

Submission from Mental Health Reform on the Reasonable Accommodation Fund

13th May 2022

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Some of the Key Recommendations

- **Social Welfare:** Implement a flexible benefits system to facilitate opportunities for people with a mental health difficulty to access work, step out of work and re-enter the workforce numerous times, without fear of losing income support
- **Reasonable Accommodation Awareness:** Make information about low cost reasonable accommodations available on the RAF website
- **Supported Employment:** Incentivise engagement with supported employment programmes (e.g. IPS) through the RAF
- **Awareness Raising:**
 - Increase funding for awareness raising campaigns about the supports available to employers (e.g. RAF, DASS and WSS)
 - Ensure that any awareness raising campaigns make it clear that mental health is included in these supports
- **Signposting to Services:** Provide a directory of services that employers could access should an employee experience a mental health difficulty
- **Accessibility:** Ensure that application processes are user-friendly and accessible for both employees and employers
- **Definition Awareness:** Include definition of disability on RAF information website to ensure that it is clear that mental health is included for this fund
- **Disclosure Considerations:** Allow employees to control the amount of information they want to share about their mental health when accessing the RAF
- **Universal Design:** Workplaces should implement a universal design approach and should be designed to be inclusive and supportive of mental health difficulties from the outset



Introduction

Mental Health Reform (MHR) is Ireland's leading national coalition on mental health. Our vision is of an Ireland where everyone can access the support they need in their community, to achieve their best possible mental health. 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 77 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.

MHR is delighted to submit to this public consultation on behalf of our 77 members. MHR would like to thank our members for their continued insight, input and work¹. Further information on our members can be found on the MHR website.

MHR is a funded member of the Disability Participation and Consultation Network (DPCN). The role of DPCN members is to *“provide the views and opinions of people with disabilities living in Ireland on law, policy and other important issues. Working on specific issues, this could mean, for example, attending workshops and meetings (online, or in person, having discussions with other members, or completing questionnaires).”*²

To prepare for the review of the Reasonable Accommodation Fund (RAF), MHR attended the information session hosted by the DPCN on the RAF on 3rd May 2022. MHR also contacted its own members' policy and advocacy working group and held a meeting on Wednesday 4th May 2022. A review of relevant legal, policy and research documents was also conducted. This consultation and research informs the following submission.

MHR would like to highlight that while other areas of disability sit under the Department of Children, Equality, Disability, Integration and Youth, mental health has remained with the Department of Health. MHR advocates for the implementation of a cross governmental approach to mental health as committed to in our National Mental Health Policy *Sharing the Vision*. Furthermore, MHR advocates for the inclusion of mental health in all discussions relating to disability and so welcomes this opportunity to speak about employment and mental health.

¹ <https://www.mentalhealthreform.ie/membership/>

² <https://www.gov.ie/en/consultation/a3ef2-launch-of-disability-participation-and-consultation-network/>



Employment and Mental Health

National Legal and Policy Framework

Legal

The Employment Equality Acts 1998-2015³ aim to promote equality in employment and ban discrimination on nine grounds, one of which is disability. Under this act, employers are required to do everything that is reasonable in order to accommodate the needs of an individual who experiences disability including those with mental health difficulties. These reasonable accommodations should result in no more than a nominal cost to the employer.

Policy

The importance of employment for people with mental health difficulties has been acknowledged in Irish policy for quite some time.

A Vision for Change (AVFC), the previous national mental health policy states that “access to employment....for individuals with mental health problems should be on the same basis as every other citizen”⁴. The Expert Group on AVFC recognised that in order to achieve a recovery-orientated mental health system, whereby individuals can live a full life in their community, “supportive communities [are necessary] where actions are taken to address basic needs such as employment”⁵. This is further endorsed in a detailed report on mental health and social inclusion, in which the National Economic and Social Forum (NESF) in Ireland concluded that work is the best route to recovery and employment is the best protection against social exclusion.⁶ *A Vision for Change* specifically recommended that “evidence-based approaches to training and employment for people with mental health problems should be adopted...”⁷

Sharing the Vision (STV) 2020⁸, the successor to AVFC, carries forward this recommendation around employment and mental health. Specifically, Outcome 3(c)

³ <https://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html>

⁴ Department of Health (2006) *A Vision for Change*, p. 35.

