

Mental Health in  
the Workplace

A GUIDE TO  
YOUR RIGHTS



# About us



Mental Health Reform (MHR) is Ireland's leading national coalition on mental health. Our vision is of an Ireland with accessible, effective and inclusive mental health services and supports. We drive the progressive reform of mental health services and supports, through coordination and policy development, research and innovation, accountability and collective advocacy. Together with our 85 member organisations and thousands of individual supporters, MHR provides a unified voice to the Government, its agencies, the Oireachtas and the general public on mental health issues.



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## A note from the CEO



Fiona Coyle - CEO  
Mental Health Reform

**Mental Health Reform (MHR) is pleased to present this guide to help individuals with mental health difficulties to understand and assert their rights in the workplace.**

The guide was co-produced and led by people with lived experience of mental health difficulties / psychosocial disabilities. A key objective of this guide is to foster changes in understanding, attitudes and behaviour towards ableism in the workplace by promoting the rights of people with psychosocial disabilities.

People with mental health difficulties are among the most marginalised groups in society and often face significant barriers to accessing their rights, particularly in employment. According to the OECD, the average employment gap for people with mental health difficulties ranges from 38% in Europe to 55% in the United States.

We hope this guide will enhance awareness and understanding of equality legislation and human rights among employees and job seekers with psychosocial disabilities. We hope that more people with psychosocial disabilities will avail of supports and reasonable accommodations when needed and claim their rights if they encounter workplace discrimination.

We are very grateful to the lived experience Steering Committee of the guide, the Irish Human Rights Equality Commission (IHREC) for providing a grant for this essential work, and to Barbara Brennan for her exceptional contribution as the author of the guide.

We hope this guide serves as an accessible tool for promoting workplace rights.

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A handwritten signature in grey ink, appearing to read 'Fiona Coyle'.

Fiona Coyle - CEO  
Mental Health Reform

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## About this booklet

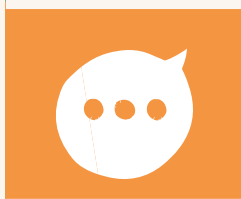
Mental health is something that we all have, and for some people at some point in their life, their mental health may become a challenge. This may be a short-term issue or may become a long-term disability, but recovery, in all its various forms, is always possible. Each person is unique, and what they need in order to live well and manage their mental health is also individual to them. Many people who experience mental health difficulties are living a full and rewarding life, which includes working, if that is something they want to engage in.

This guide has been created to provide accessible information to improve awareness and understanding of rights in relation to mental health in the workplace and hopes to empower people with psychosocial disabilities to both understand and claim their rights in the workplace in a practical and implementable way.



**Understand that not knowing about the supports available can negatively affect people with psychosocial disabilities.**

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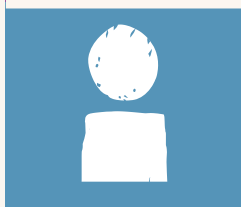
**Have a better understanding of the language around psychosocial disabilities.**

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**Be able to list the relevant legal frameworks relating to mental health in the workplace.**

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**Have a better understanding of how to approach seeking help in their own workplace.**

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**Know where to go to get more information.**

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# Introduction

Over the last decade there has been much work done to improve public understanding of the topic of mental health in general, and of the impact of mental health difficulties on those who experience them. Human rights international guidelines in relation to disability, and on mental health in the workplace exist.

These include:

- \* **European Union (EU) Framework on Mental Health and Well-being:** The EU has guidelines to promote mental health in the workplace, support mental health services, and protect the rights of those with mental health conditions.
- \* **World Health Organization (WHO) Mental Health Action Plan 2013-2020:** This plan promotes mental health, prevents mental difficulties, ensures access to care, and protects the rights of those with mental health conditions, with a focus on workplace policies.
- \* **International Labour Organisation (ILO) Code of Practice on Managing Disability in the Workplace:** This code provides guidance on managing disabilities, including mental health conditions, outlining the responsibilities of employers and workers and promoting inclusive employment practices.

This guide is a co-produced resource that links awareness raising, accessible information, and is empowering people with psychosocial disabilities to both understand and claim their rights in the workplace.

*“I hope that people with lived experiences will feel more comfortable advocating for themselves in the workplace, and also for employers to recognise that they have a responsibility to ensure that their workers are getting the accommodations that they need”*

- MHR Steering Committee member

## LANGUAGE

Language is crucial for effective communication, shaping our understanding and interactions.

