

Global Regulations and Policy on Mental Health and Wellbeing



with



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PRACTICAL DETAILS

Muting and Sound Quality

- Due to the number of participants, **we have muted everyone** to ensure good sound quality
- If you experience sound quality problems, please make sure you are using a **wired connection** with adequate bandwidth. If the problem continues, please call into the teleconference

Question and Answer

- Thank you for submitting your questions **during registration**. We will answer as many as possible during our Q&A session.



TODAY'S PRESENTERS



Elise Saade

EHS Regulatory Consultant, Enhesa

Elise is an EHS Regulatory Consultant at Enhesa, with an international and legal background. Having obtained her Law and Master degree in Lebanon, she pursued a Master of Arts in European Interdisciplinary Studies from the College of Europe. Her consulting experience includes covering several Arab speaking countries and the European Union with a focus on products requirements.



Ivan Williams Jimenez, PhD

OSH Research adviser, Institution of Occupational Safety and Health (IOSH)

Ivan is a strategic researcher with passion for working conditions and occupational safety and health with over 10 years of experience in private and non profit organisations. With a Law PhD (Labour law/Occupational Safety and Health) Ivan provides aligned research profiling, which involves research coordination, mapping and intelligence gathering. Ivan is committed to keeping up to date on research and due diligence trends in areas related to Occupational Safety and Health and working conditions, with a particular interest in other areas such as sexual harassment and gender-based violence and gender equality. Ivan also has an interest in how law can interact with technology changes and activism.

GLOBAL COVERAGE. EXPERT ANALYSIS.





IOSH is the world's largest and only *Chartered* membership body for health and safety professionals, with 70 years+ supporting health and safety professionals

47,000+ Members



120+ countries

More than 10,000 delegates



attended IOSH events

We trained 1,500
business leaders



in *Leading safely*

130+
companies



have signed up
to support NTTL



100+ events in seven countries



Enhesa Webinar Series

An Overview



Complimentary webinars on topics covering:

- Environmental, health & safety
- Product stewardship
- EHS auditing



Held on a bi-monthly basis



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Outline





32%

**Of all UK adults
in full-time
employment
have had mental
health problems**



65%

**U.S. employees
cite work as a
significant
source of stress**



\$1 Trillion

**Est. annual cost to
industry in
absenteeism,
turnover, diminished
productivity and
medical costs, etc.
related to stress,
depression and
anxiety**

Definitions

Defining Mental Health and Wellbeing

World Health Organization (WHO)

“state of wellbeing in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community”

EU

“a summative concept that characterizes the quality of working lives, including occupational safety and health (OSH) aspects, and it may be a major determinant of productivity at the individual, enterprise and societal levels”

Defining Mental Health and Wellbeing (Shain, 2016)

Traditional Practice

- Mental health is primarily influenced by factors outside the workplace
- The workplace is treated primarily as a venue for delivery of mental health programs and services
- Value of related programs and services is considered according to a ROI calculation

Evolving Practice

- Mental health is influenced by factors inside and outside the workplace
- The workplace is seen as a determinant of mental health
- Protection of mental health is driven by a duty to invest in it

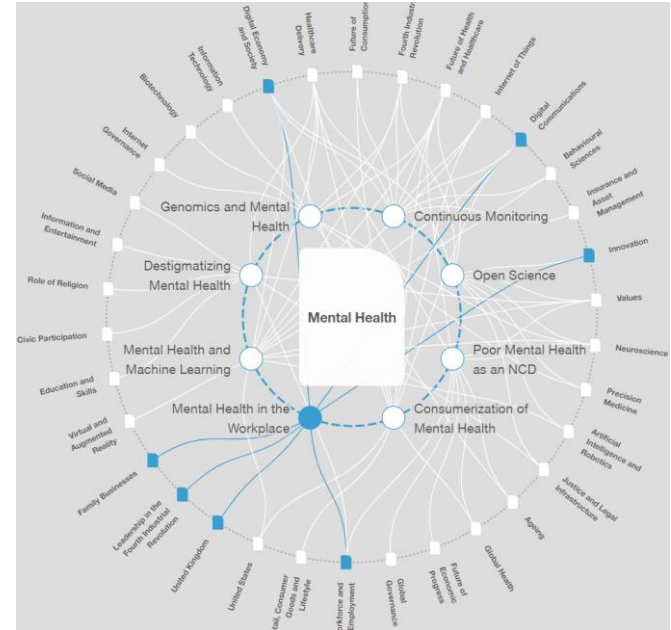
Major Trends in Law Referring to Workplace Mental Health

