

AMNESTY INTERNATIONAL



Amnesty International Ireland (AI) submission on the Department of Enterprise, Trade and Employment's Sectoral Plan

Introduction

This submission is made with reference to people disabled through a mental health problem. Amnesty International Ireland (AI) is a membership-based campaigning organisation whose mission is to uphold and defend human rights. AI has a long-term strategic goal of making real Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). This states that *every person has the right to the highest attainable standard of physical and mental health*. AI has been campaigning on mental health and human rights since 2003. On 15 June 2009, AI launched a new phase of its mental health campaign that includes an objective that Departments such as the Department of Enterprise Trade and Employment (DETE) set out specific, time-bound actions for implementation of the relevant recommendations under *A Vision for Change*.

AI welcomes this opportunity to contribute to DETE's Sectoral Plan under the National Disability Strategy. AI views the Department's work as vital to achieving the human rights of people with mental health difficulties.

The human right to the highest attainable standard of mental health is not limited to mental health services but extends to what are known as the underlying determinants of health, such as housing, employment (including access to employment and safe and healthy working conditions), and a healthy environment. The right to health is therefore closely related to and dependent on the realisation of other rights such as the rights to food, housing, work, education, and is underpinned by the key principles of non-discrimination, equality and participation.

The right to work is a fundamental right recognized in numerous international conventions to which Ireland is a party, including Articles 6 and 7 of the ICESCR. Like all rights, the right to work should be enjoyed equally by all persons, including people with mental health problems.¹

¹ The right to work is not an absolute and unconditional right to obtain employment, Rather it comprises the right to the opportunity to gain a living by work that is freely chosen, as well as the right to just and favourable conditions of work, fair wages and equal remuneration for work of equal value, a decent living, safe and healthy working conditions, and an equal opportunity for promotion in work.

Like many other rights protected by the ICESCR, the right to work requires States to have specialized services to assist and support individuals in order to enable them to identify and find available work. Importantly in the context of people with mental health problems, discrimination in access to and maintenance to employment is prohibited and States must pursue national policies designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in those areas. The right to work also requires States to implement technical and vocational education plans to facilitate access to employment. Even in times of severe resource constraints, disadvantaged and marginalized individuals and groups such as people with mental health problems must be protected by the adoption of relatively low-cost targeted programmes. In essence the human rights framework recognizes the important role of employment in ensuring integration into society and in combating social exclusion.

It is worth noting that Ireland is due for review by the Committee on Economic, Social and Cultural Rights and will be required, as part of that review to report on the steps it has taken to ensure its fulfillment of Articles 6 and 7 for vulnerable groups, including people with mental health problems.

The equal enjoyment of the right to work by persons with disabilities is reaffirmed in Article 27 of the UN Convention on the Rights of Persons with Disabilities (CRPD), of which Ireland is a signatory. The CRPD also expressly defines discrimination on the basis of a disability as including the denial of reasonable accommodation (Article 2). In particular, the CRPD calls on States to take appropriate steps to safeguard and promote the realization of this right. It has been suggested by the Office of the UN High Commissioner on Human Rights that such steps might include the determination of quotas in the recruitment of persons with disabilities and the provision of financial subsidies to employers, including tax reductions, vocational guidance and placement services. While AI recognises that the Government has taken steps such as the 3% target in public services, it will be essential to ensure that such steps are implemented equitably for people with mental health problems.

Recommendations

AI welcomes the Department's commitment to developing a Comprehensive Employment Strategy and the work that has been done to date to progress the strategy. AI also welcomes the commitment to making job retention a key component of the strategy.

AI makes the following headline recommendations for the Department's Sectoral Plan:

The Comprehensive Employment Strategy should contain a dedicated strand to consider specific approaches for people with mental health problems.

A mental health sub-group should be established for the development of the Comprehensive Employment Strategy. This sub-group should include representation from people with direct

experience of a mental health problem and mental health sector NGO's.