Our national mental health policy, Sharing the Vision, uses the term ‘mental health difficulties’, while the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), refers to ‘psychosocial disabilities’ for individuals with long term mental health difficulties. This distinction is important as it extends the protections and rights of the UNCRPD to those with psychosocial disabilities. This guide uses both terms (mental health difficulties and psychosocial disabilities) interchangeably throughout the guide.

When discussing psychosocial disabilities, it’s essential to consider individual preferences and cultural backgrounds. Some may find diagnostic labels distressing and prefer alternative terms like ‘mental ill-health’ or ‘mental health problems’.

Cultural and ethnic backgrounds also influence language and perceptions of mental health, shaping how individuals engage with their well-being. In addition, many people who experience mental health difficulties do not identify with the term disability, which can cause difficulty in awareness of how to get the right supports as many of the protections and supports are classified under the category of ‘disability’. Even if you access supports under the umbrella category of disability, whether you identify as disabled or not is still your choice.



**Mental health recovery** is a subjective term and differs for each person, involving steps towards a fulfilling life through personal growth, therapy, medication (if needed), and support from professionals, family, and friends. Some medication may affect concentration, but not everyone needs it, and sometimes this impact fades over time. Recovery, including from an acute episode (which may take months), enables individuals to take charge, make informed choices, and participate actively in their communities and work, pursuing a meaningful life despite ongoing difficulties.

**Mental Health Reform (MHR)** emphasises individual choice in describing experiences and acknowledges the importance of self-identification. However, it’s crucial to remember that human rights apply to everyone, regardless of the terms they use to express their mental health experiences.



# Discrimination in the workplace

Workplace discrimination occurs when someone is treated unfairly due to factors like race, gender, age, disability, (including psychosocial disability). There are two main types:

## Direct Discrimination

This happens when someone is treated unfairly because of their mental health.

*Example: If an employer refuses to hire or promote someone because they have a history of depression, it is direct discrimination.*

## Indirect Discrimination

This occurs when a rule or policy applies to everyone but puts certain individuals at a disadvantage because of their mental health.

*Example: A company policy requiring all employees to work late without considering flexible schedules for mental health needs indirectly discriminates against those individuals.*

Discrimination is unfair and against the law. Employers must ensure fair treatment for all employees, regardless of mental health status or any other protected characteristic under the 9 grounds of disability (see pg. 11).

## Examples of discrimination in the workplace

**Harassment** is unwanted behaviour that violates someone's dignity or creates a hostile environment based on disability.

**Example:**

- \* Derogatory comments or jokes about a person's mental health constitute harassment.
- \* Assigning simple tasks to a person with a disability while others with similar skills receive more challenging work may also be considered harassment.

**Failure to provide reasonable accommodations** may amount to discrimination. Employers must make reasonable accommodations for employees with mental health difficulties.

The State has a duty to ensure workplaces provide reasonable accommodations for people with disabilities. Employers must provide accommodation unless it's unreasonable to do so. An accommodation is unreasonable if it imposes significant financial strain or disrupts essential operations.

*Example: A small business may not be able to afford costly specialised equipment for one employee without severe financial or operational impact. Employers can access supports for some reasonable accommodations through the Department of Social Protection's Work and Access Scheme.*

**Victimisation** occurs when someone is treated unfairly for making a discrimination complaint, or supporting someone who has made a complaint.

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Legislation protects against harassment: Article 27 (b) of the Convention specifically addresses protection against work-related harassment.



# Overcoming legal obstacles

In some cases, despite legal safeguards, individuals face challenges in asserting their rights, especially when there's insufficient evidence to support their claims.

*Example: If there are no records documenting instances of unmet mental health needs or discrimination, it's harder to navigate legal proceedings and prove rights violations.*

Additionally, mental health difficulties may hinder individuals from pursuing legal action effectively, especially during challenging periods, or if their condition temporarily affects their ability to engage fully with legal processes.

## Legal services & gaps in the law

1. **Mental Health Legislation:** Irish law relies on broader disability discrimination legislation as mental health sits under disability. People are not always aware that the term 'disability' also covers mental health.  
*Impact: This can create inconsistencies in addressing mental health difficulties, making it challenging for employers to understand their obligations and for employees to assert their rights effectively.*
2. **Limited Guidance on Reasonable Accommodations:** While reasonable accommodations apply to mental health difficulties, there's limited clarity on what constitutes reasonable accommodations specifically for these issues.  
*Impact: This can result in misunderstandings between employers and employees, leading to overlooked accommodation requests.*
3. **Stigma and Discrimination:** Despite legal protections, stigma and discrimination against individuals with mental health difficulties persist in the workplace.  
*Impact: Fear of negative consequences may deter employees from disclosing their mental health status. Employers' lack of awareness may lead to inadequate support and accommodations.*
4. **Limited Enforcement Mechanisms:** While individuals can file complaints under Irish employment law, enforcement mechanisms may be insufficient. Dispute resolution through the Workplace Relations Commission (WRC) can be complex and time-consuming, with outcomes sometimes failing to provide adequate remedies.  
*Impact: Employees may face barriers to accessing justice for mental health-related discrimination. Without effective enforcement, discriminatory practices may continue unchecked.*

Addressing these gaps requires comprehensive awareness campaigns and collaboration among stakeholders to strengthen legal protections, promote inclusivity, and combat stigma and discrimination in the workplace.



