

OPENMINDS

OPENING THE CONVERSATION IN THE WORKPLACE

Let's Make Mental Health Part of the Conversation

A Guide for Managers

THIS RESOURCE WAS CREATED IN CONSULTATION WITH

The Purpose of the Guide

The Open Minds guide and associated video and print resources provide managers with practical tips to help with conversations about mental health in the workplace.

The long-term outcome of Open Minds is that New Zealand employers are able to develop workplace policies, structures and cultures that are more inclusive and supportive of people with experience of mental illness.

This guide provides information and guidance for managers to support someone experiencing mental distress with the aim to retain them in the workforce.

These are guidelines and should be considered alongside individual workplace policies and procedures.

NOTE: *The legal information provided throughout this toolkit is for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.*

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Why Talk About Mental Health at Work?

1 in 5 New Zealanders will experience mental illness this year.

Right now, you or someone in your workplace is likely to be affected.

Everyone has mental health, and nearly half of all New Zealanders are likely to experience a mental illness at some point in their lives, with depression and anxiety being the most common.

In any workplace there will be a range of mental health experiences across employees and this will change over time. The experience of mental illness is common in New Zealand so it's vital that employers can have conversations about mental health with their employees and support them through tough times.

There are huge benefits to creating a workplace culture where it's okay to talk about mental health. Your employees are your greatest asset - you need them to feel confident, happy and engaged in their work, so that productivity is high.

Opening up a dialogue about mental health in the workplace can result in:

- More positive mental health (less depression, stress, burnout)
- Better physical health
- Reduced absenteeism
- Lower staff turnover
- Improved work performance, motivation, commitment and energy
- less tension and conflict, more connectedness, kindness, tolerance and patience

Despite the benefits, many employers are reluctant to talk about mental health. It can feel too personal, and they may be nervous about saying the wrong thing, or not having the answers or knowledge. For employees living with a mental illness it can be equally as difficult – they may be worried their employer won't think they're capable of doing their job or they may have concerns that details of their mental health problem won't stay confidential.

New Zealand research has suggested that employers value employees with experience of mental illness, and are wanting to support them in the workplace. This resource has been created with workplaces to support managers to have successful conversations where the needs of both the employee and the employer can be taken into account.

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There are several reasons to make mental health a priority in your workplace:

- **Mental health issues are common**

In New Zealand one in five people over 16 years of age experience some form of common mental health issue in any year and almost two in five adults have experienced a mental health issue over their lifetime^[1]. Workplaces which are supportive of people with mental illness are better able to provide non-discriminatory services that benefit all employees.

- **Safe and healthy workplaces are good for business**

A healthy work environment reduces staff turnover, stress, and personal grievance claims, as well as increasing productivity.

- **Ignoring mental health issues costs employers**

Workplaces feel the effects of poor mental health of employees through increased absenteeism—when workers are off sick—and increased presenteeism—when workers are at the workplace but not mentally engaged with work. The Southern Cross Health Society 'Wellness in the Workplace' survey of 2015 (Business NZ, 2015) estimates that New Zealand lost approximately 6.7 million working days to absence in 2014. The direct costs of absence alone, most commonly from minor illness, amounted to \$1.4545 billion across the economy in 2014. It is estimated that on average, employees have nearly three times as many presentee days as absentee days resulting in much higher 'hidden' costs of poor mental health.

- **Mental health is affected by both work and what is happening in our lives**

Employee health affects the workplace and the workplace affects the health of employees. It is important for employers to understand the difference between pressure, which keeps us all going and makes us productive, and stress, which makes unmanageable demands that damage both employees and the business. There should also be an awareness that life outside of work affects the wellbeing of workers.

- **It is the law**

Workplaces are legally required to take all practicable steps to ensure the health and safety of their employees. Under the Health and Safety at Work Act 2015, workplaces have a role to play in the prevention of harm to all people at work. This includes mental harm caused by work-related stress. In providing an environment where employees are not exposed to hazards, employers must consider the traditional concepts of health as well as safety.

How to Have a Conversation About Mental Health.

It is as simple as 1,2,3

1. **Talk** - about mental wellbeing: Make talking about wellbeing an everyday thing. Keeping the kōrero alive and open in your workplace positively affects mental wellbeing
2. **Understand** - what is supportive: To find out how you can support, listen non-judgmentally. Acknowledge the person's feelings and don't take them personally. Let them know you're asking because you're concerned about them. Their knowledge will help understanding, and support problem solving.
3. **Work together** - for shared success: Work together to find solutions that work for both you and your team member, keeping the mana of everyone intact. Focusing on strengths and abilities brought to the workplace and what resources you both can bring to tautoko (*support*) wellbeing and achieve shared goals.

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1. Talk About Wellbeing

If you notice a team member is struggling with their mental health, don't ignore it. But be aware that talking about personal struggles can be difficult and they might get emotional, embarrassed or upset.

It's good to remember that no special skills are required to talk about mental health. You just need to be empathetic, approachable, and willing to listen.

Before you approach the person ask yourself:

- Am I in a good headspace?
- Am I willing to genuinely listen?
- Can I give as much time as needed?

Where and when?

It is important that your first approach is not a formal one.

- Ask when will be good for them to chat. If they can't talk when you approach them, ask them for a better time to come back
- Choose a place where the team member feels comfortable being open
- Taking them offsite is a good idea – grab a coffee or go to a local park
- Make sure they can talk somewhere quiet and private
- Let them know that anything they say will remain confidential

Ways to start the conversation

Don't worry if you don't quite know what to say. Just by being supportive and listening, you're helping to make a difference. So be as relaxed as possible.

Help them open up by asking questions like:

- "How are you doing?"
- "What's been happening for you lately?"
- "I haven't caught up, and wanted to check in about how you are feeling"
- "How's life? How are the family?"

Mention specific things that have made you concerned for them, for example:

- "You don't seem yourself lately, anything up?"
- "I noticed you've been quiet this week, you OK?"
- "You seem less chatty than usual"

If there are issues that are impacting their productivity, such as prolonged absences, talk about these early on. It's best to address these issues before they become a bigger problem.

What if the person doesn't want to talk?

Be relaxed if the discussion doesn't go as you'd hoped. If the person doesn't want to speak about it, respect their choice, but leave the door open for further dialogue.

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2. Understand What Is Supportive.