⁵ *Ibid*, p.41.

⁶ National Economic and Social Forum (2007) *Mental Health and Social Inclusion*, Dublin: National Economic and Social Forum.

⁷ Department of Health (2006), p.39.

⁸ Department of Health (2020) *Sharing the Vision; A Mental Health Policy for Everyone*. Dublin: Government of Ireland



relates to improved outcomes in employment and the policy outlines the importance of securing or returning to employment as a pivotal factor in recovery.

The fourth strand of the Department of Social Protection *Pathways to Work Strategy 2021-2025* is entitled 'Working for All - Leaving No One Behind'. It focuses on extending employment supports to those facing extra challenges, including those with disabilities. The aim is to increase employment rates among people with disabilities from 22% to 33% by 2026.⁹

The Department of Justice and Equality's (2015) *Comprehensive Employment Strategy for People with Disabilities (2015-2024)* notes the particularly low employment rates for people with mental health difficulties. It advocates for early intervention, prior to any work absences where possible, and that support should be given to facilitate reducing the length of an absence if it does occur. This is because the longer the absence, the less likely someone is to return to employment.¹⁰

The Healthy Ireland at Work 2021–2025 policy also acknowledges the importance of addressing mental health difficulties in the workplace. Objective 5 relates to providing supports, including fiscal incentives to support employers to adapt work environments¹¹.

International Legal and Policy Framework

Legal

The right of people with (mental health) disabilities to work, on an equal basis with others, is fully enshrined in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). As specified in Article 27 of the Convention:

“States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities”¹²

⁹ Department of Social Protection (2021) *Pathways to Work Strategy 2021-2025*, Dublin: Government of Ireland

¹⁰ Department of Justice and Equality (2015) *Comprehensive Employment Strategy for People with Disabilities (2015-2024)*. Dublin: Government of Ireland

¹¹ Department of Health (2021) *Healthy Ireland at Work; A National Framework for Healthy Workplaces in Ireland 2021–2025*

¹² UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution/adopted by the General Assembly, 24 January 2007, A/RES/61/106*, available at <http://www.refworld.org/docid/45f973632.html> [accessed 27 April 2022].



While *Sharing the Vision* uses the terminology ‘mental health difficulties’, the UNCRPD refers to ‘psychosocial disabilities’. MHR advocates for the choice of the individual in how they prefer to identify or describe their mental health.

Policy

In addition to the UNCRPD, the World Health Organisation’s World Report on Disability, the EU Disability Strategy and the Organisation for Economic Co-operation and Development (OECD) all emphasise the importance of raising employment rates for people with disabilities. In particular, the OECD has identified the high costs of mental health difficulties, not only to the individual, but also to the employer and the economy.¹⁶

Unemployment and Mental Health

Employment can have a significant impact on an individual’s mental wellbeing as outlined in *Sharing the Vision*;

“Meaningful employment fosters hope, participation and a sense of a better and brighter future. In addition, employment can reduce and/or stabilise symptoms, increase self-worth and provide greater disposable income.”¹³

The Irish Health Survey (2019) reported that 21% of participants who were unemployed experienced some form of depression, compared to 9% of those in employment.¹⁴ This shows the possible impact that unemployment can have on an individual’s mental wellbeing. Employment can also be an important part of someone’s recovery when they are experiencing mental health difficulties.¹⁵ In fact, supporting people to gain or retain employment has a significant impact on more life domains than nearly any other type of medical or social intervention.¹⁶

People with a mental health difficulty are nine times more likely to be out of the labour force than those of working age without a disability, the highest rate for any disability group in Ireland.¹⁷ Furthermore, the COVID-19 pandemic has led to a significant worsening of population mental health¹⁸. Findings of a survey carried out on the impact of COVID-19 on mental health has revealed that, at a minimum, one-third of people in