*At the time of writing, the Civil Legal Aid scheme is being reviewed and many organisations, including IHREC and Mental Health Reform, are calling for Workplace Relations Commission cases to be covered under the scheme.*

# Legal frameworks and policies related to mental health

The main sources of information for this guide are:

- \* The Employment Equality Acts
- \* The Public Sector Equality and Human Rights Duty
- \* The United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)



We have broken down the main points of these documents as they relate to mental health in the sections below.

## THE EMPLOYMENT EQUALITY ACTS

The Employment Equality Acts 1998 to 2015 are crucial laws in Ireland that prevent discrimination in employment.

Here's what you need to know:

1. **Coverage:** These Acts cover various aspects of employment, ensuring protection against discrimination throughout the employment process, including recruitment, training, promotion, and dismissal.
2. **Prohibition of Discrimination:** The Acts prohibit discrimination based on nine protected grounds, including disability, which includes psychosocial disabilities. Employers cannot discriminate against individuals with psychosocial disabilities in any employment area.
3. **Reasonable Accommodation:** Employers must provide reasonable accommodations to individuals with disabilities, where reasonably practicable. This may involve adjustments to work schedules, job duties, technology, or the work environment.
4. **Claiming Rights:** If you experience discrimination or have been denied reasonable accommodations in the workplace due to your psychosocial disability, you can take action under the Employment Equality Acts.

This may involve:

- **Informal Resolution:** Raising concerns with your employer or HR informally to resolve issues.
- **Formal Complaint:** Making a formal complaint to your employer, following the organisation's grievance procedure, if informal resolution is not successful.
- **Legal Action:** If the complaint is not resolved internally or if you are not satisfied with the outcome, you may pursue legal action through the Workplace Relations Commission (WRC) or the courts.

## THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY (PSED)

The The Public Sector Equality and Human Rights Duty (PSED) is a legal requirement for public sector bodies in Ireland to promote equality and protect human rights, as outlined in the Irish Human Rights and Equality Commission Act 2014 (section 42(1)).

The PSED aims to ensure that public sector bodies, including government departments, local authorities, and public agencies, actively promote equality and human rights in all aspects of their work, including employment practices.

### Here's what you need to know:

- ★ **Protected Characteristics:** It covers discrimination based on nine characteristics, named throughout the guide.
- ★ **Responsibilities of Public Sector Bodies:** Public sector bodies must eliminate discrimination, advance equal opportunities, and foster good relations between different groups. This involves assessing policies, taking proactive steps to address inequalities, and promoting inclusivity.
- ★ **Claiming Rights:** If you experience discrimination or rights violations, you can seek resolution by the same process as in the previous section:
  - **Informal Resolution**
  - **Formal Complaint**

**External Bodies:** If you're unsatisfied, you can escalate it to external bodies for investigation and potential action. (see pg. 25)

## UNCRPD

The UNCRPD is an agreement between countries to protect the rights of people with disabilities. Ireland ratified this agreement in 2018, committing to ensure fair treatment, inclusion, and equality for disabled individuals under the law.

Under the UNCRPD, individuals with long-term mental health difficulties have rights, referred to as “psychosocial disabilities” by the United Nations.

MHR has an easy-to-read UNCRPD guide on their website [www.mentalhealthreform.ie](http://www.mentalhealthreform.ie).

MHR is calling for the ratification of the optional protocol. If ratified, this would offer another reporting route for people to report complaints about discrimination after all national mechanisms are exhausted.





**The Convention:**

- \* Outlines human rights and State obligations.
- \* Focuses on ensuring equal rights and dignity for people with disabilities.



**Mission of the UNCRPD:**

- \* Aims to integrate disabled individuals into society.
- \* Seeks to stop discrimination for fair treatment.



**Governmental Responsibility in Ireland:**

- \* At the time of writing, the Department of Children, Equality, Disability, Integration and Youth oversees disability rights. Mental health currently sits under the Department of Health.
- \* Various government departments collaborate to support disability rights including mental health.



