern with your Safety Representative, line manager or occupational health
- Accept opportunities for counselling when recommended



Safety Representatives

- Safety Representatives must be meaningfully consulted and involved, in good time, on any changes to work practices or work design that could precipitate stress
- Safety Representatives must be able to consult with members on the issue of stress including conducting workplace surveys
- Safety Representatives must be meaningfully involved in the risk assessment process
- Safety Representatives should have access to collective and anonymous data from HR
- Safety representatives should have sufficient paid time-off to carry out their functions
- Safety Representatives should be provided with paid time away from normal duties to attend any Trade Union training relating to workplace stress
- Safety Representatives should conduct joint inspections of the workplace at least every 3 months to ensure that environmental stressors are properly controlled

Role of the Safety Committee

- The joint Safety Committee will perform a pivotal role in ensuring that this policy is implemented
- The Safety Committee will oversee monitoring of the efficacy of the policy and other measures to reduce stress and promote workplace health and safety

Signed by Managing Director

_____ Date: _____

Signed by Unite the Union representative

_____ Date: _____

3. Work-life balance

- a. Inflexible working hours (causing childcare, domestic, access to work problems, etc) 1 2 3 4 5
- b. Inflexible working patterns (job sharing, part-time work, compressed work weeks, remote working, etc) 1 2 3 4 5
- c. Unsympathetic management 1 2 3 4 5
- d. Lack of family-friendly policies 1 2 3 4 5

4. Relationships at work

- a. Bullying, harassment or unwanted behaviour 1 2 3 4 5
- b. Respect as an employee 1 2 3 4 5
- c. Discrimination or prejudice from colleagues or managers 1 2 3 4 5
- d. Risk of violence and abuse from customers or service users and colleagues or managers 1 2 3 4 5
- e. Working alone 1 2 3 4 5
- f. Failure to recognise achievements 1 2 3 4 5
- g. Skills not being fully utilised 1 2 3 4 5
- h. Lack of communication between colleagues 1 2 3 4 5
- i. Lack of communication between staff and management 1 2 3 4 5

5. Change

- a. Uncertainty about your future 1 2 3 4 5
- b. Lack of job security 1 2 3 4 5
- c. Introduction of digitalisation, automation and new management techniques 1 2 3 4 5
- d. Restructuring 1 2 3 4 5
- e. Lack of consultation over changes 1 2 3 4 5

6. Conflicting roles

- a. Unclear job responsibilities 1 2 3 4 5
- b. Conflicting responsibilities 1 2 3 4 5
- c. Confusing demands 1 2 3 4 5

7. Working environment

- a. Overcrowding or cramped work areas 1 2 3 4 5
- b. Untidy or unclean working areas 1 2 3 4 5
- c. Poor facilities 1 2 3 4 5
- d. Badly designed, unsuitable or uncomfortable equipment and workstations 1 2 3 4 5

What do you believe are the major causes of your stress at work?

.....

.....

.....

.....

What do you believe your organisation could do to reduce stress at your workplace?

.....

.....

.....

.....

I am a Unite member

Yes No

I am a Unite representative

Yes No

I am interested in getting more involved in this campaign

Yes No

I am interested in being a Unite representative

Yes No

If you are interested in becoming a Unite representative please contact your local representative or your Unite local office (go to www.unitetheunion.org for details).

If you are interested in joining Unite, please go to www.unitetheunion.org to join online or talk to your local representative.



Thank you for completing this questionnaire. Please return it to your Unite representative.

RETURN SURVEY TO:

NAME:

CONTACT DETAILS:



UNITE MODEL AGREEMENT ON DISABILITY EQUALITY

Statement of intent

There should be a statement confirming that the parties to the Agreement (the Employer and the Union) are committed to disability equality and equal opportunities for ALL, including those who have a physical, mental or sensory impairment that this will apply to the operation and implementation of all policies, recognising responsibilities in relation to disability under the Equality Act 2010 and related codes of practice.