¹³ Department of Health (2020) *Sharing the Vision*, p. 68

¹⁴ <https://www.cso.ie/en/releasesandpublications/ep/p-ihsmr/irishhealthsurvey2019-mainresults/healthstatus/>

¹⁵ Department of Social Protection (2017) *Make Work Pay Action Plan*, Dublin: Government of Ireland

¹⁶ OECD (2011) *Sick on the job? Myths and realities about Mental Health and Work*

¹⁷ Watson, D., Kingston, G. and McGinnity, F. (2012). *Disability in the Irish Labour Market: Evidence from the QNHS Equality Module*, Dublin: Equality Authority/Economic and Social Research Institute, p. 19.

¹⁸ <https://www.oecd.org/coronavirus/policy-responses/tackling-the-mental-health-impact-of-the-covid-19-crisis-an-integrated-whole-of-society-response-0c9afa0b/>



the Irish population reported experiencing serious mental health difficulties during the pandemic.¹⁹ Thus, mental health and employment should be an even higher priority in this context, especially given the benefits of employment for someone's mental health, as outlined above.

Due to delays relating to COVID-19, the most recent Census data available is from Census 2016. At that time, the Central Statistics Office (CSO) reported that 13.5% of the population had a disability (a total of 643,131 people). A 2019 European Commission country Report for Ireland showed that Ireland has one of the lowest employment rates for people with disabilities in the EU at just 26.2 %, in comparison to 48.1 % in the EU²⁰. In 2017, an Economic and Social Research Institute (ESRI) report found that around 35,600 people with a disability would join the active workforce if Government policy facilitated their access to employment²¹. The Department of Employment Affairs and Social Protection's (DEASP) 2015 survey of Disability Allowance (DA) recipients, found that 50% of participants reported mental health difficulties as the primary reason for being on DA.²² However, it further identified significant levels of interest among individuals on DA in taking up employment (including both part-time and full-time work). Among those who were not currently working, 35% expressed an interest in working part-time, while a further 8% expressed an interest in full-time employment, given the right supports²³. This was also echoed in the Cost of Disability report produced by the Department of Social Protection in 2021²⁴. Participants with experience of mental health difficulties stated that there were insufficient employment supports and that if these were improved they would likely be able to work.

Reasonable Accommodations in Employment

Flexibility in the Social Welfare System

There is a lack of flexibility in the current social welfare system in Ireland. Mental health difficulties are often episodic²⁵ and it can take time for some individuals to settle into how to manage their condition and maintain stability. Fear of losing social welfare benefits and the medical card are the most highly reported barriers to taking up work

¹⁹ Mental Health Reform (2020). Responding to the Mental Health Impact of COVID-19. Mental Health Reform. Retrieved from <https://www.mentalhealthreform.ie/wp-content/uploads/2020/06/Responding-to-the-MentalHealth-Impact-of-COVID-19-Report-July-2020.pdf>

²⁰ [2019-european-semester-country-report-ireland_en.pdf \(europa.eu\)](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&plugin=1)

²¹ <https://www.esri.ie/system/files?file=media/file-uploads/2017-03/RS58.pdf>

²² Judge, C., Rossi, E., Hardiman, S. and Oman, C. (2016). Department of Social Protection Report on Disability Allowance Survey 2015, Dublin: Department of Social Protection

²³ Judge, C., Rossi, E., Hardiman, S. and Oman, C. (2016). Department of Social Protection report on. Disability Allowance Survey 2015. Dublin: Department of Social Protection

²⁴ Indecon (2021). Department of Social Protection report on Cost of Disability. Dublin: Department of Social Protection

²⁵ <https://www.heretohelp.bc.ca/q-and-a/whats-the-difference-between-mental-health-and-mental-illness>



and achieving individual employment goals within the Irish context¹⁰. Mental Health Reform is of the view that there is a fundamental need to implement a flexible benefits system to facilitate opportunities for people with a mental health difficulty to access work, step out of work and re-enter the work force numerous times, without fear of losing income support.