**Rights of Individuals with Mental Health Difficulties:**

- \* Protected under the UNCRPD.

**Article 27 - Work and Employment:**

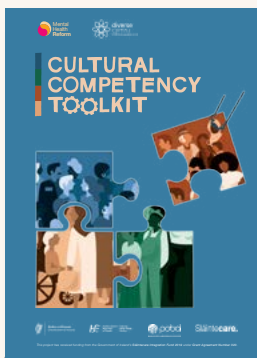
- \* Ensures equal employment opportunities.
- \* Prohibits workplace discrimination.
- \* Promotes career advancement and self-employment.
- \* Requires reasonable workplace accommodations.
- \* Prevents forced labour.

**Additional Relevant Information in Ireland:**

- \* Laws like the Disability Act 2005 and the National Disability Inclusion Strategy protect disability rights.
- \* Disabled Persons Organisations (DPO) should be consulted under the UNCRPD: [www.dponetwork.ie/](http://www.dponetwork.ie/)
- \* Initiatives such as supported employment programmes and accessibility measures aim to enhance disability inclusion in Irish society.

# Support skills for employers

Enhanced support skills are essential for creating a supportive and inclusive workplace. These skills encompass cultural competency, sensitivity, and the ability to address diverse needs effectively. They are crucial because they help ensure that all employees feel valued and understood, regardless of their background or personal circumstances. By fostering a workplace culture that prioritises these skills, organisations can enhance communication, reduce misunderstandings, and promote a more inclusive and respectful environment for everyone.



## Cultural issues

Cultural factors are vital when addressing mental health and psychosocial disability in Irish employment law. Cultural issues play a profound role in shaping attitudes, perceptions, and responses to mental health difficulties in the workplace.

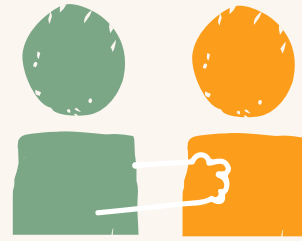
Cultural norms affect how people perceive mental health difficulties, influencing whether they see them as valid concerns or stigmatised topics. It's crucial to understand and respect diverse cultural viewpoints, which involves effective communication, empathy, and accommodation for individuals from varied cultural backgrounds.

MHR have a helpful cultural competency toolkit that is freely available for download online:  
[www.mentalhealthreform.ie/cultural-competency/](http://www.mentalhealthreform.ie/cultural-competency/)



**..Cultural norms affect how people perceive mental health difficulties..**

## “ ..Sensitivity underpins effective support..



### Sensitivity

Sensitivity is a foundational principle that underpins effective support, accommodation, and inclusion. It includes a range of attitudes, behaviours, and practices aimed at understanding, respecting, and responding appropriately to individuals' unique needs and experiences.

A safe and supportive environment where individuals feel comfortable disclosing their mental health status and seeking assistance without fear of stigma or discrimination is key. Sensitivity also involves being aware of the potential impact of language, actions, and attitudes on the well-being of others.

### Competency

In employment law and mental health considerations in Ireland, competency is vital for employers, HR professionals, and legal practitioners. It means having the knowledge, skills, and abilities to address mental health difficulties at work effectively. This includes knowing the rights of individuals with mental health difficulties in the workplace, as well as the obligations of employers to provide reasonable accommodations and support. Understanding relevant legislation like the UNCRPD and the Public Sector Equality and Human Rights Duty is part of this.

### Competency involves:

- \* Recognising signs of mental health difficulties and responding appropriately, including training managers and colleagues.
- \* Implementing policies for a mentally healthy workplace, providing training on human rights and mental health, and offering support services like Employee Assistance Programmes (EAPs).
- \* Providing reasonable accommodations for employees with mental health difficulties.

**Developing competency ensures upholding the rights of individuals with mental health difficulties while fostering a supportive work environment for all employees.**



# What are your rights?

Understanding psychosocial disability in Irish employment law means knowing your rights. This empowers you to advocate for yourself effectively and seek appropriate accommodations and support in the workplace.

