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Introduction- Ireland and the European Union

Ireland in a small country located on the edge of Europe. In 2021 It had a population of 5.03 million with 2.7 million currently at work. The corporation tax revenue from multinationals at 15% is a major contributor to the buoyant Irish economy. Ireland is divided into 26 counties in the Republic and 6 counties in Northern Ireland and gained accession as a member of the European Union (EU) in 1972. Current population of the EU is 448.4 million and EU membership opened up new markets for Irish business to trade with them 27 other European countries. As of 2022, accession negotiations are under way with Albania (since 2020), Montenegro (since 2012), North Macedonia (since 2020), Serbia (since 2014) and Turkey (since 2005). Negotiations with Turkey are ongoing, but have effectively paused due to objections from the EU.

The European Commission exerts influence on all EU member states

The European Commission exerts considerable influence on employment legislation which impacts on employee health and wellbeing in all EU states. The 27 EU member states receive directives and regulations from the European Commission which are then transposed into national legislation in all member states. An example of how this works is contained in two pieces of Irish legislation, The Safety, Health and Welfare at Work Act 2005 which was enacted as a result of an EU directive, imposed a duty of care for employers for employee health and the Employment Equality Act 1998–2015 which places statutory obligations on companies to provide reasonable accommodation for employee mental health disabilities. Similar laws in the United Kingdom (UK) include the Health and Safety at Work Act 1974 and associated regulations. Under this legislation employers are

under a duty to manage the psychosocial risk to their employees' health at work. There is also the duty under the Equality Act 2010 to make reasonable adjustments where people are suffering from disabilities including mental ill health."

Ireland –From supporting employee welfare to employee counselling for alcoholism and Employee Support Therapy (EST)

Welfare and medical services were provided by major Irish companies such as Guinness (now Diageo) for employees and their dependants. Social workers were also employed in what was described as "from the womb to the tomb services". Many government departments also employed welfare officers. (1) At the Irish Conference Trade Union (ICTU) Conference in July 1972 the following motion was passed "Recognising that alcoholism in Ireland is an increasing social problem, that is a serious cost of loss of man - hours in industry and a potential source of industrial strife, that conference will instruct the Executive Committee to enter into early negotiations with the Federated Union of Employers (FUE) (2) Now Irish business and employers' Confederation, (Ibec)) with a view to establishing agreed principles of procedures for the treatment of workers who are victims". This resolution set in motion a trend of Irish companies responding to treating and rehabilitating workers with alcohol related problems.

Developing the Employee Assistance Profession in Ireland

By 1993 the welfare officers in the government departments established a professional body, the Association of Welfare and Employee Assistance Counsellors (AWEAC) with 70 members. Subsequently, an Irish branch of The Employee Assistance Professionals Association (EAPA) was formed and replaced AWEAC. EAPA offered the Certified Employee Assistance Professional (CEAP) Credential and this was taken up by six Irish Employee Assistance professionals. However,

the EAPA Irish Branch ceased to function in 2020 and Employee Assistance professionals have lost the recognition of having a professional body.

Landmark legal judgement in the UK established employer duty of care for injury to social workers mental health

Emerging employment legislation as a result of EU directives heralded a change towards compliance and an increased focus on employers duty of care which was(3)highlighted in the landmark UK legal case *Walker V Northumberland Council* where a social worker John Walker sued the council after suffering a nervous breakdown due to his excessive workload .After a period of sick leave Mr Walker returned to work in 1987 and began to experience stress symptoms again and was diagnosed as being affected by a state of stress related anxiety. He suffered a second mental breakdown and was obliged to retire for reasons of ill health. He was awarded €200,000 damages.(reduced on appeal) The legal system in Ireland is similar to the UK and the Walker case established a precedent of workers to take personal injury claims against their employers for workplace stress and has been used as a benchmark for many other successful stress related claims.

European Aviation Safety Regulator calls for Psychological Screening for Airline Pilots

The future of EAPS in Ireland and the other EU states will be driven by a compliance based safety approach driven by the European Commission and the Institution of Occupational Safety and Health (Iosh). EU Transport Commissioner Violeta Vulc ordered a review after a German Wings plane, an Airbus A320, on a flight from Barcelona to Dusseldorf crashed in the French Alps. All 144 passengers and the crew of six were killed.   They investigators found that on the day of the accident, the co-pilot was unfit to fly. However as neither he, any of the doctors he

attended, colleagues or any family members had informed the authorities of his mental condition no action could be taken him to prevent him from flying. A task force set up after the disaster has recommended improved psychological screening for new pilots to reduce the risk of a similar tragedy. Led by the European Aviation Safety Regulator, the panel of experts has called for the introduction of random drugs and alcohol testing of pilots and better oversight of the Doctors responsible for their regular mental health checks. This will have implications for all involved in the aviation industry in the EU.