Always try to listen non-judgmentally and see the issue from their perspective.
Let them know you're asking because you're concerned about them.
Acknowledge the person's feelings. If they get angry or upset, stay calm and don't take it personally.

Ask questions to explore what's going on, for example:

- "Have you spoken to anyone else about this?"
- "What would help you manage the load?"
- "What else is happening for you at the moment?"
- "How do you think you might resolve that situation?"
- "What can we change to make life easier?"

Don't interrupt or rush the conversation, if they need time to think, sit patiently with them in silence.

Most importantly, take what they say seriously.

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3. Work Together for Shared Success

It is important to work collaboratively to find solutions that work for both you and your team member.

Help them to create a plan for how to address issues when they arise. Identify the signs that may indicate they are not doing well and what triggers them. Ask about who to contact in a crisis, and what supports need to be put in place in the workplace.

Explore what supports are available to them, for example:

- EAPs (Employee Assistance Programmes)
- Family, whanau, and friends they trust who they can talk to
- Community leaders such as church ministers or local kaumatua
- Their GP

Remember that you can – and should – make reasonable accommodations for your team member if needed. Think about the flexibility you currently have in your workplace - sometimes the same adjustments offered for staff with physical health issues may be all that's needed to support a mental health issue.

Avoid assumptions about what they might need. Ask!

Questions that may help include:

- “What would be a good first step for us to take?”
- “How can I help?”
- “What has helped in the past?”

Look at the practical supports your organisation can give them, such as changes in work hours, extended leave, or changes in duties for a short time.

Follow up

Remember to follow up in a few days to check in and see how the person is doing and review any plans made.

Managing Mental Health Issues

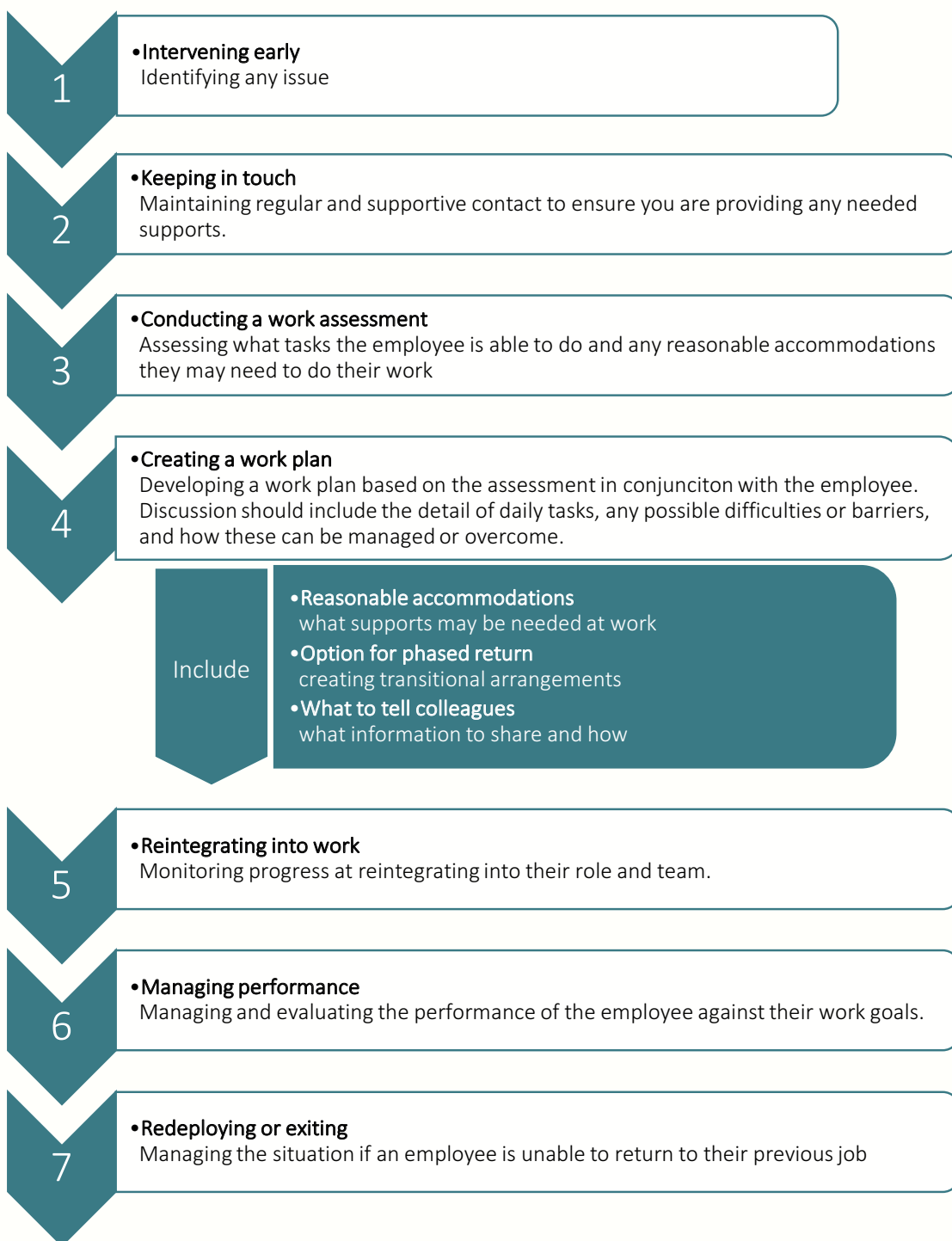


Figure 1 – Elements of managing mental health issues

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Intervening Early by Identifying Problems

Common symptoms of mental health issues that may signal to the line manager that the employee is experiencing difficulties include:

Change in emotional reactions	Change in thinking	Change in behaviour
<p><i>such as an increase in:</i></p> <ul style="list-style-type: none"> • fear and anxiety • anger and irritability • sadness and despair • emptiness or hopelessness • disconnectedness • withdrawing from favourite activities <p><i>less</i></p> <ul style="list-style-type: none"> • involvement or enjoyment 	<p><i>such as difficulties in:</i></p> <ul style="list-style-type: none"> • concentrating • following complex instructions • remembering • communicating • conversing including hesitation, silence, and • broken sentences <p><i>more</i></p> <ul style="list-style-type: none"> • intrusive (unwanted) thoughts 	<p><i>such as:</i></p> <ul style="list-style-type: none"> • withdrawing from others • being unavailable • being overprotective • startling easily • denying and avoiding • taking greater risks • abusing substances • speeding or careless driving

Check assumptions about mental illness

It is not the role of a manager or co-worker to diagnose mental illness, nor to make any assumptions about whether symptoms are related to a diagnosis. Diagnoses can change, and they are not always accurate.^[2]

Address behaviours

What is important in an organisation is that behaviours causing issues are discussed in a safe and compassionate way, support is offered and given, and potential actions are identified that address both the individual's concerns and those of the organisation. These actions may include a referral to EAP counselling services, accessing additional professional help, or taking time off.^[2]

Having a good relationship between staff and managers can prevent jumping to any conclusions, and allow confidential discussions and referral for support before an issue becomes a problem.^[3]

If you have concerns about a staff member it is important to discuss your concerns with them directly. Talk to your Human Resource advisor or department about your concerns, after letting your employee know you are doing so.

