

An Employer's Guide to Bipolar & Employment



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An Employer's Guide

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Foreword

This guide is designed to advocate best practice for employers who employ people with a diagnosis of bipolar. It provides relevant information to assist in managing and supporting your employees. It also explains how Bipolar UK can help.

Recent research suggests that 1 in 3 people have experienced a mental health issue whilst in employment.¹ 40% of long-term absences amongst non-manual workers are caused by stress or mental illness with 38% of employees stating that they found it difficult to talk to anyone about their mental health.

Despite this, in 2015 only 46% of employees reported that they were 'very' or 'fairly' well supported by their employees.² Only 4 in 10 employees said they felt confident disclosing unmanageable stress or mental health problems to their current employer or manager.

Our mental health and wellbeing can have a big impact on our lives, including when we're in work.

In recent years, there's been a recent move towards a more optimistic work-based recovery. Long-term sick leave is not always considered the best solution - for employers or employees. The chances of an individual returning to work after a six month absence is just 50%. After a year this drops to 25% and then 5% after two years. Although bipolar is a long-term mental health condition, with the right support and self-management, this shouldn't preclude individuals with work.

More than one million people in the UK have bipolar. Men and women of any age and any social and ethnic background can develop the illness. Given the prevalence, we all know someone with bipolar. Whether we know if they have a diagnosis of bipolar, however, is another matter.

Bipolar can have a huge impact on someone's life. This is why it's important that an individual receives support and understanding from those around them, including employers and colleagues.

How can Bipolar UK help you?

We provide a range of employment support and training for your employees and organisation.

Employment support by telephone and email

If you have an initial query about supporting an employee affected by bipolar, then call or email us. It's often easier to discuss issues over the phone so we can confirm a convenient time for our Employment Officer to call you.

Bipolar Awareness training

Do you need a bipolar awareness training session for a group of staff at your organisation? We ask you to provide a suitable venue/room and we'll come to you once we've agreed the date, location and duration.

Dedicated workplace support

As part of our dedicated workplace support, we're able to offer the following:

- Help with understanding the issues
- Development of a workplace toolkit
- Team training

Understanding the issues

We'll come to you for a day. We'll meet firstly with your employee and then with you/HR/line managers as appropriate to fully understand the needs, challenges and issues you're all experiencing.

With your employee we'll discuss how bipolar affects them at work, gain an understanding of their triggers, mood cycles and warning signs.

We'll then have a discussion separate with you/HR/line managers about your understanding and any concerns you have.

We then bring both parties together to ensure a consistent and comprehensive understanding and explain how best to support your employee's health and

wellbeing at work. During this final session, we'll highlight the benefits of reasonable adjustments and advance statements (see page 11).

Price is dependent on your requirements.

Development of a workplace toolkit

Following on from supporting you to understand the issues, we can also work with your organisation to develop a dedicated workplace toolkit for you and your employee.

We'll return to you after the first day with the toolkit developed for your employee and your organisation. We'll fully explain the toolkit and its implementation so everyone has a clear understanding. We'll also provide up to three telephone sessions to support you in successfully implementing the toolkit.

Price is dependent on your requirements.

Team training

For some organisations - with full consent of your employee - it's beneficial for colleagues to understand the practical implications of a bipolar diagnosis. Working with your employee and your organisation, we can provide bespoke training to the wider team.

Price is dependent on your requirements.

How to contact us for support

For an initial consultation, please contact us on **0333 323 3880** or email us at employmentsupport@bipolaruk.org for more information.

What is bipolar?

Bipolar is a severe, life-long mental illness characterised by significant mood swings from manic highs to suicidal depression. Both men and women of any age and any social and ethnic background can develop bipolar. It can be triggered when work, studies, family and emotional stresses are at their greatest. For women, it can also be triggered by childbirth or menopause.

Bipolar involves extreme mood swings that are beyond the ups and downs experienced by someone without the illness. There's usually a period of stability between episodes. The pattern of change varies for each person and someone with bipolar can remain well for many years.

Some people with bipolar can experience a mixed state of highs and lows.

