

# Legislations and Policies that are relevant to Mental Health in the Workplace

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Department:  
Public Service and Administration  
REPUBLIC OF SOUTH AFRICA

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# Presentation Outline

1. Introduction and Background
2. Legislative Mandate governing Mental Health and Wellness in the Workplace
3. Challenges
4. (omitted)
5. Way forward



# Introduction and background

- The Employee Health & Wellness Strategic Framework (EHWSF) for the Public Service was approved and launched for implementation in 2008.
- In 2009 the following EHW policies were developed and implemented from April 2010:
  - ✓ HIV& AIDS, STI and TB Management ;
  - ✓ Health and Productivity Management;
  - ✓ Wellness Management,
  - ✓ Safety, Health, Environment, Risk and Quality(SHERQ) Management
- The implementation of this policies are integrated to achieve the objectives of the EHW strategic framework.



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# Legislative Mandate governing Mental Health in the Workplace

- The Constitution of the RSA, 1996, Chapter 2, Section 24(a)
  - ✓ Everyone has the right to an environment that is not harmful to their health or well-being
- Furthermore, Chapter 10, of the Constitution requires:
  - ✓ the Public Administration to be accountable;
  - ✓ People's needs must be responded to;
- In terms of the Public Service Act (PSA) of 1994, as amended, the Minister for the Public Service and Administration (MPSA) is responsible for establishing norms and standards relating to amongst others;
  - ✓ The Health and wellness of employees;
  - ✓ Labour relations, conditions of service and other employment practices for employees;



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# Cont....Legislative Mandate

- The Public Service Regulations of 2016, Sec 53 state that ‘A Head of department shall establish and maintain a safe and healthy work environment for employees of the department’.
  - **environmental health**" means situations or state of affairs relative to the environment which impact on, or have the potential to impact on the mental, physical and social health and well-being of people;
- In addition, Section 54, of the Public service Regulations 2016, requires every department to have a policy that promotes the health and well-being of employees.
- The Occupational Health and Safety Act(OHSA) of 1993, Section 8, requires an employer to create a safer and healthy environment to employees at all times.





# Cont....Legislative Mandate

- The Health Act, No 63 of 2003, section 52 stipulates amongst others :
  - ✓ that adequate resources should be available for the education and training of health care personnel(EHW Practitioners) to meet the human resources requirements of the national health system( MH in the workplace);
- In addition, PSR 2016, section 74, compels the HOD to ensure that sufficient budget is available for training and development of employees.
- Mental health care Act, No 17 of 2002, Section 4, emphasises the following:
  - ✓ Provision of mental health services at all level of care
  - ✓ Promotes and improves the mental health status of all population(including the workplace)



# Cont....Legislative Mandate

- The National Mental Health Policy framework and Strategic Plan 2013-2020
  - ✓ Human rights of people with mental illness should be promoted and protected;
  - ✓ The rights to equality, Non- discrimination, dignity and respect;
  - ✓ Requires inter-sectoral collaboration from all sectors and
  - ✓ Mainstreaming of mental health programme in all legislations and policies(including the workplace).
- The NDP vision 2030, emphasizes building of a capable state and a greater accountability of state to its Citizen.
- Circular 2017,deals with the determinations and directives by the MPSA: The implementation of the Employee Health and Wellness Strategic framework,2008 with effect from 1 April 2009.(Amended 2017).
- The SDG 2030;Goal 2:Ensure healthy lives and promote the Wellbeing of all people and at all ages (including the workplace)



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# Challenges

- Insufficient capacity to manage Mental Health issues in the workplace
- Appointment of EHW Coordinators
- Lack of Infrastructure to support employees with mental health problems in the workplace
- Lack of disclosure by employees



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# Way forward

- Capacity building of EHW Practitioners on management of mental health and wellness in the workplace
- Appointment of the EHW practitioners vs Coordinators;
- Training of the existing EHW Coordinators to become Practitioners.
- Statutory body registration should be a requirement during recruitment process of the EHW Practitioners.



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Dankie / Thank you / Ngiyathokoza

Enkosi / Ngiyabonga / Ke a leboga

Ke a leboha / Ndi a livhuwa

Ndza khensa



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