## YOU HAVE THE RIGHT TO:

- ✓ Work in an environment free from hazards to your mental health, such as bullying or harassment.
- ✓ Be free from discrimination based on psychosocial disability. This means that employers cannot make decisions about hiring, promotion, or termination based on mental health difficulties, nor can they subject you to unfair treatment.
- ✓ Reasonable accommodations to support your mental health needs in the workplace, as far as is reasonably practicable. Employers are obligated to engage in an interactive process with employees to determine appropriate accommodations and implement them in a timely manner.
  - Reasonable accommodations may include adjustments to work schedules, facilitating time off for medical or therapeutic appointments, modification of job duties (with employee consent), provision of assistive technology, or changes to the physical work environment, among others.
- ✓ Privacy and confidentiality regarding your information, only shared with those who need to know solely for the purpose of providing accommodations and support.
- ✓ Reasonable workloads that don't harm your mental health.
- ✓ Fair treatment when returning to work after mental health-related absences.
- ✓ The right to address violations of your rights through clear complaints procedures. Employers should have clear complaints procedures in place to address such concerns promptly and effectively.

By understanding and asserting your rights, you can ensure that your mental health needs are recognised, respected, and accommodated in the workplace.

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# Claiming your rights in the workplace

## What your company should or must do:

Companies in Ireland must meet legal obligations regarding mental health and psychosocial disabilities at work. This section outlines what your company should do to comply with these laws and create an inclusive workplace.

1. **Reasonable Accommodations:** Provide support for employees with psychosocial disabilities, such as flexible schedules or assistive technology.
2. **Non-Discrimination:** Ensure fair treatment for all employees, regardless of disability, in recruitment, training, and other areas.
3. **Confidentiality:** Respect employees' privacy by keeping health information confidential, sharing only as needed for accommodation.
4. **Equality Training:** Train staff on mental health difficulties and legal responsibilities to reduce stigma and improve understanding. Examples of training in this area include:
  - Mental Health Reform's '*Mental Health and Human Rights in the Workplace – Disability Equality Training for Employers*' – contact [info@mentalhealthreform.ie](mailto:info@mentalhealthreform.ie)
  - The Health and Safety Authority (HSA) provides training and materials covering workplace health and safety, including mental health awareness and legal duties.
  - The Department of Social Protection's Work and Access Scheme. This scheme reimburses a portion of fees for Disability Equality and Inclusion Training in the workplace.
5. **Policies and Procedures:** Develop and implement inclusive policies covering anti-discrimination, reasonable accommodation and support for employees with disabilities.

Following these guidelines fosters an inclusive workplace where all employees can thrive.

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## DISCLOSURE

When it comes to disclosing a psychosocial disability at work, it's essential to know your rights and consider the impact carefully.

Here's what you need to know:

- \* Mental health difficulties may not be visible.
- \* Fear of stigma or discrimination can make individuals hesitant to disclose.

**Disclosure is your choice, and equality laws don't require you to disclose your disability.**

## Disclosure & employee rights

Before sharing this information at work, consider your rights and weigh various factors carefully:



1. **Right to Privacy:** You have the right to keep your health information private, including your psychosocial disability.



2. **Informed Decision-Making:** Consider the impact on your job and well-being. Assess if disclosure is needed for support.



3. **Legal Protections:** Equality laws safeguard against disability discrimination. Legal recourse is available if discrimination follows disclosure.



4. **Workplace Culture:** Consider your workplace environment and how colleagues and management view mental health difficulties.



5. **Reasonable Accommodations:** If you need accommodations, you may need to disclose, but you can request them without sharing specifics of your disability.



6. **Confidentiality and Trust:** Assess trust in your employer and colleagues' confidentiality and respect for sensitive information.



7. **Personal Boundaries:** Consider comfort, preferences, and boundaries when deciding what and how much to share about your mental health at work.

Disclosure is personal. With knowledge of rights, assessing impact, and workplace, you can make informed choices about sharing mental health information.

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## Disclosure & employer responsibilities

Employers must meet obligations for disclosing psychosocial disabilities, avoiding discrimination, providing reasonable accommodations, maintaining confidentiality, fostering support, and proactive employee assistance.

**Data Protection:** Employee mental health information is sensitive data. Employers must adhere to data protection rules on who needs it and secure storage, collecting only necessary information, prioritising function over diagnostic details.

**For further guidance:**

- ★ The Data Protection Commission offers advice on handling sensitive personal data.
- ★ The National Disability Authority's guide on retaining employees with disabilities can provide valuable insights.
- ★ The Irish Human Rights and Equality Commission's (IHREC) Guide on Reasonable Accommodations.

### Who will know?

In the workplace, getting reasonable accommodations usually involves working together with your supervisor or manager and the HR department.