The employer is committed to equality for all disabled employees including those with a condition that is intermittent, may recur in future but has not done so for a time or where it may not yet have lasted twelve months.

The employer shall recognise that in some cases the likely level of absence may be unpredictable and therefore must review this form of absence, reasonable adjustments, and consideration point, whenever circumstances change, and shall be flexible in management of such cases.

Employment practice

Recruitment

All job applicants will be assessed on the basis of suitability for the job without disability discrimination. No question related to disability shall be asked prior to interview, apart from ensuring disability access. Applicants who are suitable for the job at the time of interview will not be placed at a disadvantage because they have an impairment.

The placing of advertisements

To encourage disabled people to apply for vacancies, adverts will be placed in the disability press and other places where a wider audience can be reached.

Recruitment information will be available in alternative formats, such as large print, Braille and audio, when requested. All advertisements will include a commitment to disability equality and to provide reasonable adjustments as well as a statement on equal opportunities for all.

Interviews

For candidates with particular access requirements, reasonable adjustments should be made and panel members will receive equal opportunities training and education on disability equality.

On employment – reasonable adjustments

A commitment to make reasonable adjustments, as required, on appointment. Examples of reasonable adjustments include:

- Making adjustments to premises
- Allocating some of the disabled person's duties to another person
- Transferring him/her to fill an existing vacancy
- Altering hours of working or training
- Assigning him/her to a different place of work or training
- Allowing for absence during working or training hours for rehabilitation, assessment or treatment
- Giving, or arranging for, training or mentoring (whether for the disabled person or any other person)
- Acquiring or modifying equipment
- Modifying instructions or reference manuals
- Modifying procedures for testing or assessment
- Providing a reader or interpreter
- Providing supervision or other support

Retention

The employer and the union agree that making reasonable adjustments should ensure the retention of the disabled employee without financial loss.

Sickness absence

A commitment that disability related sickness absence shall not be used as part of any criteria for redundancy, disciplinary, promotion, or performance appraisals and nor shall it be used to reduce pay. Such absences shall not be counted towards any 'trigger points' or action levels within any sickness absence management policy.

The employer and the union shall agree on any necessary action or procedures in special circumstances.

Disability leave

A commitment to provide paid disability leave to ensure:

- Sufficient time and help to adjust to changed circumstances
- Paid time off to allow reasonable adjustments to working conditions and arrangements to be made. This leave shall not be recorded as sickness absence
- Counselling and support
- Paid time off for medical appointments

The employer and the union shall agree on a flexible approach that is related directly to the circumstances of individual employees especially in terms of time limits.

Absence for reasons associated with disability will be recorded separately from sick leave, and in no case will disability-related leave be used as part of any criteria for redundancy, disciplinary, promotion, or performance appraisals.

Following on from this a further meeting will be arranged with the employee, the line manager, the Personnel Manager or occupational health staff, the union representative and any other specialists nominated by the union to:

- a) Assess the possibility of a phased return to work, if requested
- b) Assess the potential for the employee to carry on with their own job
- c) Assess any adaptations or training which may be required
- d) Where it is agreed, if necessary, alter duties, including working hours or offer alternative job, including, where appropriate, a more senior position without competitive interview
- e) Where none of the above apply, recommend alternative action including early/medical retirement, ensuring that this is done in the most beneficial way for the worker and respecting disability rights

Special leave

All those who have a responsibility caring for disabled relatives or dependents, shall be able to make changes to working hours and take reasonable paid time off. Those with caring responsibilities shall be entitled to additional special and compassionate bereavement leave.

Benefits and services

All workers are entitled to work benefits and services without disability discrimination. All facilities, including toilets, rest rooms and canteens, and social facilities and events whether at or away from the workplace, shall be fully accessible and we shall consult with disabled employees, the relevant trade union and disability organisations when alterations are to be made to buildings, IT and telecommunication systems, and other facilities.

For our occupational pension scheme, we shall use the pension provider that offers the best package and seek full actuarial advice and/or medical evidence if a facility cannot be offered due to an employee's disability.

