

# Ceemet position paper on Mental Health at Work

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EU Transparency Register  
[61370904700-45](https://ec.europa.eu/transparency/regexpert/?s=participations&id=61370904700-45)

## Introduction

MET employers recognise that there are many facets in dealing with mental health challenges. This position paper endeavours to deal with these challenges in a structured manner and provide solutions to them.

## Mental Health as a societal issue

Mental health is a societal issue which can affect much of the population. This is something which is recognised by MET employers. Hence, in the same way as this is a societal issue, it needs a societal response. A public health approach to dealing with this issue, focused on prevention and the promotion of good mental health in the population, must be prioritised. Therefore, public policies, and in particular health and education policies, should be paramount in this discussion.

For Ceemet, there are limitations to what employers can reasonably be expected to achieve and what they can be responsible for in this context. The mental health of workers is affected by a multitude of issues which they experience simply by being a part of our societies. To present work in the private sector as a main factor in the deterioration of worker's mental health is not only untrue but it also fails to tackle the root cause of this challenge.

## Mental Health as a workplace issue

It must be acknowledged by all stakeholders that OSH issues can be multifactorial, multi-dimensional, and are impacted by both work and non-work contributory factors. It is also important to remember that both employers and employees have a shared responsibility under the EU OSH Framework Directive to achieve improvements in OSH conditions, including in the area of mental health. Consequently, efforts to improve OSH standards in this regard should not solely rest with the employer, but also with the individual.

The creation of a shared company culture is not solely the responsibility of employers; employees also create a cultural environment at work. The way people act has a big impact on people's mental health. Creating a good working environment is a collective responsibility. Having said that, it must also be acknowledged that the final decision-maker, in relation to prevention and corrective measures, remains the employer.

Furthermore, not all jobs are the same in relation to the level of risk which they contain. This is simply a matter of fact and must be recognised. However, working days lost due to mental health challenges and other negative consequences affect the productivity and attractiveness of companies. Put simply, there is an economic incentive to deal with this and employers who do not act in this regard, will inevitably bear the cost in the long-term.

It must also be recalled that work is generally positive for people's mental health. It provides stability and a sense of purpose and achievement. As was observed during the COVID-19 pandemic, isolation was seen to negatively affect people's mental health. However, work provides a community and a support network which can be helpful in this regard. Unfortunately,

it can often occur that work is demonised, that work is seen as the creator of mental health challenges. However, this is not true. In this context we call on the European Commission to highlight the positive role which work plays for people in terms of improving their mental health.

## Legislative framework

We must be conscious of what is already existing at the EU level. The EU OSH Framework Directive is the gold standard for regulating in this field. Furthermore, there are EU level autonomous framework agreements in this area on stress at work and harassment and violence at the workplace.

More recently, the 2021-2027 EU OSH Strategic Framework includes a commitment for the European Commission to prepare, in cooperation with Member States and social partners, a non-legislative EU-level initiative related to mental health at work. When the strategic framework was agreed, it was welcomed by MET employers due to the fact that legislation related to mental health is difficult to implement in practice and should be tailored to a particular labour market or national practices.

The risk with adding EU legislation to this notoriously complex topic is that it might upset the status quo, and risks setting back the work which has been done, in Member States, for example, via social dialogue at the relevant level. The work which has gone into finding solutions to these challenges at a national level has been, in many cases, immense and is working well. Any approach from the European Commission in this regard must have the necessary flexibility for Member States to continue their good work at a national level.

A standardised, legislative, approach would not achieve the stated aims. However, guidelines or the provision of best practices would allow the flexibility for those employers who will act, to do so in the least burdensome manner. Adding a downstream OSH directive to deal with this challenge will not achieve the aim of improving mental stress at the workplace. It is not possible to legislate for mental stress in the same way as we legislate for other OSH risks such as exposure to chemicals. This requires a multi-faceted, less technical, approach.

Furthermore, the way in which mental health challenges are dealt with is something which is very much based on the national context. It is an issue which is difficult to understand, and therefore legislate for, outside of the setting where workers operate. In this context, the differences at a national level in Europe are vast. In order for legislation to be effective, we must have a context where this issue is understood in a similar way by all actors.

If companies are to increase their competitiveness in the long-term, they need to take a coordinated approach to both industrial performance and working conditions, particularly in the area of OSH. Therefore, companies play a key role in the promotion of good mental health. Employers are key players in the prevention of risk and promotion of good working conditions, their actions help to improve team cohesion, team building and the quality of life, through a climate of trust. The benefit of training, adapted to its requirements, and awareness raising of the prevention of professional risks, in particular psychosocial risks, go a long way to benefitting the cohesion of the workplace and workers mental health.

