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CREATE A RESPECTFUL WORKPLACE BY THE NEXUS OF HUMAN RIGHTS AND MENTAL HEALTH

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Abstract

Every employer wants the employees to perform at their best capacity. In that scenario, if the workplace is hectic and tense, then the performance of the employees will be hampered directly. It is the responsibility of the employers to provide a tension-free work environment. The workplace is the second home for employees. They spend nearly 8 hours per day. So, it's important that they feel happy to come to the workplace with a positive mindset. A negative mindset will directly hamper the output of the employees. The United Nations and other international organizations talk about a safe and secure workplace under Human rights documents. A healthy workplace is directly linked to the healthy environment of a human being. A healthy human being has both physical and mental well-being. This paper focuses on the significant role of a healthy workplace and its link with basic human rights. The paper discusses the employees and workers, a safe and healthy workplace environment as a basic human right for employees. Human rights have a direct nexus with mental health. This paper is limited to the mental aspect only. The authors have undergone a theoretical study to understand this area and tried to provide vital suggestions for the interested stakeholders.

Keywords- Mental Health, Workplace, Human Rights, Employees and International Forum.

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Introduction

Everyone is born with basic rights. These basic rights have a direct bearing on a person's health and general development. No one should be deprived of these basic rights¹. The state and its institutions have a responsibility to protect these basic rights². The definition of health has expanded to include more than just physical well-being. The scope of basic rights includes both physical and mental health. Examples of basic rights like the right to a healthy environment, clean water, clean air, etc. These basic rights extend to mental health³. Mental health is currently a major concern in light of the right to health.

This paper discusses the role of mental health in the proper well-being of a human being and the safeguard of mental health is the basic right protected under the charters of international law. The laws for mental health cannot be ignored and the organization whether national or international must come forward in the protection of mental health and physical health.

In terms of its employees, the corporation should feel accountable. The highest obligation of any company or workplace is to recognize mental health as a fundamental human right.⁴ The corporate organization or any place where anyone works, needs to understand the importance of a healthy work environment. The direct relation of healthy work environment with good mental health of employees. Even global organizations like the International Labour Organization (ILO) and the World Health Organization (WHO) have stressed the importance

¹ Universal Declaration of Human Rights, <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 20 December 2024

² Human rights treaties which include the right to health
International Covenant on Economic, Social and Cultural Rights (Article 12)
Elimination of All Forms of Racial Discrimination (Article 5(e) iv)
International Convention on the Elimination of All Forms of Discrimination Against Women (Articles 11(1) (f), 12 and 14(2)(b))
Convention on the Rights of the Child (Article 24)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Articles 28, 43 (e) and 45 (c))
Convention on the Rights of Persons with Disabilities (Article 25)
Human rights (01 December 2023) <<https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>> accessed 22 December 2024

³ Mental health is a basic human right for all people. Everyone, whoever and wherever they are, has a deserving and inherent right to the highest attainable standard of mental health.

This includes: the right to available, accessible, acceptable and good-quality care; and the right to liberty, independence, and inclusion in the community

Mental health: Promoting and protecting human rights (6 October 2023) <<https://www.who.int/news-room/questions-and-answers/item/mental-health-promoting-and-protecting-human-rights>> accessed 22 December 2024

⁴ Business, human rights and mental health: In the workplace, yes. But there's more ..., GBI, (10 October 2022) <<https://gbih.org/updates/business-human-rights-and-mental-health-in-the-workplace-yes-but-theres-more>> accessed 22 December 2024

of focusing on mental health in the workplace.⁵ These two leading organizations are well aware of the toxic work environment and its negative effect on the employees.

Dignity and Mental Health

Mental health can be affected due to numerous reasons. For all those reasons, one major cause is the hampering of dignity. Dignity of men or women or a third gender, everyone must be treated with equality and dignity. Any form of discrimination hampers dignity. Even the non-recognition of their hard work affects their dignity.

The concept of dignity is enshrined in the case of *National Legal Services Authority v. Union of India*⁶. Every country must work to grant everyone respect and freedom. In this context, it is possible to argue that freedom should not just apply to physical health but also to mental health. Providing a healthy work environment ensures the dignity of employees. Dignity should not be hampered in mental form either.

The mental health issue is a serious concern. During the Covid Phase, this issue came to light differently. Working from home during the COVID phase raised concerns related to mental health⁷. The workload in the office, the manager's deadline reminder, the competitive environment, etc. contributed to the rise of mental health issues in the workspace. This article is limited to mental health issues in the office or the workplace only. The other reasons also contributed to the rise like ill-treatment by colleagues, non-cooperation by heads, isolation feeling in groups, heated arguments, or silence torture from heads.