What causes bipolar?

Bipolar is thought to be caused by a chemical imbalance in the brain, which affects the way the brain cells communicate.

However, the exact cause of bipolar is not fully understood. It does seem to run in families, which suggests that genetics are involved. Around 10-15% of the nearest relatives of people with bipolar also have a mood disorder.

As mentioned above, there are a number of stresses and factors that can trigger episodes and everyone's experience is different. This makes it more difficult to establish the causes of bipolar. As yet there is no cure but bipolar can be controlled and it is possible to lead a normal life.

Myths about mental illness

It's very important to combat the myths and misconceptions about people who experience mental ill health.

Myth: Mental illness is the same a learning difficulty

Mental illness is not the same as a learning difficulty, which is a reduced ability to understand, retain or process new or complex information. Learning difficulties also include limited phonological awareness, verbal memory and processing speed, such as dyslexia.

You can have both learning difficulties and a mental health condition and individuals with learning difficulties are more likely to experience mental ill health.

Myth: Mental illness is always permanent and untreatable

Although bipolar has no cure, the majority of people with bipolar or other mental health conditions can lead stable and productive lives.

Myth: People cannot tolerate stress at work if they have a mental illness

How people deal with stressful situations very much depends on the individual. People with mental illness are as able to manage stressful situations as the rest of the population.

Myth: People with mental health issues are more violent

People with mental health conditions are more likely to be victimised as a result of their mental health and because of symptoms like irrationality and irritability. Studies have found that people with a mental health condition represent a 3-5% risk of violence towards others.³

Warning signs and symptoms

Different work environments and professions can create varying levels of stress. To remain healthy and productive, an individual needs to feel that they have control over their work and a clear understanding of the demands of the job.

Other important factors include the support they receive from managers and colleagues, and how the workplace is managed.

Throughout UK workplaces stress, depression and anxiety are rising with workers citing increased workloads, role uncertainty, lack of support and lack of control, which is contributing to working days lost.⁴

It's sometimes possible to recognise signs of stress and mental health issues in your employees. These can include:

Cognitive changes: Decreased concentration and memory, repetitive thinking, difficulty in decision-making, negative thoughts, lack of objectivity

Emotional changes: Nervousness, sadness, frustration, fear, irritability

Physical symptoms: Headaches, digestive disorders, chest pains, weight change, fatigue

Behavioural changes: Working late or early, missing work, being less tolerant of others

Bipolar in the workplace

A person in your workplace may recently have been diagnosed with bipolar, perhaps after a hospital admission. As their employer, you might be unsure of what to do or say in this situation.

Bipolar UK can help you find the appropriate management techniques and practical strategies to support your employee and enable them to continue contributing to your organisation's success.

- Employers can be wary of mental health issues through a lack of knowledge. Bipolar UK can provide awareness training to help you develop your understanding of bipolar and mental health.
- Most employers will know somebody affected by bipolar.
- Bipolar can be managed very successfully with support, medication and other techniques and treatment.
- Bipolar UK is available to offer advice on specific situations to help you support your employee and colleague.

Bipolar is a medically recognised and treatable condition. **Therefore, no shame or blame should be placed on a worker with the diagnosis.**

Symptoms are individual and the illness affects people differently. There's a wide range of characteristics associated with the illness that may or may not affect the person you employ.

People with bipolar who understand their illness and who have found the right self-management techniques can find that their work isn't significantly affected.

A positive approach: The benefits of supporting an employee with bipolar

By encouraging and supporting employees with bipolar, you're fulfilling your legal obligation to prevent discrimination within your organisation. Workers may be discriminated against because of the stigma attached to bipolar, and their skills and abilities can be overlooked. As an employer, it's vital to focus on the ability of your staff and not assume limitations in their abilities.

Trust

If you support employees at work, you'll get to know them better as a person. This can help develop your understanding of their condition and they can become more confident in communicating their needs to you. This is crucial if an employee becomes unwell at work.

Awareness

As a bipolar-aware employer, you'll have the tools to provide the right support for your employees, helping you to remove barriers in the workplace and increasing morale. Your employees can also build their confidence, skills and abilities.