In making these recommendations, AI informs the Department that they are supported by the Irish Advocacy Network who are a member of the Consultative Forum on the employment strategy.

AI supports the NDA's recommendation that the Comprehensive Employment Strategy implement the recommendation from *A Vision for Change* on evidence-based approaches to training and employment for people with mental health problems. Furthermore, **AI recommends that the strategy implement all of the relevant recommendations of *A Vision for Change* below:**

RECOMMENDATION 4.1: All citizens should be treated equally. Access to employment, housing and education for individuals with mental health problems should be on the same basis as for every other citizen.

RECOMMENDATION 4.6: Evidence-based approaches to training and employment for people with mental health problems should be adopted and such programmes should be put in place by the agencies with responsibility in this area.

RECOMMENDATION 12.7: The development of formal coordination structures between health services and employment agencies should be a priority if the delivery of seamless services is to be facilitated.

RECOMMENDATION 12.8: To facilitate the service user in re-establishing meaningful employment, development of accessible mainstream training support services and coordination between the rehabilitation services and training and vocational agencies is required.

Key components of a mental health focus to the employment strategy

While not comprehensive, the following would be key components of the mental health strand of the employment strategy:

- A commitment to implement both the *A Vision for Change* and the NESF *Mental Health & Social Inclusion* report recommendations that are within the Department's remit
- The degree to which the Department will implement each recommendation, how it will do so, and how its actions will integrate with existing national strategies
- Any special programmes that will be developed to implement the recommendations. These should include the scope and aim of the programme, an overall, measurable target, timeframe, annual milestones, performance indicators and resources to be applied

- A commitment to evaluate the impact of mainstream programmes on people with mental health problems to ensure that mainstream programmes are effective for fulfilling the recommendations
- Designation of a senior official with responsibility for driving implementation within the Department.
- How the Department and its agencies will coordinate with health, housing and social welfare agencies to ensure a seamless service for people with mental health problems.
- The timeframe for the strategy.
- The resources allocated to the strategy.
- How often and in what way the Department will report to the National Disability Stakeholders Monitoring Group and to the *A Vision for Change* Independent Monitoring Group.
- How the Department will coordinate planning and implementation on the strategy with the Office for Disability & Mental Health.
- How the Department and its agencies will provide mental health awareness and equality training to all frontline staff.
- How the Department will evaluate the quality of customer service for people with mental health problems.

Rationale

There are distinctive issues for people with mental health problems in relation to employment:

- The OECD recognises that there is an OECD-wide increase in young people with mental health problems availing of disability benefit. They state that active labour market programmes need to better allow for the needs of people with mental health problems (OECD forthcoming).
- People with mental health problems are the most stigmatised of disabled groups. In 2006 in Ireland, only seven per cent of the public thought employers are willing to higher someone with a mental health problem.
- Only one in five Irish companies has a written policy on mental health according to the NESF report on *Mental Health & Social Inclusion*, while three quarters of Irish employers said they did not know enough about the law regarding mental health in the workplace.
- People with mental health problems have a very high rate of unemployment, with one Irish estimate that only 13.7 per cent of people with mental health problems are in employment.

- Research in England showed that individuals with mental health problems have up to a forty per cent lower chance of obtaining employment compared with other disability groups.²
- People with mental health problems can have a low level of educational attainment; forty-seven per cent of mental health service users surveyed for the Expert Group on Mental Health had at best a Junior Certificate.
- Evidence shows that if provided with supports, as many as sixty per cent of people with more serious mental health problems can gain and sustain open employment (Bond, et al. 1997, 2001, quoted in Maguire and Mockler 2009).
- Three quarters of mental health problems arise before the age of 25, at a time when exit from the labour force can have long-term negative effects in terms of loss of earning capacity. This is quite different from the majority of people with a physical or sensory disability, for whom their disability generally arises as they get older.

