



# Submission to the Department of Justice and Equality on Flexible Working

**January 2020**





St Patrick's Mental Health Services (SPMHS) is Ireland's largest independent, not-for-profit mental health service provider. St Patrick's Mental Health Services' vision is for a society where all citizens are given the opportunity to live mentally healthy lives. SPMHS works to provide the highest quality mental healthcare, to promote mental wellbeing and mental health awareness, and to advocate for the rights of those experiencing mental health difficulties. SPMHS achieves this through a human rights-based approach, through the enhancement of evidence-based knowledge and by striving to be at the cutting edge of new initiatives and advances in the field.

SPMHS is committed to furthering the development of the competencies of those choosing to work in mental health and of the organisations providing mental healthcare services, and to enhancing partnership with service users. Our strategic plan for 2018-2022 – 'Changing Minds. Changing Lives', is firmly rooted in these principles and commitments<sup>1</sup>.

SPMHS welcomes the opportunity to contribute to the Department of Justice and Equality's consultation to inform the development of a national flexible working policy. This submission will focus on aspects of the consultation that may be particularly pertinent to mental health.

## **Work and Mental Health**

As with other areas of life, work and mental health are inter-related and a satisfying and meaningful work-life is a key part of both maintaining good mental health and of recovery from mental health difficulties. Meaningful work can positively affect factors including self-esteem, self-confidence and social participation<sup>2</sup>. Conversely work-related stress and various work-associated risk factors have been identified as relevant to the development of mental health difficulties, with working conditions identified as a significant modifiable risk factor<sup>3</sup>. It may thus be helpful to emphasise the importance of choice and individual preferences or susceptibilities in the implementation of flexible working within a workplace – for example, a remote working arrangement may work well for one person while for another being in a sociable work environment and not being isolated may be essential to thrive and maintain good mental health.

The broader relevance of work-life balance within the context of the EU Directive on Work-Life Balance for Parents and Carers is understandably highlighted in the consultation document<sup>4</sup>, however SPMHS would also suggest that the links between work-life balance and maintaining good mental health for all could be valuably addressed in developing the strategy.

## **Reasonable accommodations**

SPMHS welcomes the focus on the relevance of flexible working for people with disabilities outlined in the consultation document<sup>5</sup>. SPMHS advocates that the State's



obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)<sup>6</sup> should be a key influence on informing the development of a flexible working policy, in the context of both facilitating access to employment for people with disabilities and supporting working people who have or acquire a disability. Flexible working is an example of reasonable accommodation - an obligation on employers as set out in Article 27 of the UNCRPD<sup>7</sup>, the EU's Employment Equality Directive<sup>8</sup>, and under national legislation in the Employment Equality Act<sup>9</sup>. Flexible working arrangements including modified working schedules, flexitime and remote working, may be particularly pertinent for people with a mental health difficulty or psychosocial disability but awareness and understanding amongst employers regarding the relevance of such accommodations can be limited<sup>10</sup>.

The development of a national policy on flexible working could prove a valuable opportunity to increase awareness of the rights and obligations of employees and employers respectively regarding the importance and nature of reasonable accommodations for people with ongoing mental health difficulties. However, a fear of disclosing a need for reasonable accommodations due to mental health difficulties and experiencing subsequent discrimination from employers has been identified as a barrier to reaping the benefits of such accommodations<sup>11</sup>. Thus, it is essential that meaningful attention to eliminating discrimination on the grounds of psychosocial or other disability in the workplace, be incorporated into the policy.

**END**

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## References

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- <sup>1</sup> St Patrick's Mental Health Services (2018) *Changing Minds. Changing Lives. Strategy 2018-2022*. [https://www.stpatricks.ie/media/2264/spmh\\_changing\\_minds\\_changing-lives\\_strategy\\_2018-2022.pdf](https://www.stpatricks.ie/media/2264/spmh_changing_minds_changing-lives_strategy_2018-2022.pdf)
- <sup>2</sup> EU Compass for Action on Mental Health and Wellbeing (2017) *Mental Health in the Workplace in Europe. Consensus paper*. Available at: [https://ec.europa.eu/health/sites/health/files/mental\\_health/docs/compass\\_2017workplace\\_en.pdf](https://ec.europa.eu/health/sites/health/files/mental_health/docs/compass_2017workplace_en.pdf)
- <sup>3</sup> LaMontagne, A.D., Martin, A., Page K.M., Reavley, N.J., Noblet, A.J., Milner, A.J., Kegel, T., & Smith, M.P. (2014) Workplace mental health: Developing an integrated intervention approach, *BMC Psychiatry* **14**, 131 (2014). <https://doi.org/10.1186/1471-244X-14-131>
- <sup>4</sup> Department of Justice and Equality (2019) *Public Consultation on Flexible Working*. Available at: [http://www.justice.ie/en/JELR/Flexible\\_Working\\_Public\\_Consultation\\_2019.pdf/Files/Flexible\\_Working\\_Public\\_Consultation\\_2019.pdf](http://www.justice.ie/en/JELR/Flexible_Working_Public_Consultation_2019.pdf/Files/Flexible_Working_Public_Consultation_2019.pdf)
- <sup>5</sup> Department of Justice and Equality (2019) *Public Consultation on Flexible Working*. Available at: [http://www.justice.ie/en/JELR/Flexible\\_Working\\_Public\\_Consultation\\_2019.pdf/Files/Flexible\\_Working\\_Public\\_Consultation\\_2019.pdf](http://www.justice.ie/en/JELR/Flexible_Working_Public_Consultation_2019.pdf/Files/Flexible_Working_Public_Consultation_2019.pdf)
- <sup>6</sup> UN General Assembly UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106*
- <sup>7</sup> UN General Assembly UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106, p.20*
- <sup>8</sup> The European Commission, *The Employment Equality Directive*, Brussels 31 January 2008, 2000/78/EC.
- <sup>9</sup> *Employment Equality Act 1998*, No. 21/1998. Dublin: Stationery Office. Available online at: <http://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/print.html>
- <sup>10</sup> Amnesty International Ireland and Mental Health Reform (2012) *Employment and Mental Health: A Briefing Paper*. Available online at: <https://www.mentalhealthreform.ie/wp-content/uploads/2012/12/Employment-and-Mental-Health-Briefing-Paper.pdf>
- <sup>11</sup> World Health Organisation Europe (2010) *Mental health and wellbeing at the workplace: protection and inclusion in challenging times*. Copenhagen: WHO Regional Office for Europe. Available at: [http://www.euro.who.int/\\_data/assets/pdf\\_file/0018/124047/e94345.pdf?ua=1](http://www.euro.who.int/_data/assets/pdf_file/0018/124047/e94345.pdf?ua=1)