



## **Depressive illness and work A brief guide...**

The information in this brief guide is not intended to constitute any form of legal advice. It provides practical advice on considerations you may need to take into account if you are dealing with an issue around mental health and work. As with anything, if the issue is serious, seek advice.

### **Attitudes to mental health problems**

Our society still has a lot of prejudices against people with mental health conditions such as depression and anxiety, bipolar, PTSD and the like. People who have mental health problems suffer the most discrimination in our society, more than sex, race, sexual orientation or any other form of discrimination.

Many people do not understand that mental health problems are real illnesses and often behave in a way which can undermine the sufferer – the “pull yourself together” mentality. If your brain chemicals are depleted it is not that simple. You may need medicines and a combination of therapies so that you can get better.

These attitudes are not personal to you. They are a reflection of our society which still has a lot of progress to make in this area. Try not to take it personally.

Sometimes people who suffer from conditions like depression do not take medication they have been prescribed because they do not believe they are really ill. Just because the illness is in your brain and not visible does not mean it is not a serious health issue. It is.

### **Should I tell my employer I suffer from depression?**

This can be a difficult decision. There are good reasons why you should declare your condition and equally good ones that might lead you to decide that you should not.

As with society you may find that your employer and co-workers are not very sympathetic if you tell them that you have a condition like depression. Sometimes this causes people not to declare the fact that they are ill. It is up to you whether you tell your employer but if you do not you will not get the protections for disability under the Equality Act 2010 (see our guides on what is disability? and what is disability discrimination?) unless your employer knows you have a disability.

If you want your employer to make reasonable adjustments you must tell them that you are unwell otherwise they are not obliged to make any adjustments.

Sometimes people are embarrassed to tell anyone that they have depression. This contributes to the problem that people in society at large do not view it as a serious medical condition. If you are managing your condition well and you do not need your employer to make any adjustments you might prefer not to tell them about your mental health issue as it may change their attitude towards you. This can sometimes be tricky.

## **I have told my employer about my depression and now I am being treated differently**

If your employer is aware that you have a mental health condition and this is long-term you may be considered to be disabled and be protected under the Equality Act 2010 provisions for disability discrimination. See our guide on what is disability?

If your employer is raising bogus performance issues or trying to discipline you in the immediate aftermath of finding out that you have a mental health problem you may be suffering discrimination and should take advice.

Do not make any decisions relating to your employment or your participation in any meetings with your employer until you have taken advice. You need to first find out how you may be protected by the law.

### **What kind of adjustments can I ask for at work?**

- Only you know the impact on you of your condition. If it is long-term and is affecting you substantially you may want to ask for changes to be made to your working conditions, work pattern, place of work and similar.
- Reasonable adjustments made for conditions like depression might include:
  - Permitting you to start later in the morning. It is a fact that mornings are the worst time of day for depression.
  - Allowing you to take more frequent breaks during the day to help manage your fatigue. Fatigue is another common symptom of depression.
  - Giving you extra time to meet performance targets. If you have depression it is likely that you may have difficulty concentrating and this may slow your progress and cause your workload to become unmanageable.
  - Letting you have time off during work hours for treatment.
  - Allocating you a new place of work where it may be less frantic and quieter to assist your lack of concentration or your feelings of anxiety when there is a lot of hustle and bustle in the office.

See our guide on what are reasonable adjustments?

In short, you can request anything reasonably practicable that can help you manage your condition and allow you to do your job. The main aim of the disability discrimination legislation is to remove any impediments to your ability to work so that you can continue to work and participate in society.

Ask your GP for suggestions or see the Equality & Human Rights Commission Statutory Code of Practice on Employment for more information.

### **What if I need to take time off?**

If you need to be away from work because of your condition you must get a fit note from your GP. Ask your GP to specify what your illness is.

## **Sickness absence reporting**

Make sure you comply with your employer's procedure on reporting sickness absence and keep your employer informed. If your employer wishes to meet with you and you cannot for health reasons ask your GP to write a letter explaining why.

At some point it may be necessary to discuss the matter with your employer if you are going to be off long-term. You might want to seek advice before taking any further steps.

If you do meet with your employer ask, as a reasonable adjustment, to take a spouse or friend with you. In some circumstances it may be possible for you to be accompanied by a lawyer or other adviser.

## **Useful links**

There is a wealth of information available online from a number of organisations which specialise in mental health issues. Some of these are listed here. If you are suffering from your first episode of depression these might help you to understand your condition. There are also some good books about depression that you might find to be of interest. Remember you are not alone – it is estimated that one in four of the workforce suffers from some sort of mental health condition.

And remember: these are real illnesses whatever society and other people try to tell you.

Mind [www.mind.org.uk](http://www.mind.org.uk)

Depression Alliance [www.depressionalliance.org](http://www.depressionalliance.org)

Rethink [www.rethink.org](http://www.rethink.org)

## Recommended reading

### **Dr Tim Cantopher**

#### **Depressive Illness: The Curse of the Strong**

"This book should be read by everybody...it offers invaluable insight into depression and promotes a level of self-awareness, which if heeded could keep many of us a lot healthier".

*Depression Alliance*

### **William Styron**

#### **Darkness Visible**

"...describes his devastating descent into depression... an intimate portrait of agony...as well as a probing look into an illness that affects millions but is still widely misunderstood."

*Karl Miller, London Review of Books*