Career development

All workers applying for promotion or training shall be considered on their merit and shall not be discriminated against on the basis of their disability. For the purpose of promotion and training, reasonable adjustments shall be made including alterations to venues for training, provision of accessible materials and providing a signer or induction loop. Where disabled people are under-represented, positive action – for example training and recruitment activity targeted specifically at disabled workers – shall be taken.



Education/training

All Managers and staff shall be made aware of this policy on disability and equality, and education and training courses shall be provided. The union shall be involved, and union representatives, including union equality representatives and disability champions shall be given reasonable paid time off to carry out their responsibilities and for training.

Health & safety

All workers shall have equal access to all health and safety provision.

Safety inspections and risk assessments will include disability and access issues and specific safety requirements of disabled workers.

Health & safety arrangements shall not be used to justify discrimination against disabled people.

Harassment/bullying

The employer aims to provide a safe and supportive environment for all workers. Any harassment or bullying such as taunts, mental and physical abuse, unfair allocation of work, deliberate exclusion from normal workplace conversation or social events, based on a person's disability, will be taken very seriously and regarded as a matter for disciplinary action, in line with the grievance and disciplinary procedures.

Any individual raising a grievance on harassment or bullying shall have the right to be accompanied by their trade union representative.

Confidentiality

Information about an employee's disabled status, including fluctuating or progressive conditions e.g. HIV status, mental health and MS, however obtained, will be kept confidential and will not be disclosed to anyone without the individual's written consent.

- Any breaches of confidentiality by any member of management or individual employee will be treated as a serious offence and subject to disciplinary procedures
- It is recognised that in certain areas of work there are legal requirements related to the public interest and the wording here should be adapted to reflect this

Procedural Agreements

All procedural agreements shall apply equally to all staff, without disability discrimination. In particular, correct procedures for selection for redundancy, disciplinary and grievance shall be followed.

Any worker who believes that they are at a disadvantage due to the failure to implement this Agreement, or any other discrimination based on their disability, should make a complaint, which shall be dealt with fully and sensitively through the existing grievance procedure.

THIS AGREEMENT WILL BE BROUGHT TO THE NOTICE OF ALL NEW AND EXISTING EMPLOYEES AND WILL BE WIDELY CIRCULATED THROUGHOUT THE WORKPLACE TO RAISE AWARENESS, PREVENT DISCRIMINATION AND TO PROMOTE A WORKING ENVIRONMENT OF RESPECT AND DIGNITY FOR ALL.

Signed _____
on behalf of the Union

Signed _____
on behalf of the Employer

NATIONAL AND REGIONAL CONTACTS

Unite Education

<https://unitetheunion.org/why-join/member-services/education/training-and-courses>

Unite Equalities

www.unitetheunion.org/equalities

Unite Health and safety

<https://resources.unitetheunion.org/unite-at-work-bargaining-support/health-and-safety>

Unite the Union

Tel: 020 7611 2500

www.unitetheunion.org

Regional Contacts

Regional Women’s & Equalities Officers

North West	0151 559 2004
North East Yorkshire & Humberside	0113 236 4830
West Midlands	0121 553 6051
East Midlands	0116 253 2020
London & Eastern	0208 800 4281
South East	01753 313 820
South West	0117 923 0555
Scotland	0141 404 5424
Ireland	Belfast 028 90 232 381 Dublin +353 (0)1873 4577
Wales	02920 394521

Regional Education Organisers

North West

Merchants Quay, Salford Quays, SALFORD M50 3SG
Email: Education.northwest@unitetheunion.org
Tel: 0161 669 8674

North East, Yorkshire and Humberside

Riverside House, 7 Canal Wharf, LEEDS LS11 5AS
Email: Education.northeastyorks@unitetheunion.org
Tel: 0113 322 9761