Diversity

You can benefit from employing a diverse workforce. Some employers actively recruit a diverse workplace to ensure they have a talented pool of staff. Problems at work are often not caused by the work itself but because of colleagues' and employers' attitudes. This can stem from ignorance and misunderstanding.

Business profile

By hiring a diverse and talented workforce, you'll also be raising your business' profile and attracting new talent. Properly recognised and nurtured talent will also develop loyalty and trust within the organisation. You'll also attract new customers looking for the skills that a diverse team can offer.

Employment Law, rights and issues

The Equality Act 2010

The Equality Act⁵ protects individuals in employment, occupational and vocational training against disability discrimination, victimisation and harassment. Under the Act, employers are also under a duty of care to make reasonable adjustments for disabled employees (and job applicants) who are placed at a substantial disadvantage because of their disability. Under the Act, employees or job applicants with a disability are protected against:

- Direct disability discrimination (i.e. being treated less favourably than others because of a disability)
- Discrimination arising from disability (i.e. by applying a provision, criterion or practice that disadvantages the disabled individual without objective justification)
- Indirect disability discrimination (i.e. by applying a provision, criterion or practice that disadvantages the disabled individual without objective justification)
- Disability harassment (i.e. being subjected to harassment related to disability)
- Victimisation (i.e. being subject to a detriment because an individual has made/intends to make a discrimination complaint under the Act)
- Failure to make reasonable adjustments if a disabled individual is placed at a substantial disadvantage

As mentioned above, if bipolar, as a “physical or mental impairment”, has a “substantial and long-term adverse effect” on an individual’s “ability to carry out normal day-to-day activities”, then it will satisfy the definition for disability under the Equality Act.

The Equality Act recognises that conditions change over time and an impairment will only be considered as having a long-term effect if it has lasted **at least 12 months** or is **likely to last at least 12 months** or is **likely to last for the rest of the individual’s life**.

Discrimination applying to disability includes **discrimination arising from disability** and **failure to make reasonable adjustments**. There's no justifiable defence for not making agreed reasonable adjustments.

Disability is one of nine "protected characteristics" under the Equality Act, with the others being age; gender reassignment; marriage/civil partnership; pregnancy and maternity; race; religion or belief; sex (gender), and sexual orientation.

Workplace adjustments

Under the Equality Act, you have a duty to make **reasonable adjustments** where failure to do so would place an employee with a disability at a substantial disadvantage. It is the employer's responsibility to remove any barriers and making even the smallest adjustments can have a positive impact on an individual's wellbeing.

Note that the employer doesn't have to make reasonable adjustments unless they know, or ought to reasonably know, about a person's disability and that they are likely to be placed at a substantial disadvantage. Whether a potential adjustment should be made will depend on whether it's reasonable in the circumstances.

A reasonable adjustment is a change or adaptation to the working environment or a working practice, which is putting a disabled employee or job applicant at a substantial disadvantage.

Reasonable adjustments will remove barriers or minimise the impact in the workplace. It wouldn't be reasonable to create/change the basic nature of a job.

Examples of what may be considered reasonable adjustments

- Changing the position of the workstation
- Ensuring there is enough natural light or supplying a SAD lamp

- Modifications for those with trouble concentrating or feeling isolated
- Flexible working pattern to support mood and medication changes
- Providing a clear and detailed job description
- Allocating part of a person's duties to someone else
- Putting work requests or instructions in writing
- The use of sick leave for emotional and cognitive reasons, not just physical. Allowing the person to be absent for assessment or treatment by giving more time off work than another employee i.e. being more flexible with absence management policies
- A personal mentor system

There is no defence for failing to make a reasonable adjustment. The UN Convention on the Rights of Persons with Disabilities also supports the making of reasonable adjustments.⁶ An example of where an adjustment may not be reasonable is if the adjustment would be expensive to implement but would have little effect on alleviating the issues caused by a disability.