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Remember, this is about supporting your employee, not creating more stress by trying to figure out their situation without their involvement.^[4]

Timely support can help people continue at work or minimise any absences by identifying specific issues that make it more difficult for them at work and establishing the best coping strategies for the employee.^[3]

Start by having a quiet word with the employee and avoid making assumptions. You may discover there is a problem at home bothering them, and all that is needed is understanding and patience.^[5]

Some problems at work have health and safety implications, especially those involving stress, fatigue, bullying, or workplace violence. Employers need to *take all practicable steps* to address workplace hazards and prevent harm. Think about both the harm to the employee of hazards, and the possible risks caused by fatigue or stress when an employee is carrying out their work.^[6, 7]

Sensitive issues will need to be treated in a confidential way, treating the employee with respect and consideration.^[7]

Focus on what employees can do, and on what you can do to enable employees to reach their full potential.^[3]

Identifying the issue with the employee will help decide what steps are most appropriate to take to resolve the issue.

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Keep in Touch

Be guided by the employee (or their support people) in maintaining contact during absence from work and be aware of privacy laws. Ensure any communication with health professionals is done with the agreement of the employee.^[8]

- Establish a **regular time** to make contact.
- Determine the employee's **preferred means of contact**, e.g. meetings, telephone, or email.^[3]
- Ask the employee for their **preferred contact person**, e.g. business owner, line manager, human resources person, etc.^[3]
- **Reassure about practical issues** such as job security and financial concerns.^[3]
- **Ask open ended questions** that allow the employee to discuss issues related to their absence, e.g. Are there any concerns you have? What do you want to do?
- **Ask what supports they require.**^[3]
- **Respect confidentiality**^[3] but advise the employee that certain staff may need to know as they may need to cover work duties.^[4]
- **Send flowers** if that is standard practice when any employee is unwell^[4, 8] but **respect the employee's need for privacy** (don't have the manager or whole team visit unannounced).^[4, 8]
- **Be prepared** that they may be distressed when you contact them.^[3]
- **Keep the person informed** about significant work issues that affect them directly.^[8]
- **Be thorough and efficient** in dealing with any concerns the person may raise.^[3]
- If the person is not well enough to be contacted directly, **ask** if there is another person who can act as the contact person on behalf of them in the meantime.^[3]
- When appropriate ask the employee if they are ready to **resume some work duties** on a flexible basis, following medical advice.^[3] **Do not put pressure** on the employee for a return date as this may increase anxiety and potentially delay their return.^[8]
- Keep the person updated about social work news. If appropriate **encourage others at work to stay in contact** and consider inviting them to workplace social events.^[3]

Return to Work Assessment

An employee does not always need to be fully recovered to return to work. In fact, providing reasonable precautions are taken, returning to work can be an important part of the recovery process.^[3]

When an employee is nearly ready to return to work, talk to them and any appropriate health professionals about any reasonable accommodations they may need, considering:

- **The range of duties** the employee can do and cannot do during recovery and beyond.
- **Factors specific to the employee**, such as general state of health, age, access to support and treatment, adjustment to the situation, etc.^[4]
- **Phased or partial return to work**
- **Reasonable accommodations** the employee needs to return to work^[3] and other factors specific to the workplace, such as levels of flexibility to accommodate changes, sick leave, return to work policies, etc.^[4]

To assess if a person is fit to return to work the occupational health officer, doctor, or appropriate person will need a detailed job description including:

- Job tasks and physical requirements of the job.
- Hours of attendance.
- Qualifications required for the job.
- Type of work environment.^[3]

Involving employees in any decisions about duties is critical to the success of return to work. While everyone's case is an individual one, you may want to use the following process to help identify suitable duties.^[9]