Recommendation:

Implement a flexible benefits system to facilitate opportunities for people with a mental health difficulty to access work, step out of work and re-enter the work force numerous times, without fear of losing income support

Low Cost/Free Reasonable Accommodations

The majority of reasonable accommodations that can be made in the workplace for people experiencing mental health difficulties (and in fact for the wellbeing of all employees) are actually low in cost. However, many employers have a lack of knowledge about the supports that can be implemented and the legislation that is in place around employing someone with a disability²⁶. Furthermore, there is unfortunately a lack of awareness around reasonable accommodations that can be implemented for someone with a mental health difficulty, as sometimes their needs can be less obvious and more complex in comparison to physical disability.²⁷ Supports needed are often less about physical adaptations, as is provided in the current RAF, and more about human resources management.

For this reason, MHR would like to outline a number of reasonable accommodations that can be put in place by employers in order to support an employee with a mental health difficulty. These include:

- Adjusting working hours²⁸
- Adjusting tasks²⁸
- Providing time off to attend counselling/medical appointments²⁸
- Phased return to work after someone has been on sick leave²⁸
- Mentoring and peer support within the workplace²⁹
- Consulting with an employee in order to accommodate their return to work (in instances of absence)²⁹

²⁶ Tighe, Margaret. and Murphy, Caroline, (2021). "Facilitating the Employment of People with Mental Health Difficulties in Ireland", *Irish Journal of Management* 40, no. 1 (2021): 13-26.

²⁷ Villotti, P., Corbière, M., Fossey, E., Fraccaroli, F., Lecomte, T. and Harvey, C., (2017). 'Workplace accommodations and natural supports for employees with severe mental illness in social businesses: An international comparison'. *Community Mental Health Journal*, 53, 864–870.

²⁸ <https://seechange.ie/information-for-employees/>

²⁹ The Equality Authority (2011) *Equality and Mental Health: What the Law Means for your Workplace* (Dublin: Equality Authority, 2011), 8.



- Allowing employees to work from home²⁹
- Provision of relevant training to support the employee to carry out their duties²⁹
- Organisation wide awareness training on mental health³⁰

Recommendation:

Make information about low cost reasonable accommodations available on the RAF website

Amendment to the Reasonable Accommodation Fund (RAF)

The existing Reasonable Accommodation Fund (RAF)³¹ centres largely around physical disability. As outlined above, there is a need for people with mental health difficulties to be supported in the workplace and for the government to assist employers in facilitating this support. This section outlines an area where funding could be provided to employers to support employees who experience mental health difficulties.

Incentivise Engagement with Supported Employment Schemes

Research on various supported employment programmes have identified the need to incentivise the participation in these programmes for employers. For example, in the evaluation of the Ability Programme employers were concerned around the costs that can be associated with reasonable accommodations, for example additional staff time⁴⁰. This report recommends providing tax incentives for employers who employ people with disabilities. A review of the Individual Placement and Support (IPS) model, that supports people with mental health difficulties, found that employers were also concerned around additional costs (relating to extra training, supervision, peer to peer support etc.) as a result of engaging with the programme²⁶. MHR would like to advocate for funding to be available for employers who engage in supported employment programmes.

Individual Placement and Support (IPS)

Individual Placement and Support (IPS), also known as ‘evidence-based supported employment’, is a model that facilitates people with mental health difficulties to move into mainstream competitive employment. Under the IPS model, anyone is viewed as capable of undertaking competitive paid work in the community, if the right kind of job and work environment can be found and the right support is provided. MHR were

³⁰ Paluch, T., Fossey, E., & Harvey, C. (2012). “Social firms: building cross-sectoral partnerships to create employment opportunity and supportive workplaces for people with mental illness”. *Work: A Journal of Prevention, Assessment and Rehabilitation*, 43, no. 1: 63–75.