(Shain, 2010)



Global Trends in the Workplace (WEF, 2019)

- Complex transformations—societal, technological and work-related—are having a profound impact on people's lived experiences
- A common theme is **psychological stress** related to a feeling of lack of control in the face of uncertainty
- Declining psychological and emotional wellbeing is affecting the **wider global risks landscape**



The Future of Work

**Globalization and changes
in the world of work**

**Technology, innovation
and digitalization**

**New forms of work and
labor relations**

**Organizational changes
and restructuring**

**Increasing demands and
work pressure**

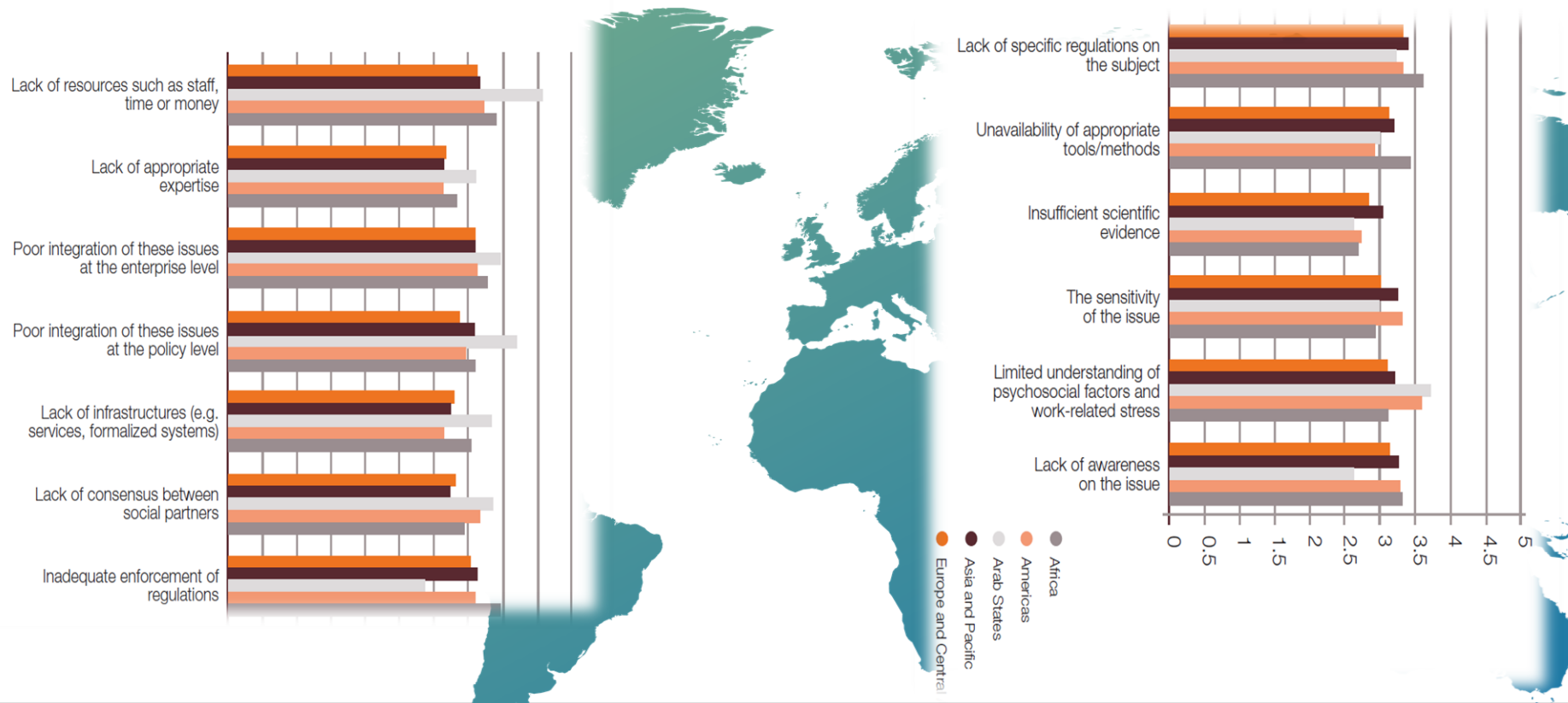
**Focus on work-life
balance**

The Regulation & Policy Challenge

The Challenge of Regulation

- Increased campaigns addressing mental health in the workplace, but mental health not on the list of occupational diseases for most countries.
- Risks often considered “soft,” lacking scientific measurement and evidence on exposure and consequences
- The focus remains on **physical occupational hazards**, so there is often alack of resources to address psychosocial factors
- The **relationship between the workplace and mental health is still blurred**
- Cultural barriers: **Stigma** around mental health

The Challenge of Regulation: An Example (ILO, 2016)



The Challenge for Business

- Organizations have found it easier to focus on physical safety than psychological safety