Case law

Failure to make adjustments can prove to be costly. For example, please see [Horler v Chief Constable of South Wales Police](#).⁷

The tribunal ordered the Force to pay disability discrimination. Possible reasonable adjustments could have included: retaining the employee until his role actually ended; retaining the employee and redeploying him to non-frontline duties, and providing employment opportunities that may have required additional training.

There is no fixed list of what a reasonable adjustment is, since whether an adjustment is reasonable will depend on the person's individual circumstances, as well as the circumstances of the employer. However, to help establish if an adjustment is reasonable, employers may wish to consider the following:

- Is the adjustment practical for you to make?

- Will an alteration help alleviate the disadvantage arising from the employee's disability?
- The cost of making an adjustment (taking into account all sources of financial support, such as the Access to Work scheme - see page 15)
- Will the adjustment have an adverse impact on the health and safety of other employees?

A diagnosis of bipolar affects individuals in different ways. It would be a mistake to assume that the same adjustment will work for anybody with bipolar. It would also be impractical for you as an employer to have the knowledge and understanding of all disabilities and their impact on individuals at work.

Whether an adjustment is reasonable or not will need to be assessed on a case-by-case basis. You should focus on your employee's ability to function on a day-to-day basis in their role, rather than their medical diagnosis.

It's essential that adjustments are based on the particular circumstances of your employee, their condition and how it affects them or is affected by work. You can seek advice from occupational health professionals for help in deciding which adjustments may be appropriate.

How to reduce the risk of discrimination in the workplace

Even the smallest of changes can go a long way to preventing discrimination in the workplace. Here are a few tips to help you on your way. Although they require your whole organisation to commit to the process, they only need a few individuals to lead by example.

- **People** - Ensure that you have the resources and people with the appropriate professional skills and knowledge to complete the task.
- **Principles** - Start to create your principles of equality and diversity for your organisation. Make sure everyone knows what these are and how they'll help to reduce the risk of discrimination in the workplace.
- **Action plan** - Decide what you're going to do and make sure you can check existing documents and systems for improvements. Go through the processes yourself or use a survey for your colleagues/employees.
- **Policies** - It's important to regularly review your policies to ensure they don't have a discriminatory effect or cause unequal treatment. Policies should cover a number of issues, such as correctly handling disciplinary procedures. See [Richman v Knowsley Metropolitan Borough Council](#).⁸
- **Monitor** - Put a system in place alongside your action plan to ensure regular reviews of the results of your changes.
- **Celebrate** - While continuing to promote your changes, celebrate and show your workforce what an inclusive, forward-thinking organisation you have helped to develop.
- **The future** - You can show support for mental health by partnering with Bipolar UK. We'll work with you to deliver employee, client and/or customer engagement programmes. From skills development to sponsorship opportunities, there are lots of ways your company can commit to good mental health at work. Contact our Fundraising team on 0333 323 3780 or fundraising@bipolaruk.org to explore these opportunities.

What type of support should I be offering?

As well as having good workplace practices and diversity compliant policies in place, the most appropriate person to consult about what someone with bipolar needs is the individual with the condition. Your organisation can support employees with mental health conditions by:

- Increasing staff awareness for a range of mental health topics
- Encouraging employees to speak up earlier if any issues arise
- Taking action and showing commitment to combating workplace stress
- Providing periods of leave for readjustment to medication
- Action planning for a positive return to work after periods of absence
- Talking to your employee to explore possible reasonable adjustments before they are formally requested

Access to Work scheme

Access to Work is a Department for Work and Pensions scheme designed to financially assist employers with costs beyond that of reasonable adjustments, helping to produce a more efficient support system in the workplace. This could include specialist awareness training, work-based support and tools.

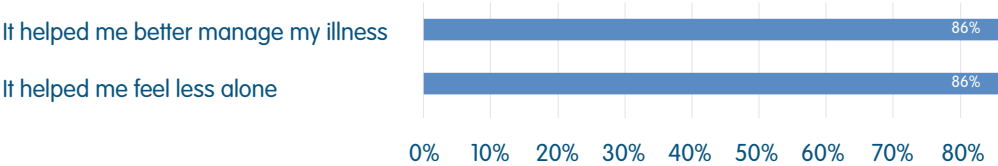
The Access to Work scheme is for individuals affected by physical disability or mental health conditions. The Access to Work team is keen to involve organisations like Bipolar UK to maximise the scheme's potential and to reach individuals who are unaware of the assistance available to them. Although the Access to Work scheme assists greatly in providing support, the employer is still responsible for complying with their legal duties.