³¹ <https://www.gov.ie/en/service/62fd96-reasonable-accommodation-fund/>



involved in the Integrating Employment and Mental Health Support (IEMHS) project, which piloted the IPS in four sites across Ireland between 2015 and 2017.³²

IPS is a variant of the Supported Employment approach, although it differs from other forms of Supported Employment in a number of key ways:

- IPS is focused more towards people with severe and enduring mental health difficulties
- IPS offers long term support for as long as an individual may need it
- The Employment Specialists (ES) who are central to this programme are integrated into mental health teams to support service users to return to work. These employment specialists may be employed by the State or a third party specialist provider

The IPS model involves eight key principles:

1. Competitive employment is the primary goal
2. Everyone who wants to work is eligible for employment support
3. Participants are helped to look for work which suits their preferences and strengths
4. Job search and contact with employers begins quickly - within four weeks
5. Employment specialists are based within clinical teams, and work with the team to support people to find paid employment
6. Support is ongoing and arranged to suit both the employee and employer
7. Benefits advice is given as part of the return to work
8. Strong relationships are built with employers³³

While IPS has demonstrated success in many areas, recent research that included Irish employers engaging with the programme, has raised concerns about the costs incurred by employers.²⁶ MHR would like to highlight the recommendation that employers should be incentivised to engage with the IPS model by providing funding for the costs of training, supporting the employee and the extra supervision that may need to be provided. These costs are currently being borne by the employers.

Recommendation:

Incentivise engagement with supported employment programmes (e.g. IPS) through the RAF

³² <https://www.mentalhealthreform.ie/wp-content/uploads/2018/02/Steps-into-Work.pdf>

³³ *ibid*



Additional Comments

Awareness Raising

As previously discussed, there is a lack of awareness among Irish employers about the supports available when employing someone with a mental health difficulty.²⁶ MHR would advocate for increased funding to be allocated to awareness raising campaigns around support services like the RAF, as well as other governmental supports, such as the Disability Awareness Support Service (DASS) and the Wage Subsidy Scheme (WSS).

Recommendations:

- Increase funding for awareness raising campaigns about the supports available to employers (e.g. RAF, DASS and WSS)
- Ensure that any awareness raising campaigns make it clear that mental health is included in these supports

Signposting to Services

Recommendation 13 of *Sharing the Vision* advises that;

“Directories of information on VCS [Voluntary Community Sector] supports should be provided to staff working in primary care and CMHTs [Community Mental Health Teams] to ensure they are aware of and inform service users and FCS [Family, Carers and Supporters] about all supports available including those from Voluntary and Community Sector organisations in the local area”³⁴

In line with this recommendation, MHR would like to advocate for the expansion of this recommendation to include a directory for employers about the services available in their locality, should an employee experience a mental health difficulty. This directory could include supports from state funded services, as well as community and voluntary organisations available in the locality (while also taking quality control of these services into consideration). MHR (2022)³⁵ carried out an analysis of community and voluntary sector organisations in the second wave of its *Brave New Connections* report. Of the 53 participating organisations, 34% provided some form of therapy/counselling and 23% provided helpline/crisis services. Please see full report³⁶ for further details of mental health supports available in the VCS.

³⁴ Department of Health (2020) *Sharing the Vision*, p. 98

³⁵ Mental Health Reform (2022). *Brave New Connections, Report 2: Resetting the Non-Profit Voluntary & Community (VCS) Mental Health Sector After the Pandemic; A Strategic Perspective*

³⁶ *ibid*



Recommendation:

Provide a directory of services that employers could access should an employee experience a mental health difficulty

Accessibility

During our consultation with members, the bureaucracy and inaccessibility of applying for the RAF (and other employment supports) was highlighted. MHR calls for all application processes to be simplified, accessible and easy to navigate for all applicants, employees and employers. There should be no barriers to accessing employment supports that will assist people with mental health difficulties in employment.

Recommendation:

Ensure that application processes are user-friendly and accessible for both employees and employers

Definition of Disability

The definition of what is incorporated under the term 'disability' is not clear from the government's RAF information page³¹. As mentioned earlier, many Irish employers are not aware of the supports available when employing someone with a mental health difficulty.²⁶ MHR would advocate for improving awareness by making the definition of disability clear on the website so that it is explicitly stated that mental health difficulties are included. It is important to be conscious of intersectionality in the access to the RAF. The needs of someone with a mental health difficulty are multifaceted, complex and can span multiple areas. Thus, they may need to access multiple aspects of the RAF in order to engage with employment.

