



EAP in Ireland

Legislation is Driving Change

| By Maurice Quinlan

Ireland is a small European country with a population of 4.7 million people – 2.2 million of which are currently in the workforce. Ireland is divided into 26 counties in the South and six counties in the North. Ireland was accepted as a member of the European Union (EU) in 1972 – the EU currently consists of 26 European countries. One of the EU institutions, the European Commission, exerts considerable influence on employment legislation, which impacts employee health and well-being in all EU nations.

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 of 2005 was enacted as the result of an EU directive that imposed a duty of care for employers regarding employee health.

- The Employment Equality Act 1998–2015 places statutory obligations on companies to provide reasonable accommodations for employee with mental health disabilities. Similar laws in the United Kingdom (UK) include the Health and Safety at Work Act of 1974 and associated regulations.

Under this legislation employers are compelled to manage the psycho-social risk to employees. A duty of care also exists under the Equality Act of 2010, which requires employers to make reasonable adjustments when people are suffering from some sort of disability, including mental illness.

Shift to Alcohol Focus

Alcohol became a major focus in the early 1970s. 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) with a view to establishing agreed principles of procedures for the treatment of workers who are victims.” This resolution set in motion direction for companies to offer support for workers with alcohol-related problems.

- **FUE, known today as Ibec** (formerly the Irish Business and Employers Confederation), is the largest lobbying organisation in Ireland. It represents business of all sizes, employing 70% of the private sector workforce in Ireland.

Focus on Occupational Alcoholism Programmes

In 1974 The Electricity Supply Board (ESB), Ireland’s national power company, introduced the first Industrial Alcoholism Programme (OAP) in Europe. This programme was supported by the ESB group of unions. Similar policies and programmes were developed by the Midland Health Board, Aer Lingus, and AnCo (now Solus). The Irish Brewers Association announced a campaign to curb alcohol abuse and offered to assist any of their own employees who may have drink problems. This led to setting up one of the first external Occupational Alcoholism Programmes (OAP’s) in Smithwick’s Brewery Kilkenny Ireland in 1985.

Developing the Employee Profession in Ireland

By 1993 the welfare officers in the government departments established the Association of Employee and Employee Assistance Counsellors with 70 members. There was a modest growth of external EA providers. There are currently six external providing EA services in Ireland that are listed on the EAPA Ireland website.

Landmark Legal Judgment

A landmark legal judgment in the UK established employer duty of care as an employment trend.

Emerging employment legislation was a result of EU directives heralding a change towards compliance and an increased focus on employers' duty of care, which was highlighted in the pivotal UK legal case *Walker v Northumberland Council*.

In the case, a social worker named John Walker sued the council after suffering a nervous breakdown due to his excessive workload. After sick leave Walker returned to work in 1987 and again began to experience symptoms of stress again. He was diagnosed as being affected by a state of stress-related anxiety, suffered a second mental breakdown and was obliged to retire for health reasons. He was awarded €200,000 damages.

The legal system in Ireland is similar to the UK, and the Walker case set in motion a trend of employees taken legal actions against their employers for workplace stress. The case has been used as a benchmark for many other successful stress-related claims by workers for personal injury claims.

Safety Regulator Calls for Psychological Screening for Airline Pilots

The future of EAPs in Ireland and the 26 remaining EU states will be driven by a compliance-based safety approach 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. The investigators found that on the day of the accident, the co-pilot was unfit to fly. However as neither he, nor any doctors, colleagues, or family members had informed the authorities of his medical condition, no action could be taken to prevent him from flying.

A task force set up after the disaster recommended improved psychological screening for new pilots to reduce the risk of a similar tragedy. Led by the European Aviation Safety regulator, the panel called for the introduction of random drug and alcohol testing of pilots and better oversight of the doctors responsible for their regular mental health checks. This will have implications for everyone involved in the aviation industry in the EU.

The Employee Assistance Profession in Europe has not kept pace with developments due to an overemphasis

on employing counselling and is fast losing relevance. Many managers see employee assistance programmes as a short-term counselling service that is not fit to assist employees with workplace mental health problems, since this requires assessment by mental health professionals and longer-term, community-based support.

Workplace Trends Focus on Safety

The Institution of Occupational Safety and Health (IOSH) magazine's March 2019 issue focused on evaluating employee assistance programmes and implementing structured well-being programmes. This is noteworthy because IOSH, which has a worldwide membership of approximately 33,000 members (1,700 of which are in Ireland), has taken the lead in declaring that workplace mental health is a safety issue. IOSH is urging its members to examine safety, compliance, risk assessments, and employee support therapy in order to address mental health issues that are impacting the workplace.

In May 2019, IOSH offered guidance for businesses on how they can design robust systems to manage the risk of mental health issues. It highlighted that companies that utilise mental health first aid should only receive it as part of a wider system of support. The release of this guidance followed IOSH-funded research by The University of Nottingham and a subsequent roundtable, both of which called into question the implementation of mental health first aid.

Summary

Since the inception of the first Occupational Alcoholism Programme in Ireland there have been many changes to EAPs. The main focus had been around providing employee counselling. In a major change, employment legislation is now requiring a more compliance-based approach based on prevention and risk assessment. This move will challenge EA professionals to adapt to the new reality.

Maurice Quinlan's knowledge of Employee Assistance Programmes (EAPs) developed when he worked with an Irish semi-state company. 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. Contact Maurice Quinlan at maurice@eapinstitute.com ❖