- There is an ongoing shift from requirements ensuring physical safety to requirements prioritize psychological safety, health and wellbeing
- **Organizations are beginning to recognize that a proactive approach to the management of psychosocial risks can act as a driver to significant long-term benefits**

The Challenge of Regulation: An Example

Switzerland

- In February 2019 the National Social Security Commission rejected a parliamentary initiative for job burn-out to be recognized as an occupational disease.
- Not considered possible to establish a definite link between the symptoms and the occupation.
- Considered that the prevention programs already put in place by the private economy are substantial.

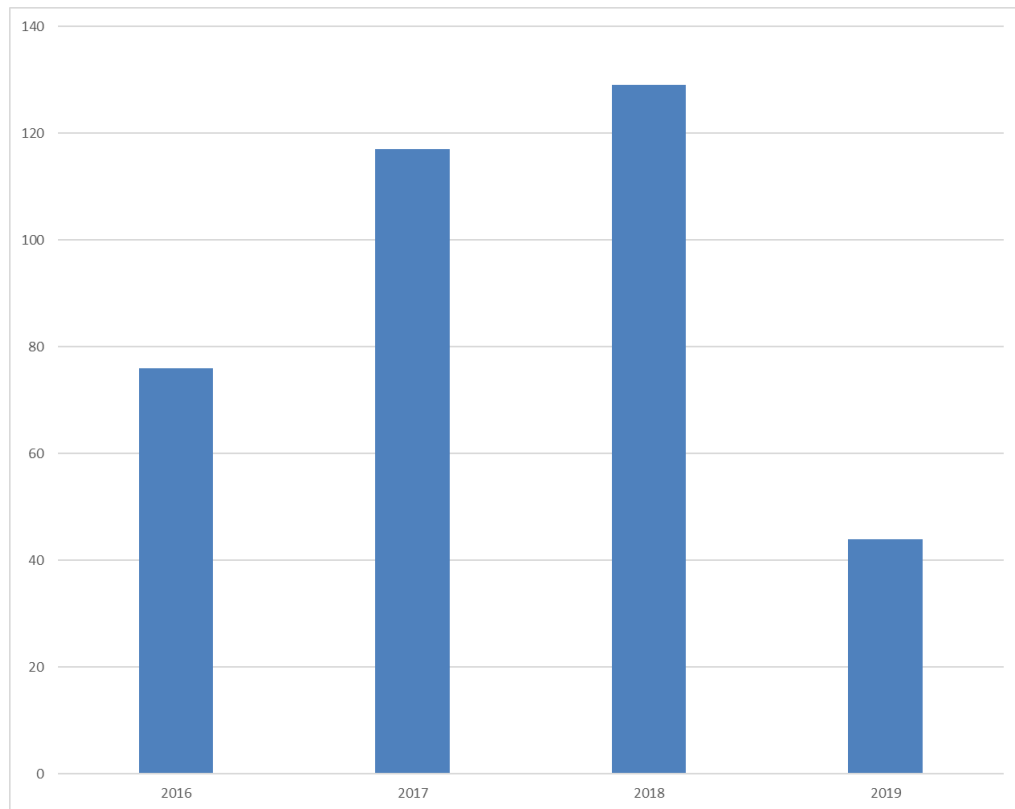


Global Law & Policy Initiatives

Current Laws & Regulations

- Psychosocial hazards and risks or work-related stressors are included in a non-unified and fragmented manner, in many national legal frameworks
- ILO Core Convention on Occupational Safety and Health, 1981 (No. 155) & Recommendation (No. 164) **protecting workers' physical and mental health and wellbeing**
- **Few voluntary standards** providing guidance on psychological health and safety management processes/few national standards
- ISO 45001 & ISO/TC 283/WG 02 Psychological Health and Safety Guidelines
- Proposals for the development of an internal Convention/Recommendation on Violence and Harassment at work
- All are **focused on the “at work”** element...