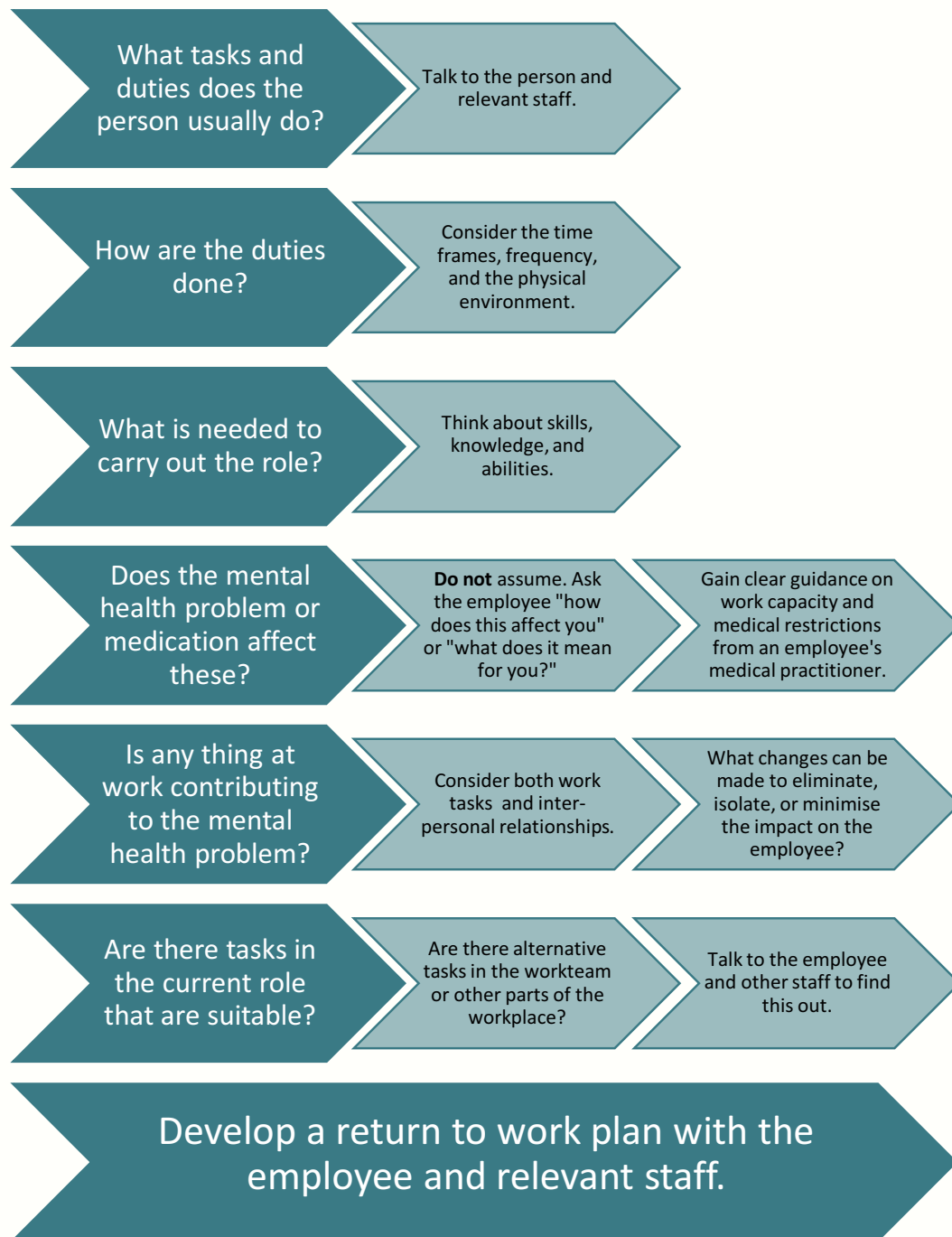


Figure 2 - Return to work assessment

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Return to Work Plan

Working together, an employer and employee can best develop a return to work plan. The employee should know a lot about how to manage issues, how to perform day to day tasks, and what supports and assistance they will need.^[3]

Discussions may include:

- Flexible working hours and conditions.
- Skills and competencies required for the job.
- Tasks and workload.
- Any extra training requirements.
- Any contributing work-related stressors.
- Identifying and developing strengths.
- Developing a supportive work environment for both the individual and other co-workers.
- Any other supports available.
- The effectiveness of any return to work strategies undertaken.^[4]

A return to work plan should include:

- The agreement of everyone affected by it.
- The flexibility to be adjusted as needed by changing circumstances.
- The date the employee is returning to work, and how they would like to return to work. For example, they may like to come into a team meeting the week before they're going to return^[4]
- The hours they will be working.
- What reasonable accommodations the employee will need and how these supports will be provided.
- What duties the employee will do when they initially return and over the following weeks and months as they gradually recover.
- Details of regular contact (for example weekly meetings) with the line manager to discuss progress and any issues the employee may have on their return to work.
- Details of how the employee's work performance and the effectiveness of any reasonable accommodations they are provided with will be evaluated. At a minimum, a review of progress and of supports should take place every six months.^[3]
- Determine an endpoint for the return to work plan, and a plan of what to do if the initial plan has not been successful. This will help prevent difficult situations from dragging out indefinitely because people are unsure of what to do or are reluctant to address the situation.

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Reasonable Accommodation

Reasonable accommodations include making adjustments that allow an employee with mental health issues to participate more equally in a workplace. This can be physical adjustments or modifying how a job is done.

Reasonable accommodation is not about lowering the standards of the job performance or qualifications; it is about changing the way those standards are met.

Some employees may not need any reasonable accommodations, but everyone needs to know that they will be supported and respected.^[4]

Under the Human Rights Act 1993, employers have to make “reasonable accommodations” for employees with disabilities, including people with mental ill health, unless it would be unreasonable for them to do so.^[4]

Discuss with the employee any reasonable accommodations they may need. These could include:

- Restructuring jobs or changing tasks to allow the employee to do what they are most confident and capable of.
- Adjusting schedules to allow the employee to work when they feel best and to attend appointments that support recovery.
- Offering part time work – as a transition or on a more permanent basis.
- Having flexible sick leave provisions including leave without pay if appropriate.
- Ensuring people know how to use technology to support them.
- Providing private space to work or modifying work spaces if noise or distractions cause issues.^[4]

Accommodations do not usually cost an organisation to implement, but if they do, funding may be available from sources such as:

- [Job Support and Training Support Fund](#)
- [Work and Income Modification Grant](#)

For more information, go to:

- [Employment New Zealand - Reasonable accommodation](#)
- [HRC – Reasonable Accommodation guide](#)

Option for Phased Return

If needed a person may take time to return to undertaking a full range of tasks. Before returning to work discuss with them transitions arrangements and how they will be reviewed.^[3]

Phased return to work can take different forms for example:

- Beginning on half days or shorter hours gradually increasing to longer hours.
- Gradually taking on work duties. Beginning work on a limited number of tasks or projects, gradually increasing the range and coverage of the tasks.
- Line manager could mentor for a period of time as the person got back up to speed and on top of any changes.
- A partner or buddy could be assigned to link a person back into the social side of the work place.^[3]

Transitional arrangements should be agreed on in advance, what they will be, the timing and how and when they will be reviewed.^[3]

What to Tell Colleagues

Disclosing a mental health issue at work is a big concern for many people as they can be afraid they will experience stigma or discrimination from other workers.^[9]

It is very important that the person feels they are coming back into a supportive environment, which may mean that the team needs some information. Staff will know that someone has been away from work and there may have also been some issue before the person took time off. Discuss with the person what they would like colleagues to know along the way and before they return.^[4]

Co-workers can potentially be a support for some people returning to work and it is helpful for other staff to understand why a colleague is getting any accommodations, especially if it is affecting their own duties.^[3]

In communication around mental health issues it can be difficult to balance the employee's situation with the other workers who may have taken on extra workloads.