Eligibility criteria for the Access to Work scheme

This scheme can only be accessed by your employee. They need to be in paid employment or about to start a new job to gain access to this funding. Please contact the Employment Support service to discuss the Access to Work scheme and we'll support you and your employee to make this application.

Can our dedicated workplace support really help?

This is something you need to think about but if you would like to know what other people think about our training, take a look at the information below:



Source: Bipolar UK service user survey 2016

One service user said, “I was diagnosed less than a week before starting a new job. [Bipolar UK] encouraged me to speak with my line manager, understand my rights better and see that diagnosis didn’t mean I had to give up on working, just to be aware of what affects my condition.”

Good practices in mental health

Under the Health and Safety at Work Act 1974, employers have a general duty - as far as reasonably practical - to ensure the health, safety and welfare of their employees at work. This includes mental health and stress. It's not just good business sense - it's law.

The common factors between occupational mental health and stress at work can't be overlooked. Providing a working environment conducive to good mental health will prevent issues becoming insurmountable.

Whilst health and safety provisions are important for a number of reasons, it's particularly important to remember that this is a duty to all employees. So if an employee was to become unwell at work, you may have to ask them to go home to maintain the health and safety of other employees.

Preserving mutual trust and confidence through cooperation is also vital. This can suffer under workplace pressure and can be difficult to restore and can make working together difficult.

Examples of difficulties faced by people with mental health issues:

- Managing feelings of insecurity
- Maintaining concentration and stamina
- Unable to screen out external noises and distractions
- Pressure of time-management and deadlines
- Difficulty mixing with colleagues
- Responding to negative feedback
- Overcoming unexpected problems
- Taking on too much

This last point is particularly significant as people with bipolar sometimes have difficulty in saying no to taking on extra tasks or hours. It's important for you as an employer to prevent your workplace culture being influenced by pressures to work extra hours or take on too many projects. Please see [Carreras v United First Partners Research \(EAT\)](#).⁹

Challenging mental health issues in the workplace can improve staff retention and increase profitability and customer retention. Failing to prioritise staff health and wellbeing can also have legal consequences.

Key factors for successful staff retention:

- Early contact with absent individuals
- Positive peer relationships
- Enabling managers and supervisors to have the confidence to speak with and listen to employees about mental health
- Making it safe to acknowledge and understand when staff need help



What are the potential consequences if you're taken to an employment tribunal?

Recent research by the Advisory, Conciliation and Arbitration Service (Acas) states that the average cost to settle an employment tribunal claim through their conciliation service was **£5,422**.¹⁰ For an employer to defend a claim, the average cost is **£8,500**. That means the cost could reach an average of **£13,922**.

For single claims to an employment tribunal, the process can take around 30 weeks from application to disposal of the case. A multiple claim can take an average of 188 weeks from start to finish.¹¹

As you can see, not only do these figures show the financial cost but also the potential impact of time away from your business.

What effect will leaving the EU have on the employment of people with bipolar?

Disability discrimination protection derives from the Equality Act 2010, which is UK primary legislation and so would remain unaffected by the UK's withdrawal from the EU. However the Equality Act, like all legislation, could be subject to amendment by Parliament in the future.

Practical issues at work for people with bipolar

Bipolar and medication

There may be times when an employee has a diagnosis of bipolar and starts or changes medication on the advice of their GP or consultant. Employers need to be aware that it may take time for an employee to adjust to the medication and you may wish to consider making reasonable adjustments to working practices in order to let an employee adjust to this medication. For example, you may allow additional days of sick leave or flexible working hours whilst an individual is adjusting to new medication.

If given adequate support and encouragement during this period, the employee is more likely to get back into their regular routine with minimal disruption to your organisation.