**Here's what to consider:**

1. **Confidentiality:** Only your supervisor and HR will know about your accommodations.
2. **Need-to-Know:** Your employer will only share information about your disability and accommodations with those who need to know.
3. **Informing the Decision:**
  - Start the conversation with your supervisor about your needs and accommodations.
  - Provide documentation from a healthcare professional if needed. You can remove any information that isn't relevant to the accommodation need if you wish.
  - Talk to HR about available accommodations.
4. **Open Communication:** Keep talking to your supervisor, manager, and HR about how the accommodations are working and if any adjustments are needed.
5. **Advocating for Yourself:** If you face challenges getting accommodations, ask HR or advocacy groups for help.



..Disclosure is your choice..

## Will my job be safe?

Employees with psychosocial disabilities in Ireland are protected by anti-discrimination laws.

### Here's what you need to know:



- 1. Protection Against Discrimination:** Irish law prohibits discrimination based on disability, including psychosocial disabilities. Employers can't terminate your job or take adverse actions because of your disability.



- 2. Reasonable Accommodations:** Employers must provide reasonable accommodations for employees with disabilities to ensure fair job access where reasonably practicable. These accommodations should support your job performance without risking your job security.



- 3. Consultation and Due Process:** Employers must consult and follow due process in decisions affecting your job, like accommodations or performance management. This ensures your rights are respected and allows you to address concerns.



- 4. Dismissal Protections:** Employees with disabilities are safeguarded from unfair dismissal. Your employer can't fire you because of your disability; dismissal must have valid, unrelated reasons.



- 5. Legal Recourse:** If you believe your job security is unlawfully affected by your disability, you can seek legal recourse through channels like the Workplace Relations Commission or courts for reinstatement or compensation.

While strong legal protections exist, staying informed about your rights and seeking support or legal advice if issues arise is crucial.



### What should I do if I feel unwell?

Disclosing a psychosocial disability at work can feel daunting, but there are steps you can take to make the process smoother and ensure your rights and well-being are protected.

Here are some suggestions to consider:

- \* **Reach Out to a Trusted Colleague:** If you're feeling overwhelmed or unsure about how to approach the situation, talking to a trusted colleague can provide you with support and practical advice.
- \* **Utilise Your Trade Union:** If you're a member of a trade union, your union representative can be a valuable resource. They can advocate for you, offer advice on your rights, and help ensure your concerns are handled fairly.
- \* **Have a Support Person Present:** Consider bringing a colleague or union representative with you to important discussions with HR or your employer. Having someone with you can provide moral support and help ensure the conversation is productive.
- \* **Focus on Self-Care:** Your mental health is important. Make sure to seek support from friends, family, or mental health professionals if you need it. Taking care of yourself is crucial during this time.
- \* **Keep a Record of Interactions:** Documenting your interactions related to your psychosocial disability can be very helpful. Keep notes from meetings, save emails, and collect any relevant documents. This can be useful if you need to reference these details later.
- \* **Get Information from IHREC:** The Irish Human Rights and Equality Commission (IHREC) offers a Your Rights Service that can provide you with information about your rights under equality and human rights law in Ireland. While they don't offer legal advice, they can help you understand your rights better.
- \* **Seek Legal Advice if Needed:** If you encounter challenges or feel your rights are not being respected, consider seeking advice from an employment lawyer or a disability rights organisation. They can offer specialised guidance and support.

These tips can help you navigate the process of disclosing your psychosocial disability to your employer, making it easier to ensure your rights are respected and you have the support you need.

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## Who do I contact at work?

When dealing with a psychosocial disability at work, knowing who to contact for help is key.

### Here's who you can reach out to:

1. **Direct Supervisor or Manager:** They can discuss workplace concerns, including accommodations, and start the accommodation process.
2. **Human Resources (HR) Department:** HR professionals know about employment laws and can assist with understanding rights and accessing accommodations.
3. **Employee Assistance Programme (EAP)\*:** Many workplaces offer EAPs, which provide confidential support services to employees for personal and work-related issues, including mental health concerns. The EAP coordinator can connect you with resources, counselling services, and other forms of support.
4. **Diversity and Inclusion Officer:** Some larger organisations have officers who focus on creating inclusive workplaces and supporting employees with disabilities.
5. **Trade Union Representative:** If you're a union member, they can offer support, negotiate accommodations, and escalate concerns.

\* Please note not all organisations have an EAP programme, nor is it mandatory for them to.

Choose the right person based on your needs and concerns. By reaching out to the appropriate individual, you can address issues effectively and uphold your rights.



..knowing who to contact for help is key..

## Case studies

Supportive and inclusive workplaces can make a positive difference in the lives of employees with psychosocial disabilities. By upholding their rights and providing appropriate support, employers can create an environment where individuals can thrive personally and professionally.

This section gives some fictional case studies to illustrate when things go right, go wrong and the bit in between. These case studies, and the language used within them, have been chosen by the members of the Steering Committee for the Guide.