Principles to help guide managing communications and planned disclosure with co-workers include:^[8]

- **Seeking discussion and agreement** with the employee about how much information and detail about their health and recovery will be disclosed to others, whom it will be disclosed to, and when.
- **Clarifying the purpose** (e.g. for health and safety reasons) and the method of disclosure.
- **Communication in regards to the reallocation of duties**, including the impact of leave on the workload of other employees and any required reallocation of tasks.^[8]

If it is not possible to have this discussion at first and gain the person's agreement on content, audience, or method, then the 'less is more' principle may be most appropriate until discussions can take place.^[8]

Reintegration Into Work

Once a person has returned to work with any reasonable accommodations required in place, both the manager and employee should monitor progress at reintegrating into their role and team.

Two key focuses will be:

- **Looking at health** by continuing to take care of physical and mental health on return to work. The employee should utilise any medical, therapeutic, or other supports required to maximise recovery and treat any on-going issues. The employer or manager should ensure that the return to work is paced so the person does not risk their health by taking on too much too soon.^[3]
- **Re-joining the team harmoniously** by balancing realistic expectations of work performance and appropriate pacing through:
 - Offering positive support and expressing appreciation of the contribution to the team by the employee, and of the work being done.
 - Ensuring the work is fairly shared across the team.
 - Planning carefully for when the person can take on more share of the team work.^[3]

A return to work interview or meeting on the first day back will reduce levels of absences and is good practice for all employees who have been absent from work. This allows line managers and employees to deal with any problems they may have.^[3]

Progressing a career

Continue to offer encouragement and support for the employee to develop and follow career goals. Employees who feel they are on a career path can feel more fulfilled and be more productive, whether or not they have experienced illness, injury, or disability.^[3]

Performance Management

The work performance of an employee who has been unwell or acquired a disability will need to be managed and evaluated, just like all other employees. Keep in mind:

- All variations from standard procedures should be detailed in the return to work plan.
- Work objectives or targets may be altered due to a change in circumstances so performance should be managed by these revised objectives.
- It is important to have the supports in place to deliver on the agreed goals. ^[3]

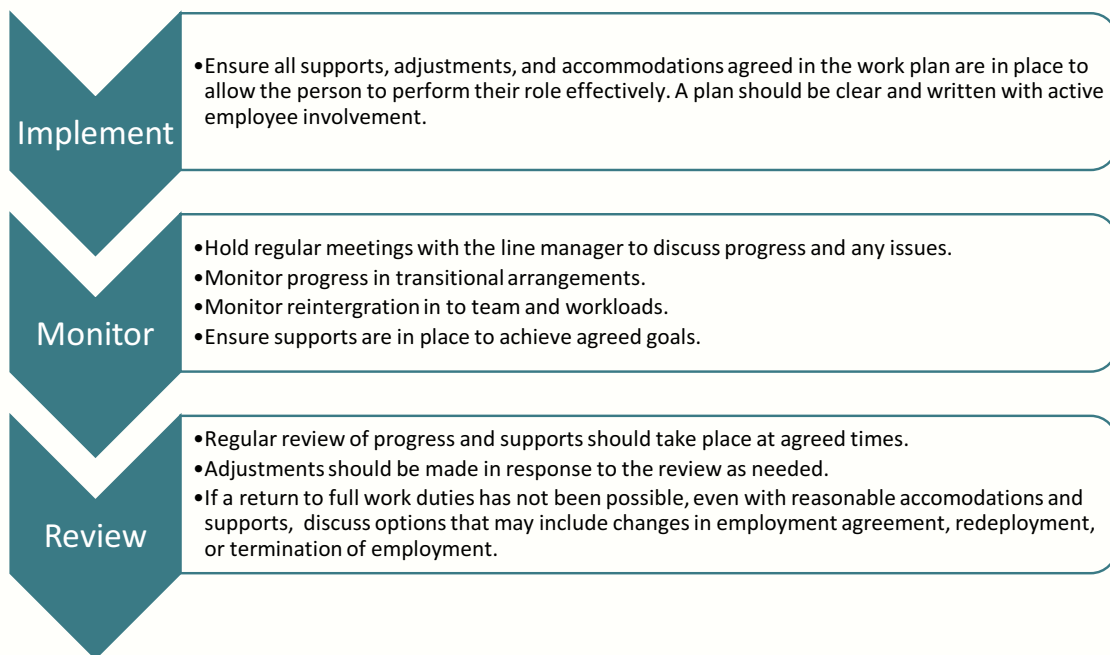


Figure 3 – Performance management

Managing mental health issues can be complicated by underperformance issues. This can be a difficult situation for employers and employees. Prevention is the preferred option and problems are less likely to occur if:

- Job roles and objectives are clear.
- Appropriate training is given.
- There are good effective communication channels.
- Concerns about performance or behaviour are addressed informally early on. ^[9]

If you suspect, or know about, a mental health issue and are concerned about poor performance some suggested guidelines to help manage these situations include:

- Exploring reasons for the poor performance.
- Providing an opportunity for the employee to disclose any health issues that may be impacting on work while keeping focused on work issues, rather than asking intrusive questions about health.
- Being non-judgemental in discussions. Ask simple open-ended questions about whether anything is affecting the performance of the employee. Do not make assumptions about how a mental health issue is affecting a person, or if it is 'genuine'.
- If a person does disclose a mental health issue, consider and discuss any reasonable accommodations that would help and how they could be implemented.
- Following good faith and fair practice guidelines.
- Being clear and open about policies and procedures so the employee knows what to expect.^[9]

Employers should not be afraid of being, and acting, as employers. They have an obligation to raise employment issues if they arise, and are able to exercise their rights, responsibilities, and options as an employer.^[10]

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Redeploying or Exiting

Redeployment

If an employee is unable to return to their previous job role, they may be capable of working in a different role that matches their skills and capabilities. However, redeployment should only be considered if:

- There have been no effective accommodations identified that allows the person to perform the essential roles of their current job, or
- Accommodating the person to stay in their current job would be a disproportionate burden on the workplace.^[3]

Redeployment should be at the equivalent level of employment the employee currently holds. If no such position exists, discuss with the employee, union, or other representatives whether a lower position would be acceptable.^[3]

Looking at all the Options

As with any other significant health issue, the employee and the employer may need to consider whether permanent full time employment is the best option, or whether part time or contract work might be more suitable. Sometimes other roles in the company, or using a supported employment service, may be an option. However, if options are very limited, and there are no appropriate alternatives, it may be necessary to discuss terminating employment.^[4]

Finishing the Employment Relationship

If an employee becomes incapable of doing their job for a period of time that can be reasonably expected to be sustained by an employer, then they can be dismissed.^[7]

There is no set time limit as all workplaces are different. The following relevant factors should be considered when determining the point when dismissal may be considered:

- Is there a specified timeframe in the employment agreement or policy?
- To what extent is the business affected by the employee's absence?
- What ability does the employer have to appoint a temporary replacement and how much will this cost?
- According to medical experts, what is the nature and extent of the incapacity, and is there a likelihood of recovery?
- Can reasonable accommodations be made to the work or is there an alternative position that could be offered to allow the person to stay employed?
- Does the employee have sick leave, holiday, or leave entitlements still available?^[7]

Employees must be advised that they may be potentially facing dismissal and be given all the information that the employer is relying on to make the decision. The employee needs to have an opportunity to comment on this in a meeting where they can be represented.^[7]

Keep in mind the obligations of Good Faith, Good Reason and Fair Practice.