Recommendation:

Include definition of disability on RAF information website to ensure that it is clear that mental health is included for this fund

Considerations around Disclosure

People living with psychosocial disabilities experience lower levels of workforce participation compared with the overall population (22% compared with 53%). Those who do report workforce participation are more likely to experience either



discrimination or harmful effects from discrimination in occupational settings³⁷. In a public attitudes survey carried out by See Change (2018), 70% of respondents felt that a diagnosis of mental health difficulties would have a negative effect on their job and career prospects. 60% said that they were not aware that mental health difficulties were covered under the nine grounds of discrimination³⁸. The See Change findings relating to stigma are consistent with research conducted by the National Disability Authority into the disclosure of disabilities in workplace settings³⁹, which found, *inter alia*, that the experience of those with 'invisible disabilities' was complex regarding whether to disclose a disability or not. The review of the Ability Programme 2018-2021, which aimed to support people with disabilities across Ireland with employment, also echoed this finding, stating that those with mental health difficulties were hesitant to identify with having a disability due to fears of stigma or discrimination⁴⁰.

The consequences of this reluctance can be harmful in a range of ways, including that such persons cannot avail of supports and reasonable accommodations that may be due to them under Irish employment and equality law⁴¹.

Given the fears around disclosure of mental health difficulties in the workplace, consideration should be given as to how much information is required to be disclosed by the employee for reasonable accommodations to be provided. MHR would advocate that the individual is allowed to control the amount of information they share about their mental health difficulties. For example, an individual can disclose that certain supports are needed without outlining the details of their specific difficulties or diagnosis.

Recommendation:

Allow employees to control the amount of information they want to share about their mental health when accessing the RAF

Universal design in workplaces

Article 2 of the UNCRPD refers to the importance of universal design. It is defined as follows;

³⁷ Banks, J., Grotti, R., Fahey, E. and Watson, D., (2018). Disability and Discrimination in Ireland, pp. 5

³⁸ <https://seechange.ie/wp-content/uploads/2018/02/Mental-Health-Matters-web.pdf>

³⁹ Millward Brown Lansdowne, Public Attitudes towards Mental Illness: A Benchmark Study for See Change (unpublished).

⁴⁰ Quality Matters (2021) Ability Programme Evaluation 2018-2021, available at <https://www.gov.ie/pdf/?file=https://assets.gov.ie/221963/bf76dc5f-e11e-4585-983d-6883c0fa5364.pdf#page=null> [accessed 4th May 2022].

⁴¹ National Disability Authority of Ireland (2009). Disclosing Disability in the Workplace a Review of Literature and Practice in the Irish Public Sector. Dublin



““Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.”¹²

It is about designing environments, including workplaces, so that they can be accessed by all people, regardless of level of ability or disability. Workplaces should be designed to be inclusive and supportive of mental health difficulties from the outset. As mentioned above, most reasonable accommodations are low in cost or free, and can be implemented for the benefit of all employees, regardless of whether they have a diagnosed mental health difficulty or not. This will also help prevent the difficulties around disclosure that we have outlined above. Of course, additional supports should still be provided where needed, regardless of universal design.

Recommendation:

Workplaces should implement a universal design approach and should be designed to be inclusive and supportive of mental health difficulties from the outset

Conclusion

MHR welcomes the opportunity to reflect on the Reasonable Accommodation Fund and the time extension granted for this consultation. There are many improvements to be made to ensure that mental health is considered in the Reasonable Accommodation Fund, and that the State is undertaking positive action to eliminate discrimination and inequality for those with mental health difficulties.

For more information on any of the above content please contact Suzanna Weedle, Policy and Advocacy Coordinator at sweedle@mentalhealthreform.ie or at 0860245409

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Mental Health Reform, Coleraine House, Coleraine Street, Dublin 7, D07 E8XF.

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