

HOP-MHP Project

1.1 Legal rights and discrimination

It may be important to know your legal rights. For example, you may want to know about your own and your employer's obligations in relation to your mental health problems. Or you might experience discrimination relating to a mental health problem and want to know what you can do. We cannot advise you on your legal rights but we set out below details of some organisations who can help and resources that may be useful. Whilst we hope you find these helpful, it is important that you take your own independent legal advice in relation to your rights. And if you are in a union then we recommend you contact your union for legal advice.

1.2 Sources of support

Acas

- Acas offer a **telephone helpline** providing help and advice to both employers and employees on employment law and using best practice. Click here for contact details and further information: <http://www.acas.org.uk/index.aspx?articleid=3457>
- Acas also provide information on managing mental health problems in the workplace and advice on promoting positive mental health at work for employers: <http://www.acas.org.uk/index.aspx?articleid=1900>
- They also provide further information on the issues of equality and discrimination in the workplace: <http://www.acas.org.uk/index.aspx?articleid=1363>

Unison

- Their website provides information about an employee's rights with regards to **suspension** from work: <https://www.unison.org.uk/get-help/knowledge/terminating-suspending-job/suspension/>
- They also provide information about dismissal and what might count as **unfair dismissal**, including if the dismissal occurred because of a protected characteristic under the Equality Act 2010: <https://www.unison.org.uk/get-help/knowledge/terminating-suspending-job/dismissal/>

Citizens Advice

- Their website provides a helpful outline of when unfair treatment may count as discrimination under the Equality Act: www.citizensadvice.org.uk/work/discrimination-at-work/identifying-discrimination/discrimination-at-work-what-s-the-unfair-treatment/

- For further information on **what is meant by disability** in this context: <https://www.citizensadvice.org.uk/law-and-courts/discrimination/protected-characteristics/disability-discrimination/>

The Equality Advisory Support Service (EASS)

- They offer a **helpline** to provide advice and assistance to people who feel they have experienced discrimination across a range of contexts including employment. You can contact them directly or a local organisation (e.g. community group or faith organisation) can contact them on your behalf. For contact details including Freephone, please follow this link: <http://www.equalityadvisoryservice.com/app/ask>. Their website (<http://www.equalityadvisoryservice.com/app/home>) also has useful additional information.

Mind

- Their website contains helpful information about the different types of mental health discrimination people can experience at work: <https://www.mind.org.uk/information-support/legal-rights/discrimination-at-work/types-of-discrimination/>
- They also have a helpful section explaining the special legal meaning of 'Disability' under the Equality Act and how this can apply to mental health problems: <https://www.mind.org.uk/information-support/legal-rights/disability-discrimination/disability/>
- Mind also provide a list of additional useful contacts regarding discrimination at work: <https://www.mind.org.uk/information-support/legal-rights/discrimination-at-work/useful-contacts/>

Data protection

- **Acas** set out employees' and employers' rights and responsibilities under the Data Protection Act in relation to information about an employee, including health information: <http://www.acas.org.uk/index.aspx?articleid=3717>

The **Information Commissioner's Office** website offers more detailed information on data protection and employer responsibilities: <https://ico.org.uk/for-organisations/guide-to-data-protection/employment/>