### When rights are supported at work



John, diagnosed with depression, works for a company that values employee well-being. Here's how his workplace supports him:

- 1. Flexible Schedule:** John adjusts his work hours for therapy sessions, helping him manage his mental health.
- 2. Open Communication:** His manager and HR listen to his concerns and find solutions together.
- 3. Accommodations:** John's workspace is modified for better focus and productivity.
- 4. Mental Health Resources:** He accesses an EAP and wellness workshops for support.
- 5. Inclusive Culture:** Colleagues are educated about mental health, creating a supportive environment for John.

John feels supported and has a positive outcome. His experience shows how a supportive workplace can help employees with psychosocial disabilities thrive.



## A supportive workplace with no measures in place



Sarah, a voice-hearer\*, works for a well-intentioned company that made some positive efforts to support her but lacked understanding and clear policies regarding mental health. Here's how her partial support at work had a negative impact:

1. **Positive Efforts:** Initially, Sarah's employer showed support by offering her flexible work hours to attend therapy sessions and provided a supportive environment where she felt comfortable disclosing her condition.
2. **Lack of Awareness:** Despite these positive efforts, Sarah's employer lacked awareness about the challenges faced by voice-hearers and did not fully understand how to support her effectively.
3. **Misinterpretation:** When Sarah mentioned hearing voices, her supervisor misunderstood her condition and expressed concern about her ability to perform tasks, unintentionally stigmatising her.
4. **Inadequate Support:** Due to the lack of clear policies and procedures, Sarah's employer struggled to provide appropriate support or accommodations tailored to her specific needs.
5. **Isolation:** Sarah felt isolated and unsupported in the workplace, as her employer's misunderstanding and lack of support contributed to increased stress and anxiety, worsening her symptoms.
6. **Negative Impact:** The inadequate support and misunderstanding from her employer led to a negative impact on Sarah's work performance and mental well-being, ultimately resulting in decreased job satisfaction and potential implications for her overall health.

Despite positive efforts initially made by her employer, Sarah didn't feel fully supported, regardless of their good intentions. Her experience highlights the importance of comprehensive support and accommodations tailored to the needs of employees with psychosocial disabilities, to create a truly inclusive and supportive work environment.

People who experience more enduring psychosocial disabilities may face additional barriers in the workplace, so it is imperative that the right supports are put in place by organisations for their staff.

\* The term 'voice-hearer' was chosen by the lived experience Steering Committee of this guide. It refers to those who hear voices, see visions or have similar sensory experiences. It was introduced by the international Hearing Voices Movement which aims to encourage a more positive response to voice-hearing and related experiences.

### When rights are not upheld at work

Examples of employee workplace mental health rights, and their solutions:

1. **Lack of Accommodation:** An employee requests reasonable accommodations from their employer. The employer refuses, citing operational difficulties or refusal to recognise the severity of the employee's condition.



**Solution:** Document requests, communicate in writing with your employer, and consider filing a complaint with the Workplace Relations Commission (WRC) or seeking legal advice.

2. **Discriminatory Practices:** Employee faces harassment or negative treatment after disclosing their mental health difficulty. Despite raising concerns about the discriminatory behaviour, the employer fails to take appropriate action to address the issue.



**Solution:** Follow internal grievance procedure, file complaint with WRC, or pursue legal action under the Employment Equality Acts.

3. **Dismissal or Demotion:** Employee's performance declines due to mental health symptoms, leading to dismissal or demotion without support based on their perceived inability to fulfil their duties.



**Solution:** The employee should talk to their employer about how their mental health affects their work and discuss possible support or accommodations. If the employer dismisses or demotes them without considering reasonable accommodations, the employee may have a case for unfair dismissal or discrimination under Irish employment law.

While the law may not always provide a perfect solution, understanding one's rights and advocating for them effectively can help reduce the impact of discriminatory practices or inadequate support from employers.

Effective communication, documentation, and knowledge of legal procedures are vital in addressing these challenges.



# Useful resources

## WHO TO CONTACT OUTSIDE THE WORKPLACE

### Legal Advisor or Disability Rights Advocate:

A legal advisor or disability rights advocate offer legal guidance and can assist you in taking appropriate action if you face discrimination or believe your rights are violated.

### Confidential Resources:

Organisations like ombudspersons or anonymous reporting systems have confidential channels for raising concerns while maintaining confidentiality.

### External Bodies:

The Workplace Relations Commission (WRC) or the Irish Human Rights and Equality Commission (IHREC), can, in certain circumstances, investigate complaints and take remedial action if necessary.