The NESF has stated that “meaningful occupation, whether paid or unpaid, is central to recovery and recognises that full social inclusion and participation in society is the key goal here, whether in or outside the labour market.” (see *Mental Health & Social Inclusion*, pp. 170-171). The NESF recommended that an integrated strategic plan for the delivery of training, work and employment services for people with mental health problems be developed as a matter of priority. So too, the Mental Health Expert Group recognised that unemployment is associated with poor mental health, while maintaining or re-entering employment can be an important component of recovery.

The World Health Organization (WHO) has stated that collaboration with the employment sector in mental health policy is vital. They cite the below examples of effective strategies for increasing the mental health of employees:

- promotion of mental health in the workplace, including specific actions on job stress and the management of stress;
- protection of mental health in unemployed people by means of social and re-employment programmes;
- recognition of mental disorders in the workplace, including employee assistance programmes with early treatment and reintegration into the work environment;
- anti-discrimination provisions in legislation and the education of employers about the employment of people with mental disabilities;

² Berthoud, R. (2006) *The Employment Rates of Disabled People*. London: Department of Work and Pensions, Research Report 298.

- mechanisms for reintegrating people with serious mental disorders into work, including psychosocial rehabilitation, the development of work skills, supported employment and social enterprises.

The NDA's report *A Strategy of Engagement: Towards a Comprehensive Employment Strategy for People with Disabilities* stated that people with disabilities were a heterogeneous group and that if the strategy is to be effective, it must not be based on a one-dimensional concept of disability: "The responses and options of a comprehensive employment strategy must engage with the diversity of circumstances, needs and abilities of all people with disabilities." Given that of the 172,000 people aged 18-64 with a disability in Ireland, forty-three percent have a mental health disability,³ it would be appropriate to address mental health issues specifically in the development of the Employment Strategy.

Precedent

The approach that AI is endorsing here has already been applied by the Department of Environment, Heritage and Local Government for the purpose of developing its Housing Strategy for People with Disability. The establishment of a mental health sub-group has proved an effective forum for developing specific approaches that address the needs of this group. The draft strategy contains a dedicated chapter on mental health with a discussion of the specific issues for this group and proposed actions including:

- The development of a protocol between the HSE and local authorities that facilitates information sharing between local authority staff and Community Mental Health Team staff
- Development of a special information pack
- Development of a system for specialised assistance in relation to housing for people with mental health disability
- Flexible tenancy arrangements
- Commitments to plan specifically for housing needs of this group
- Exploration of specialist tenancy sustainment and early intervention measures

Conclusion

The Department of Enterprise, Trade and Employment has an important role to play in achieving the 'vision' of Government's mental health policy. Mainstream policy to date has not been adequate to achieve equality of participation of people with mental health problems in work. The evidence also shows that employers require much more support in order to effectively promote mental health and well-being in the workplace as well as to respond to mental distress.

³ Central Statistics Office (2008) *National Disability Survey 2006: First Results*, Table 5B.

Mental health problems in Ireland cost over €3 billion euro per annum, equivalent to just over 2 per cent of GNP, and the majority of this cost occurs outside the health sector, in the labour market as a result of lost employment, absenteeism, lost productivity and premature retirement as well as in premature mortality.⁴ The Government cannot afford, then to ignore the economic costs of lost productivity from people who have had experience of mental health problems any longer.

AI reiterates our key recommendations:

The Comprehensive Employment Strategy should contain a dedicated strand to consider specific approaches for people with mental health problems.

A mental health sub-group should be established for the development of the Comprehensive Employment Strategy. This sub-group should include representation from people with direct experience of a mental health problem and mental health sector NGO's.

AI believes that a dedicated strand of the Comprehensive Employment Strategy for mental health would provide the means to make significant progress in mental health and employment. AI is available to assist DETE in preparing its employment strategy for people with disabilities. For further information on these recommendations, please contact Dr. Shari McDaid, Mental Health Policy Officer at 01 863-8314 or via e-mail at smcdaid@amnesty.ie.

⁴ O'Shea, E. & B. Kennelly (2008) *The Economics of Mental Health Care in Ireland*, Dublin: Mental Health Commission.