Self-management and support

Self-management is about understanding the impact of bipolar on an individual, including triggers, warning signs and adapting your lifestyle to minimise the impact. Common triggers include sleep deprivation, bereavement, relationship problems and excessive amounts of caffeine, alcohol or cigarettes.

The majority of these can be avoided and managed properly. For situations beyond an individual's control, it's important that safety nets are in place to avoid illness. For example:

- Allow time off to attend outpatient appointments or counselling, as part of making reasonable adjustments.
- Ensure an employee has a line manager with knowledge of how their condition affects them and who can be a point of contact if requested.
- Ensure their line manager is the same person they report to should they need to take sick leave. It's important to have a back-up plan for when this line manager is away from work.

Return to work

If your employee has been on sick leave - especially long-term sick leave - it's useful to arrange a Return to Work meeting to discuss their needs and your expectations.

Communication is paramount. Ensure that all relevant staff know who is conducting and attending the meeting and you should clearly communicate any rules and remain consistent. It's best to ensure that your employee is clear about what to expect and it might be best to put this in a letter or have a conversation beforehand. By doing this, you can prevent your employee having unnecessary concerns about returning to work.

During the meeting, discuss and agree any adjustments that need to be made. You should agree how progress will be monitored and which colleagues will be told. You should also specify agreed tasks for the employee's return, agree on the support systems in place in and out of work, and confirm a starting date.

You should conduct the meeting on or before the first day back, checking all relevant fit notes and certificates. You should make sure the correct absence procedure has been followed and try to avoid delaying the interview. The meeting should also be conducted in private.

Take a positive approach, keep an open mind and work with the employee to help identify and plan ways of overcoming workplace issues whilst not prying into personal matters.

The best indicators of a successful return to work are not based on diagnosis or disability but on:

- The individual's own belief that they can return to work
- Actively engaging in an individual's return to work
- Addressing the responses of colleagues so an individual feels understood and valued

References

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³ Friedman, R.A. (2006). Violence and mental illness: 'How strong is the link?', New England Journal of Medicine, 355(20), pp. 2064-2066.

⁴ Health and Safety Executive. Statistics - Working days lost.
<http://www.hse.gov.uk/statistics/dayslost.htm>

⁵ GOV.UK. (2013). Equality Act 2010: guidance. [online] <https://www.gov.uk/guidance/equality-act-2010-guidance>

⁶ Convention on the Rights of Persons with Disabilities, Article 27 (i) 'Work and employment' 2006, see also Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities. <http://daccess-ods.un.org>

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⁸ Richman v Knowsley Metropolitan Borough Council UKEAT/0047/13/DM.
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⁹ Carreras v United First Partners Research UKEAT/0266/15/RN.
<http://www.employmentcasesupdate.co.uk/site.aspx?i=ed31075>

¹⁰ Downer, M. et al. (2016). Research Paper: Evaluation of Acas conciliation in Employment Tribunal applications 2016. Ref: 04/16. [online]
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¹¹ Ministry of Justice. (2015). Tribunals and Gender Recognition Certificate Statistics Quarterly - April to June 2015, Ministry of Justice Statistics bulletin, pp. 19. [online]. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459787/tribunals-and-gender-recognition-bulletin.pdf



Bipolar UK is the national charity dedicated to supporting individuals and families affected by bipolar.

Our range of services offer you practical information, support and advice.

Support Line

Practical support and information

0333 323 3880

info@bipolaruk.org

Youth Service

Support for young people under 26

0333 323 4459

youth@bipolaruk.org

eCommunity

Our supportive online forum

Sign up online at

bipolaruk.org/ecommunity

Support Groups

Find your local Support Group

0333 323 3885

groupdevelopment@bipolaruk.org

Mentoring

One-to-one telephone mentoring

0333 323 4458

mentoring@bipolaruk.org

Employment Support

Workplace support and training

0333 323 1960

employmentsupport@bipolaruk.org



bipolaruk.org



Bipolar UK



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We depend on the support of people like you to continue providing our vital services.
Contact fundraising@bipolaruk.org or 0333 323 3780 for more information.