Enhesa Regulatory Forecaster



Numbers of reports, globally on:

- Workplace Stress
- Harassment/Violence
- Medical Surveillance
- Duty of Care to Employees
- Working Time
- General Workplace Conditions

European Union:

- EU-OSHA's founding Regulations updated to clarify, in the Recitals, that health and safety at work refers to both physical and mental health
- June 2018 Report on the management of psychological risks in European Workplaces (ESENER-2)
- Debates around an European directive on psychosocial risks and/or stress



France:

- ‘Right to disconnect from work’ since 1 January 2017 (le droit à la déconnexion)

Belgium-Federal:

- Law of March 2018: agreements to specify in which hours or time blocks during their leisure time employees should not be disturbed
- New instrument to diagnose if employees have a burnout

United Kingdom:

- HSE: New First Aid guidance on mental health
- On-going campaign to make change to first aid regulations

Netherlands:

- Workers' right to inaccessibility proposed (amendment to the Working Conditions Act)
- New notions of “workplace telepressure” and “technostress” this brings

Mexico:

Under standard NOM-035-STPS-2018 Psychosocial risk factors at work, employers must:

- Implement a policy for the prevention of psychosocial risks
- Adopt measures to prevent and control psychosocial risk factors
- Identify the workers who suffer a severe traumatic event while working or because of their job



South America region (ILO, 2016):

- Reference to the protection of mental health and wellbeing within the scope of OSH acts and regulations (Argentina, Bolivia, Colombia, Costa Rica, Cuba and Venezuela)
- Protection of mental health as a general duty of the state for all citizens (Chile, Peru) or OSH institutions (Dominican Republic)
- Detailed legal definition of psychosocial hazards and risks in OSH legislation (El Salvador, Mexico and Peru)



Indonesia:

Regulation 5/2018 :

- New consideration to psychological factors
- Diagnosis Survey for stress at work to extend the protection to workers suffering work-related stress (Regulation 5/2018)

Philippines:

Mental Health Act adopted in June 2018 to:

- Enhance and improve the existing national mental health program
- Incorporate mental health services in the general health care services

Japan:

Overtime work and long working hours legislation: One-on-one consultation for 80 hours of overwork or more overtime per month by a physician (previously 100 hours overtime)

Australia:

- Updated guidance for work-related psychological health and safety to build a psychologically healthy and safe workplace by identifying, assessing and controlling risks to worker's mental health



Canada:

- 2013: National Standard of Canada for Psychological Health and Safety in the Workplace launched: first of its kind in the world
- Active debates around whether psychological harm should be covered in statutes that define employers' responsibility for workers protection



Corporate Initiatives: Right to disconnect

Germany: Large companies have taken initiatives to protect their employees from work stress after hours—they have been doing so since 2011

- **Volkswagen** employees can no longer send e-mails half an hour after the end of the working day.
- **Daimler** employees can activate an "auto-delete" in their mailbox during their holidays. Messages that arrive during the holiday will then automatically be deleted. This avoids employees have an overflowing mailbox when they come back to work.
- **BMW** employees are not obliged to respond to emails of their bosses after working hours.

Corporate Initiatives: Wellbeing

Johnson & Johnson : The Human Performance Institute promoting health and wellbeing as a service

Deloitte: Works with Johnson & Johnson as well as other entities to evolve its corporate wellbeing.

In Conclusion

- Legislation approach fragmented
- Many countries consider it already covered by existing laws
- Policy and guidance are currently the focus
- There will be **key developments at the international & EU level in the coming months and years that will have major influence**
- Focus turning to “**wellbeing**” and proactive prevention of health issues
- Cost to industry is being reflected in many companies taking the lead



Questions?



Thank You!

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