West Midlands

30 Jennens Road, BIRMINGHAM B7 4EH
Email: Education.westmids@unitetheunion.org
Tel: 0121 643 6221

East Midlands

Riverside Building, 102 Bath Lane, Friars Mill, LEICESTER
LE3 5BJ Email: Education.eastmids@unitetheunion.org
Tel: 01162 532020

London & Eastern

Ron Todd House, 33-37 Moreland Street,
LONDON EC1V 8BB
Email: Education.londoneastern@unitetheunion.org
Tel: 020 8800 4281

South East

Unite House, Chalvey Road East, Slough, BERKS SL1 2LS
Email: Education.southeast@unitetheunion.org
Tel: 01753 313 820

South West

Tony Benn House, Victoria Street,
BRISTOL BS1 6AY
Email: Education.southwest@unitetheunion.org
Tel: 0117 923 0555

Scotland

John Smith House, 145/165 West Regent St,
GLASGOW G2 4RZ
Email: Education.scotland@unitetheunion.org
Tel: 0141 375 7050

Ireland – Northern Ireland

26-34 Antrim Road, BELFAST BT15 2AA
Email: Education.ireland@unitetheunion.org
Tel: 02890 232 381

Ireland – Republic of Ireland

55-56 Middle Abbey Street, DUBLIN 1
D01 X002
Email: Education.ireland@unitetheunion.org
Tel: 00353 1 8734577

Wales

1 Cathedral Road, CARDIFF CF11 9SD
Email: Education.wales@unitetheunion.org
Tel: 02920 821 258

FURTHER INFORMATION

In addition to information in this guide the following resources will provide more specific information on stress, mental health and employment.

Trades Union Congress (TUC)

Tel: 020 7636 4030

www.tuc.org.uk

Acas

Helpline: 0300 123 1100

Text relay service: 18001 0300 123 1100

www.acas.org.uk

Equality and Human Rights Commission (EHRC)

www.equalityhumanrights.com

Equality Advisory & Support Service (EASS)

Commissioned by government and works with the EHRC and other advice organisations.

Tel: 0808 800 0082

Textphone: 0808 800 0084

www.equalityadvisoryservice.com

Health and Safety Executive

Tel: 0300 003 1747

www.hse.gov.uk

HSE Stress Guide and Tools <http://www.hse.gov.uk/STRESS/>

Mental Health Foundation

Prevention focused mental health charity.

Tel: 020 7803 1100

www.mentalhealth.org.uk

Mind

Mental health charity in England and Wales.

Tel: 0300 123 3393

Text: 86463

www.mind.org.uk

Time to Change

A campaign for reducing mental health-related stigma and discrimination.

Tel: 020 8215 2356

www.time-to-change.org.uk

Samaritans

Helpline: 116 123 (Freephone)

www.samaritans.org

World Health Organisation (WHO)

Mental health at work fact sheet

<https://www.who.int/news-room/fact-sheets/detail/mental-health-at-work>

NEGOTIATORS CHECKLIST

Unite reps need to make sure that employers:

- ✔ Do not discriminate in recruitment, retention, promotion, sickness absence, redundancy and disciplinary procedures and processes
- ✔ Make reasonable adjustments
- ✔ Create a supportive and safe environment
- ✔ Promote good mental health for all staff
- ✔ Raise awareness on mental health problems
- ✔ Tackle the causes of work-related stress and mental health issues
- ✔ Support staff who are experiencing mental health issues
- ✔ Adopt the Health and Safety Executive Management Standards to effectively manage and control work related stress
- ✔ Work with shop stewards, safety reps, union equality reps including disability champions to establish best practice and prevent and tackle stress and mental health issues
- ✔ Offer occupational health provisions including mental health support
- ✔ Have a system in place to support members recovering and returning to work



Unite Mental Health Guide for reps and negotiators



www.unitetheunion.org

 [unitetheunion1](https://www.facebook.com/unitetheunion1)  [@uniteEqualities](https://twitter.com/uniteEqualities)  [@unitetheunion](https://www.instagram.com/unitetheunion)  [Unitetheunion](https://www.youtube.com/Unitetheunion)

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