From Employee Counselling to Compliance

The Employee Assistance Profession in Europe has not kept pace with developments due to an overemphasis on employing counselling and is fast loosing relevance and not proving value for money. Many mangers see employee assistance programmes as a short term counselling service which is not fit for purpose to assist employees with chronic workplace mental health problems that require assessment by mental health professionals and longer term community based support.

Mental Health in now a safety issue
 The Institution of Occupational Safety and Health (Iosh)) Magazine's March 2019 issue focused on evaluating Mental Health First Aid (MHFA) programmes and implementing structured wellbeing programmes. Iosh has a worldwide membership of approx. 50,000 members, have taken the lead and are declaring that workplace mental health is now a safety issue and that its members are well placed to respond. Iosh is urging its members to address the mental health issues that are now impacting the workplace with the following guidance;
- Think safety,
- Compliance
- Risk assessments,
- and Employee Support Therapy

In May 2019, Iosh produced guidance for businesses on how they can design robust systems to manage the risk of mental health issues. It highlighted that companies which utilise Mental Health First Aid (MHFA) should only have it as part of a wider system of support. The release of the guidance followed the publication of IOSH-funded research by The University of Nottingham and a subsequent roundtable held at The Institute of Directors, both of which called into question the implementation of MHFA. Iosh is urging its members to address the mental health issues that are now impacting the workplace with the following guidance;

- Think safety,
- Compliance
- Risk assessments,
- and Employee Support Therapy

Psychosocial Risks – Publication of the ISO 45003 global standard

The new standard includes a definition of what are known as psychosocial hazards. Hazards of a psychosocial nature that have the potential for psychological and physical harm, this includes aspects of work tasks, work organisation, management, work environment and organisational conditions are referenced in the standard.

Interestingly the new standard includes well-being at work which is defined as an individual's ability to work productively and creatively, to engage in strong positive relationships, fulfilment of personal and social goals, contribution to community, and a sense of purpose.

The new standard provides guidance on how organisations can manage workplace psychological risk by identifying the primary factors and determining what would improve the working environment. ISO 45003 provides guidance on the following:

- The identification of conditions, circumstances and workplace demands that have the potential to impair the psychological health and well-being of workers
- How to identify the primary risk factors and assess them to determine what changes are required to improve the working environment
- Control measures to manage work-related hazards and manage psychosocial risk within an OH&S management system.

Specifically, Clause 6.1 of the draft ISO 45003 standard indicates that organisations should identify hazards of a psychosocial nature including:

Aspects of how work is organized (e.g. job control, job demands, work pace, etc.)

Social factors at work (e.g. work-life balance, bullying, harassment, etc.)

 Work environment, equipment and hazardous tasks

The standard provides plenty of more examples and details of the above types of psychosocial hazards. It also gives guidance on how to identify and assess these psychosocial risks. The standard also addresses support issues including a specific clause on confidentiality of personal information.

ISO 45003 is designed to help organisations manage psychosocial risks as part of its ISO 45001 Occupational Health and Safety management system in a holistic way. It is not a separate management system. The ISO 45003 was published in July 2021.

Conclusions

Since the inception of the first Occupational Alcoholism Programme (OAP) in 1985 Ireland in 1985 there have been many changes in the delivery of employee supports by employers. The main focus of Employee Assistance has centred on providing employee counselling. Safety and Equality legislation requires a compliance based approach.

Iosh have declared that mental health is now a safety issue and is urging its members to address the mental health issues that are now impacting the workplace with the following guidance, think safety, compliance risk assessments, and Employee Support Therapy (EST)

The global standard ISO 45003 published in July 2021 provides guidance on how organisations can manage workplace psychological risk by identifying the primary factors and determining what would improve the working environment.

Maurice Quinlan's knowledge and interest in Employee Assistance Programmes (EAPs) developed when he worked with an Irish semi-state company. Following a short period studying EAPs in the U.S., he introduced the Occupational Alcoholism Programme (OAP) concept to Europe and hosted the first seminar on this topic in the Clarence Hotel, Dublin in September 1980 he also developed the first external EAP programme in 1985 in Smithwick's Brewery Kilkenny.
He is currently developing a range of online courses on Work Addiction, Employee Support Therapy, Psychosocial risks and workplace drugs and alcohol

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