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Peter's Case study – Resolving the Issue

Can you recall what reason you gave to your employer as to why you were not coming in?

My wife rang my manager and told him I was in hospital. He rang me later that day at home to reassure me I still had a job. Staff arrived at my home with flowers and a signed book from colleagues.

In the end, what was wrong with you?

I had anxiety, panic attacks, and depression, what I called in my journal 'Hell'.

Did you ask for stress leave?

No. I never used the word "stress leave", but it may have been implied. It was sick leave.

Did you get a positive or negative reaction from your supervisor?

Super positive!

How long were you off work?

Approximately 11 weeks of paid sick leave.

Did anyone from your work contact you while you were off?

Yes, on the first day, colleagues rang around the hospitals to find out where and how I was, and I had calls and visits. Initially they all thought I had had a heart attack. I have told everyone now that I was actually experiencing anxiety, panic attacks, and depression.

What were your feelings about work while you were unwell?

My choices were removed: I didn't know how I could return; my confidence and beliefs were eroded; and I felt like a child needing to be with someone. Worries about my health were 80% of it; my other concern was how would I provide for my family.

Peter's anxiety increased. He sought assistance from his GP who placed him on antidepressants. He appealed for understanding from family and friends as to what was happening to his life.

In his diary, Peter described his experience as 'Hell'. He felt terrified, tearful, unsure, and alone. He felt physically 'on edge'. Nothing made sense any more. Many people have identified the same feelings. Fortunately for Peter his recovery was aided by two significant factors:

- A very supportive and understanding wife.
- An accommodating and compassionate manager.

As a result Peter made a successful return to work and has added value to himself, his workplace, and the people around him.^[4]

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Peter's Return to Work Plan

Issues to address	Peter's strategy	Employer's strategy
Return to work date	<ul style="list-style-type: none"> Meet with manager to agree date. Go with wife to have an informal catch up with manager. 	<ul style="list-style-type: none"> Phased return to work with flexibility. Initial meeting informal. Paper work / logistics to Human Resources. Worked with one colleague to make planned return easy.
Hours of work	<ul style="list-style-type: none"> Catch a train to reduce driving stress. 	<ul style="list-style-type: none"> Start and finish times agreed. Flexibility offered.
Pre-return contact	<ul style="list-style-type: none"> Phone manager. Get medical certificates. 	<ul style="list-style-type: none"> Stay in phone contact and visit as required. Inform HR and line manager of progress and request "Work Life Assistance" (WLA) availability (company policy). Reassure Peter of his value.
Supervision and support	<ul style="list-style-type: none"> Take my own advice. Allow people to support me. Attend regular supervision meetings. 	<ul style="list-style-type: none"> Inform Peter no pressure / no job loss. Check out HR website. Build Peter's confidence and trust. Treat Peter as a whole person and relate honestly and openly to him. Provide WLA at no cost to Peter. Encourage Peter to talk to me anytime.
Workload	<ul style="list-style-type: none"> Say no when required. 	<ul style="list-style-type: none"> Allocate Peter achievable tasks. Reallocate some duties. Be flexible in expectation of output.
Performance appraisal	<ul style="list-style-type: none"> Annual appraisals and 3 monthly updates. 	<ul style="list-style-type: none"> Identify and discuss outcomes required. Note performance assessments are completely independent of this window of absence.

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	<ul style="list-style-type: none"> Attend training as required. 	<ul style="list-style-type: none"> If Peter is unable to return to previous position, take guidance from managers and HR. Check out available training on website. Attend people skill training workshop.
Recovery response	<ul style="list-style-type: none"> Take time for myself. 	<ul style="list-style-type: none"> Encourage Peter to be flexible.
Time out for therapy	<ul style="list-style-type: none"> Have hobbies. Deep breathing when tense. Move / walk away. Talk to myself. 	<ul style="list-style-type: none"> Coffee culture – regular breaks. Paid time off for appointments/therapy. Good people management supported by HR.
Confidentiality	<ul style="list-style-type: none"> Identify needs. 	<ul style="list-style-type: none"> Strictly between Peter and his manager. No discussion with colleagues. Records kept but not on personal file.
Examine work related stressors	<ul style="list-style-type: none"> Identify stressors and discuss. 	<ul style="list-style-type: none"> Ask Peter what creates his stress. Ergonomic environment work place assessments.
Progress monitoring	<ul style="list-style-type: none"> Advise manager on the positives and negatives. 	<ul style="list-style-type: none"> Simple work based activity. Keeping in touch informally. Supervision. Coffees.
Review of effectiveness of return to work strategies	<ul style="list-style-type: none"> Attend supervision. 	<ul style="list-style-type: none"> Set aside specific supervision session to discuss.
Outcome	<ul style="list-style-type: none"> Return to work. 	<ul style="list-style-type: none"> Peter's productive return to work. Peter's well-being. People and experience are valued.

