

TIP SHEET #2

RIGHTS AND RESPONSIBILITIES

THE ROLE OF THE LEADER

When managing mental health conditions in the workplace, employers, leaders, and employees all have certain rights and responsibilities.

Understanding the rights and responsibilities of each party is important for leaders so they can choose the best course of action to support an employee with a mental health condition.

It is important for leaders to remember:

- 1 Managing mental health conditions are a shared responsibility of the organisation, direct line leaders and the individual employees.
- 2 Leaders have both a moral and legal obligation to support a worker with a mental health condition and need to balance the needs of the employee with the needs of the organisation.

THE EMPLOYER'S, LEADER'S AND EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

ORGANISATION'S RIGHTS AND RESPONSIBILITIES

- Provide a physically and psychologically safe and healthy work environment.
- Have appropriate organisational policies and processes in place for mental health.
- Genuinely consider and support the implementation of reasonable workplace adjustments to support someone with a mental health condition.
- Provide access to information and training on supporting mental health in the workplace.
- Have systems and processes in place to protect privacy and prevent harassment associated with mental health conditions.

LEADER'S RIGHTS AND RESPONSIBILITIES

- Reach out to anyone who may be struggling with their mental health.
- Competent level of knowledge and skill in how to support and manage mental health conditions – including applied knowledge of the relevant laws and the organisation's policies and procedures.
- Ask questions about an employee's mental health condition as long as it is for a legitimate purpose.
- Support and implement reasonable workplace adjustments and return to work plans following absence due to a mental health condition.
- Provide equal promotion and work task opportunity to anyone with a mental health condition.

EMPLOYEE'S RIGHTS AND RESPONSIBILITIES

- A right to withhold information about their mental health condition (if workplace health and safety is not impacted).
- Commit to plans put in place designed to support participation in the workplace.
- A day-to-day work environment that does not cause or aggravate a mental health condition.
- Inform the workplace of any mental health condition that may create a health and safety risk for themselves or other people at work.
- Take positive steps to address their challenges and work constructively with their organisation and leader.

If you or someone you know needs help contact **TIACS** on 0488 846 988 or your organisation's Employee Assistance Program (EAP), your GP or call: **LifeLine** on 13 11 14, **Kids Helpline** on 1800 551 800, **MensLine Australia** on 1300 789 978 or the **Suicide Call Back Service** on 1300 659 467.