### IHREC: Your Rights Service Irish Human Rights and Equality Commission

16-22 Green Street, Dublin 7, D07 CR20.

**T:** 01 858 3000 / **Lo call:** 1890245545

**E:** [YourRights@ihrec.ie](mailto:YourRights@ihrec.ie)

**W:** [www.ihrec.ie](http://www.ihrec.ie)

### Workplace Relations Commission (WRC)

Information & Customer Service  
O'Brien Road, Carlow, R93 E920.

**T:** 0599178990 / **Lo Call:** 0818 80 80 90

**W:** [www.workplacelrelations.ie](http://www.workplacelrelations.ie)

### National Disability Authority (NDA)

25 Clyde Road, Dublin 4, D04 E409.

**T:** +353 1 6080400

**E:** [info@nda.ie](mailto:info@nda.ie)

**W:** [www.nda.ie](http://www.nda.ie)

### EmployAbility Service

The EmployAbility Service assists individuals with disabilities, injuries, or illnesses in finding and maintaining employment. It offers various supports, including job coaching for both jobseekers and employers. The service operates through sponsor organisations in local communities, acting on behalf of the Department of Social Protection (DSP).

Contact your local EmployAbility Service directly (details on [gov.ie](http://gov.ie))

### Intreo

Intreo (the Public Employment Service) is a single point of contact for all employment and income supports and services. Contact your local Intreo directly (details on [www.gov.ie](http://www.gov.ie))

### Health and Safety Authority (HSA)

Head Office: The Metropolitan Building,  
James Joyce Street,  
Dublin 1, D01 K0Y8.

**T:** 0818 289 389

**E:** [contactus@hsa.ie](mailto:contactus@hsa.ie)

**W:** [www.hsa.ie](http://www.hsa.ie)

### Mental Health Reform Member Organisations

MHR member organisations campaign to drive progressive reform of mental health services and supports in Ireland and are dedicated to reducing mental health inequalities in Ireland. Several MHR members provide support to employers, including workplace training and support to individuals including Ahead, Cairde, Mental Health Ireland, Samaritans, Shine and Suicide or Survive. [mentalhealthreform.ie/membership/](http://mentalhealthreform.ie/membership/)

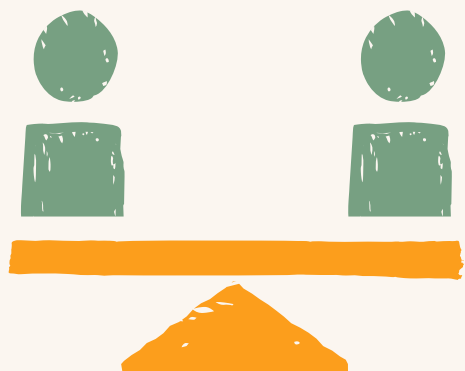
# Appendix

## References

- \* Mental Health Reform UNCRPD guide
- \* [www.gov.ie](http://www.gov.ie)
- \* Public Sector Equality and Human Rights Duty
- \* European Convention on Human Rights Act 2003
- \* Disability discrimination & the right to reasonable accommodation - IHREC
- \* OHCHR Training Convention on the Rights of Persons with Disabilities
- \* [www.nda.ie](http://www.nda.ie)
- \* Retaining employees who acquire a disability – NDA



**.. a supportive workplace can help employees with psychosocial disabilities thrive..**



## About the author



Barbara Brennan  
Author

**Barbara Brennan** is a Change Maker, Workplace Mental Health Expert, and Mental Health Advocate.

With a background in public campaigns and reshaping corporate mental health policies, she brings professional expertise and personal experience, having overcome severe mental illness and a life-altering suicide attempt in 2008.

As a respected trainer and facilitator, Barbara has over 15 years' experience in changing national mental health culture. She spent 10 years as a consultant to, and 5 years as the lead of, the national stigma reduction programme *See Change*, leading the iconic '*Green Ribbon*' campaign and *Workplace Pledge Programme*. Barbara provides guidance on mental health to influential policy bodies, major corporations, and top Irish universities, inspiring new perspectives on mental well-being.

She now runs her own workplace mental health consultancy, guiding organisations on policies, awareness campaigns, and mental health champion frameworks. Recognised for her contributions, Barbara received the Honorary '*Outstanding Contribution to Wellbeing*' award from IBEC and *The KeepWell Mark* in 2024.



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Mental Health in  
the Workplace

A GUIDE TO  
YOUR RIGHTS

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Coimisiún na hÉireann  
um Chearta an Duine  
agus Comhionannas  
Irish Human Rights and  
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