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Inclusion Practice and the law

This section looks at applying the legal framework, understanding unconscious bias, and demonstrating inclusive practice in regards to mental health issues in the workplace. It offers information on good work practices in the following areas:

- Manage Mental Health Issues in The Workplace:
 - productive employment relationships
 - discrimination
- Stress and Bullying
- Flexible Working Arrangements
- Reasonable Accommodations

NOTE: *The legal information provided throughout this toolkit is for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.*

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Manage Mental Health Issues in The Workplace Productive Employment Relations

People generally know how to deal with physical injuries, but feel unsure and lack confidence in dealing with mental health issues. A starting point to manage mental health issues in the workplace is effective communication with employees to develop an open culture where employees feel able to discuss their problems.^[5]

Apply the Legal Framework	Beware of Unconscious Bias	Demonstrate Inclusive Practice
<ul style="list-style-type: none"> The Employment Relations Act (ERA) aims to build productive employment relationships, which will change in response to changing needs and conditions. The ERA recognises that although there may be different employment interests, there are common grounds in the viability and success of all organisations. The ERA is underlined by the concept of good faith, meaning that employers and employees are not allowed to mislead or deceive each other. Employers are obliged to: <ul style="list-style-type: none"> Provide information that is not misleading. Provide employees with access to information that may affect their employment. Allow employees the opportunity to consult, prepare, and comment before decisions affecting them are made. Allow employees to have support people present if wanted. ^[11, 12] 	<p>People are often uncomfortable talking about mental health issues at work because:</p> <ul style="list-style-type: none"> A reference to a worker's mental health may be seen as a form of criticism. Discussing mental health is viewed as inferring weakness or unreliability. A lack of understanding means mental illness can be less visible than physical illness. A lack of confidence or knowledge around dealing with mental health may leave people feeling out of their depth. Managers may feel a workload has contributed to mental health issues. There is a traditional belief that people need to deal with their health issues outside of their employment. "Don't bring your problems to work." <p>As a result the issue can stay hidden, or secondary issues become the 'problem'.^[5]</p>	<ul style="list-style-type: none"> Make conversations about staying mentally well part of the routine at work. Apply the principles of good management to communicate with employees with mental health issues, including: <ul style="list-style-type: none"> Knowing your staff and talking to them openly and honestly. Being able to identify issues early, and having a good overview of what support and assistance you or your company can provide. The focus needs to be on job performance rather than mental health issues, including: <ul style="list-style-type: none"> Having an open and honest relationship between the employer and employee. Raising employment issues with the employee when necessary and being aware that <i>all</i> employees will have their issues at various times, not just those with mental health issues. There may be a need to be slightly more aware of people's requirements and respond in a meaningful way by providing support and having the right skills to do so. To ensure the right issues are addressed and the most effective changes are made it is critical to obtain staff participation in the process of analysing employment areas. ^[13-15]

Discrimination

“On the odd times when I have rung in sick to this employer I’ve been able to be honest, whereas at my previous job I always gave a physical reason. I’d say I had a tummy bug, and then would feel guilty about lying, whereas here you can be honest and not have to deal with the guilt.”

Karen reports that this positive approach has meant she has taken less sick leave as a result of her mental health issues than in any other previous job.^[13]

Apply the Legal Framework	Beware of Unconscious Bias	Demonstrate Inclusive Practice
<ul style="list-style-type: none"> The Human Rights Act and the Employment Relations Act prohibit discrimination against people with mental health issues or against those caring for them. Employers can be liable for discrimination by employees, contractors, and volunteers. Employers can protect themselves against liability by implementing a suitable discrimination, harassment, and bullying prevention programme. [12, 16-18] 	<ul style="list-style-type: none"> Many people with mental health issues do not disclose this to work colleagues or managers because of the fear that they will face stigma and/or discrimination, including: <ul style="list-style-type: none"> Name calling, bullying, inappropriate jokes, or becoming the office scapegoat. Exclusion from activities or roles due to concerns about how others may react. Lack of career development or training opportunities. Having tasks taken away, not being offered challenging projects, or being micro-managed. An employee’s enjoyment and confidence in a job can be negatively impacted by changing the job role based on assumptions, or by ignoring concerns the employee has. Employees with mental health issues have not traditionally received the same reasonable accommodations as others in the work force, so may hide their issues to avoid discrimination. [13, 14, 19-21] 	<ul style="list-style-type: none"> Workplaces free of stigma and discrimination do not happen by accident. Inclusive employers ensure employees feel comfortable disclosing mental health issues in an environment that does not discriminate, and that they have access to support when required. To show it is a topic that can be discussed in the context of supporting staff, information should be available for all employees about mental health. Modelling that mental health is everyone's concern. Education of staff about mental health issues helps to reduce stigma and increases an acceptance of employees with mental health issues. It also helps staff come forward early to manage issues before they become a problem. [13-15, 20, 22]

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Stress and Bullying

Challenges are “an opportunity to win” that motivate us to accomplish things and can be a good kind of stress. Threats are “an opportunity to lose” that can lead to low morale and distress in the work environment. ^[23]

As with any high performing team, you have to make allowances for people’s physical and mental health. Everybody at some point needs to take some time out, for whatever the reason.

Elizabeth*^[13]

Apply the Legal Framework	Beware of Unconscious Bias	Demonstrate Inclusive Practice
<ul style="list-style-type: none"> The Health and Safety in Employment Act requires employers to maintain a safe working environment and to implement sound practices to identify, eliminate, contain, or minimise all possible hazards. This includes managing issues of workplace stress and fatigue. Employees have a role in reporting issues of concern regarding their own safety and wellbeing. Workplace bullying is a significant hazard in New Zealand, affecting people physically and mentally, disrupting workplaces, and reducing productivity. Employers who ignore bullying risk breaching legislation, such as the Health and Safety in Employment Act, the Employment Relations Act, and the Human Rights Act. ^[11, 12, 24] 	<p>Stress</p> <ul style="list-style-type: none"> A person with mental health issues can experience stress as a result of workplace causes, so do not assume stress is caused by any mental health issues they may have. Distress and low morale can come from two main sources: <ul style="list-style-type: none"> Work experiences such as: physically, mentally, or emotionally tiring work; having little control over how to do their job. The organisational climate such as: poor feedback about performance; unfairness; being ignored, and so on. <p>Bullying</p> <ul style="list-style-type: none"> Bullying can be obvious (e.g. put downs) or subtle (e.g. attempts to undermine credibility, performance, or confidence). Bullying can be direct and personal, or indirect and task-related. For more information see Work Safe’s Preventing and responding to bullying at work ^[23, 25] 	<ul style="list-style-type: none"> Focus on the prevention of stress and the provision of a healthy workplace rather than stress management of individuals. An emphasis on the amount, content, and organisation of work is essential to maintain a healthy, safe, and productive workplace. Build good relationships to create a respectful work environment that sees value in diversity and prevents bullying. Provide a clear picture of what a business wants to achieve with guidelines for expected behaviour, work culture, and values. Use ordinary management tools to identify issues and needs for all employees. Regular work planning sessions, appraisals or informal chats about progress can all provide neutral and non-stigmatising opportunities to find out about any issues your employee may be having. Use open questions such as “How are you doing at the moment?” to identify possible issues, or to address any specific grounds for concern before the situation escalates. ^[4, 10, 15, 24, 26]