However, rather than looking at an individual approach, the focus must be to make the workplace safe for everyone; otherwise, the cost to companies would be incredibly burdensome. Having said that, we do need organisational checkpoints which allow dialogue and discussion on individual issues, such as workload.

## The use of risk assessments at the workplace

As is provided for in the EU OSH Framework Directive, employers must evaluate all the risks to the safety and health of workers and implement measures which assure a sufficient level of protection. However, companies often face significant challenges in considering mental stress in risk assessments and there is a lack of scientific insights in the areas of mental stress and mental health. In many cases, it can be difficult to determine whether hazards that arise are due to the work situation or due to circumstances beyond the employer's control and belong to individuals' private circumstances. Furthermore, many of the effects which cause mental stress to occur in the private lives of employees have been documented at length by many international organisations.

Requirements and measures to mitigate hazards caused by mental stress due to work are very challenging for employers. We therefore cannot create workplace legislation for these issues. However, we can highlight the fact that work can provide a respite from the issues faced in worker's private lives. Furthermore, these are delicate issues that require specific attention, for example, regarding privacy and intrusion into the private lives of workers. Finally, claims in this regard create a long and costly dispute between the parties with implications also from a legal point of view in some Member States.

### Ceemet Policy Points:

1. **Provision of guidance and best practice:** Instead of further legislation, such as a downstream OSH Directive, what is needed is guidance and support for companies (especially SMEs and micro-enterprises) to assist in the implementation of risk assessments.
2. **Obligation of mandatory, specific, health surveillance:** Extending the obligation of statutory health surveillance risks undermining health surveillance itself. Health surveillance must remain the competence of Members States.
3. **Creation of an occupational disease grid for the recognition of psychosocial risks:** This would imply, among other things, presuming a causal link between work and certain mental illnesses. This is therefore something which MET employers are against.
4. **Promotion of the benefits of work for mental health:** Promote, via a campaign, the benefits of work for mental health. Focus specifically on the benefits of going to work and the activities which companies undertake to promote good working environments. Working is a healthy activity; policy makers should avoid demonising it.
5. **Separation of OSH risks from risks and stress coming from personal life:** Workplace mental health is multifactorial. Therefore, we need to ensure employers are not held responsible for the stress in a worker's personal life.
6. **Inclusion of personal responsibility:** Personal responsibility is extremely important. How do employees maintain their personal mental health, do they get enough rest in their free time, do they inform the employer when they have stress or mental health issues, etc. Furthermore, employees have a responsibility for the culture which is created within companies.
7. **Inclusion of social partners:** It is essential that any discussions at an EU level on mental health at work take place with the strong involvement of the social partners, and the sectoral social partners where relevant.

## Conclusion

Mental health is a societal issue which requires a societal response, a public health approach to this issue must be prioritised. However, it can be multifactorial and impacted by both work and non-work contributory factors. Having said that, there are limitations to what employers can reasonably be expected to achieve and what they can be responsible for in this context.

It is important to remember that both employers and employees have a shared responsibility under the EU OSH Framework Directive to achieve improvements in OSH conditions. Having said that, it must also be acknowledged that the final decision-maker, in relation to prevention and corrective measures, remains the employer. In this area, MET employers are putting in place effective actions to prevent mental health risks at work, and to protect and support workers suffering with challenges, caused directly by work. It must also be recalled that work is generally positive for people's mental health.

The EU OSH Framework Directive is the gold standard for regulating in this field. The risk with adding EU legislation to this notoriously complex topic is that it might upset the status quo, and risks setting back the work which has been done, in Member States, for example, via social dialogue at the relevant level. A standardised, legislative, approach would not achieve the stated aims. However, guidelines or the provision of best practices would allow the flexibility for those employers who will act, to do so in the least burdensome manner. Companies often face significant challenges in considering mental stress in risk assessments and requirements and measures to mitigate hazards caused by mental stress due to work are very challenging for employers. We therefore cannot create workplace legislation for these issues.

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### About Ceemet

- Ceemet represents the metal, engineering and technology-based industry employers in Europe.
- Member organisations represent 200,000 companies in Europe, providing over 17 million direct and 35 million indirect jobs.
- Ceemet is a recognised European social partner at the industrial sector level, promoting global competitiveness for European industry through consultation and social dialogue.