Flexible Working Arrangements

“With respect to any support required by employees with mental health issues, use the same approach as any other situation where people need to adjust their work commitments. Together we look at what is needed: flexible or reduced working hours; careful monitoring and managing of workloads; granting additional leave; or a combination of arrangements that best suits each person’s situation.” Kathy ^[13]

The employee should be able to say, “This is what I’ll do to stay healthy at work” and the employer needs to be able to say, “This is what I can do if concerns arise.” ^[14]

Apply the Legal Framework	Beware of Unconscious Bias	Demonstrate Inclusive Practice
<ul style="list-style-type: none"> • The Human Rights Act creates an obligation for an employer to take reasonable measures to meet the needs of employees. • The Act does not require changes that would unreasonably disrupt an employer’s activities. • Flexible Working Arrangements give employees the right to ask employers for flexible working arrangements such as flexi-time, home working, altered hours or job share. ^[11, 12] 	<ul style="list-style-type: none"> • Many workplaces find it easier to accommodate physical illness or disability than mental health issues. • Work adjustments depend on the employee feeling safe to disclose that they have a mental health issue. • Flexible work arrangements benefit both employers and employees: <ul style="list-style-type: none"> ○ Flexibility allows employees to deal with life issues during work time. ○ Flexibility results in a payoff to employers in terms of increased employee productivity and loyalty. • Flexibility should be offered to all employees to ensure equality. • Asking for flexibility should not be seen as a barrier to career advancement. ^[22, 27, 28] 	<ul style="list-style-type: none"> • The principles of accommodation can help you to create a positive and more productive environment. • Be concrete and specific when identifying accommodations. Putting them in writing is a good idea. • Create an environment where diversity is accepted by addressing the individual needs of all employees. • Respect the confidentiality of employees and specifically identify the form and degree of confidentiality provided. • Be willing to engage in joint problem solving. • Make all accommodations voluntary for the employee. • Be flexible in enforcing traditional policies and be prepared to review accommodations periodically to meet changing needs. Set up easy and accessible mechanisms for reviewing accommodations. ^[29]

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Reasonable Accommodations

Reasonable accommodation is not about lowering the standards of the job performance or qualifications; it is about changing the way those standards are met.^[30]

Apply the Legal Framework	Beware of Unconscious Bias	Demonstrate Inclusive Practice
<ul style="list-style-type: none"> Employers have the responsibility to provide reasonable accommodations to employees with mental health issues by making adjustments at work that assist them to perform their best. Reasonable accommodations entails making changes to a workplace to create an environment that is intended to ensure equality of opportunity. Reasonable accommodations include modifications or adjustments which will allow a job applicant with mental health issues to participate more equally in a workplace. This can be physical adjustments or modifying how a job is done. Reasonable accommodations do not require changes that would cause unreasonable disruption to a workplace. Consideration will be given to factors such as health and safety, cost, and the activities of the business. The employer should be able to demonstrate they have genuinely considered whether a job can be adjusted, including assigning to another employee any aspects an applicant is unable to do. <p>[4, 8, 13, 28, 31, 32]</p>	<ul style="list-style-type: none"> Avoid bias by asking all applicants what accommodations they might require. Recent employment research by Like Minds, Like Mine found that accommodations were mainly reflective of good employment practice, such as flexible working hours or flexible sick leave. Accommodations do not usually cost an organisation to implement, but if they do, funding may be available from sources such as: <ul style="list-style-type: none"> Job Support and Training Support Fund Work and Income Modification Grant Mainstream Supported Employment Programme <p>[5, 8, 13, 28, 33, 34]</p>	<ul style="list-style-type: none"> The relationship between the employer and employee has to be open and honest. Employers should not be afraid of raising employment issues with the employee when necessary. All employees will have their issues at various times, not just people with mental health issues, and will need support. Create an environment where diversity is accepted by addressing the individual needs of each employee. Respect the confidentiality of all employees. Be willing to engage in joint problem solving. Make all accommodations voluntary for the employee. Be prepared to review accommodations and keep in mind that needs change. Be flexible in enforcing traditional policies. Be concrete and specific when identifying accommodations. Set up easy and accessible mechanisms for reviewing accommodations. <p>[4, 13, 35, 36]</p>

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For videos and other workplace resources visit mentalhealth.org.nz/openminds

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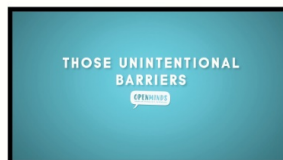
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Open Minds Resource List

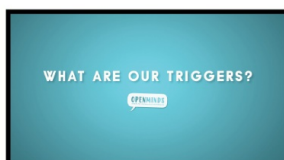
Videos



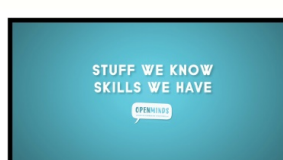
The fears and worries that both employers and employees may have when talking about mental health at work.



How easy is it to talk about mental health at work and what unintentional barriers may stop the conversation.



How different people experience mental distress and the role of workplace stress.



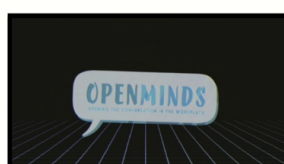
How to begin the conversation, with useful opening questions and helpful approaches.



Strong leadership is essential for creating a workplace environment where talking about mental health is normal.



The benefits of talking about mental health and the risks faced when workplaces avoid the conversation.



Training Video: Role plays on how to have conversations about mental health issues in the workplace.

Tips & factsheets

Practical information and tips to help you talk confidently about mental health at work.

- Why talk about mental health at work?
- How to have a conversation about mental health
- Quick tips on having a mental health conversation in your workplace
- Let's make mental health part of the conversation: A guide for managers



FAQ

We give you some dos and don'ts when it comes to talking about mental health in the workplace, and set out some answers to frequently asked questions. We've also put together a raft of places to go to for extra support and advice.

Posters

A selection of posters for you to print and display in your workplace.