The domestic tussle or conflict of opinions with partners or with family members already exhausts the person in the home. Then when he comes to the office, the cake gets filled with more different icings of office tussle. On the other hand, talking about mental health in the workspace is considered taboo and related to a weak personality or can be considered as a timid personality. Thus, mental health issues are with many but few only come forward to talk about it. The suicide cases in the recent news have again brought light to this crucial topic. This is

⁵ Ibid

⁶ National Legal Services Authority vs. Union of India (2014) 5 SCC 438, <<https://privacylibrary.ccgmlud.org/case/national-legal-services-authority-vs-union-of-india>> accessed 24 December 2024

⁷ Nisha Shankar, 'Work from home during COVID-19-disequilibrium of mental health and well-being among employees' <<https://pmc.ncbi.nlm.nih.gov/articles/PMC8481794/>> accessed 24 December 2024

the duty of the workplace to set realistic goals for the employees and even set the proper counseling sessions at regular intervals. The hectic lives of people and poor lifestyles have added more stress to their mental and physical well-being.

International Guidelines

The “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework”,⁸ serves as the guiding principles under the pillars of protection, respect and remedy. These pillars define the duties of the state and business for the protection of human rights. The actions must be taken by the state for effective implementation by business entities. The concern for mental health is important as it can also be seen under the mandate of Sustainable Development Goals.⁹ Depression evolved as a cause of disability and suicide was a leading reason of death in this era¹⁰. One of the major concerns of depression is workplace mental anxiety. The digitalization era and mobile, have taken away the natural physical friendly bond and created a virtual friendship zone leading towards the widening of the gap with real friends around us. The person is not able to vent his feelings among the family or friends in a nearby company. People are using electronic media to share feelings and emotions. The sensitization for people towards mental health is the need of the hour. Mental well-being should not be confused with physical well-being. Both are important in their spheres. A person can look physically fit but that does not guarantee the mental health of that person.

The Human Rights Council resolution on mental health and human rights¹¹ requested that the United Nations High Commissioner for Human Rights (OHCHR) raise the matter to discuss the different ways of balancing state laws with international laws concerning mental health issues. International platforms can make the laws, but the real responsibility is to the individual states to implement those guidelines or norms. More than half the population of the world is at work and thus it embarks on the need for their address¹². The Covid era created an impact

⁸ There is the "Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework", The Special Representative annexed the Guiding Principles to his final report to the Human Rights Council (A/HRC/17/31), The Human Rights Council endorsed the Guiding Principles in its resolution 17/4 of 16 June 2011. <https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinessshr_en.pdf> accessed on 25 December 2024

⁹ Mental health, <https://www.who.int/health-topics/mental-health#tab=tab_1> accessed on 25 December 2024

¹⁰ Ibid.

¹¹ Human Rights Council Intersessional consultation, 15 November 2021, A/HRC/43/13 <<https://www.ohchr.org/en/health/mental-health-and-human-rights>> accessed 25 December 2024

¹² World employment and social outlook - Trends 2022. Geneva: International Labour Organization; 2022

on the mental health of the workers due to a rise in issues like job security and work-life balance.¹³ The employees and workers both deserve a healthy work environment. Mental health cannot be compromised for any reason. It can be understood that employers need the output but that should not be at the cost of the mental health of employees. The WHO published the “World Mental Health Report: Transforming Mental Health for All” in 2022 to create awareness regarding this pressing issue.¹⁴ When the international forum emphasizes the topic of mental health issues in the workplace. Then individual states must make serious efforts to bring the proper legislation in this regard. “Two of the most common mental health conditions, depression and anxiety, cost the global economy US\$ 1 trillion each year”.¹⁵ There can be various reasons for this. But one of the important reasons is stress and anxiety at the workplace¹⁶. The WHO with the member states implementing the “Comprehensive Mental Health Action Plan 2013–2030”,¹⁷ is focusing on community services, mental health well-being, mental health awareness programmes, universal social care, and mental health services. All this can be achieved with the joint efforts of both international and national forums¹⁸.

Mental health well-being benefits the person working in the organization and in the longer run that person contributes to the growth and development of the organization. The organization should invest in the mental well-being of their employees to increase their productivity. Healthy employees contribute more as compared to unhealthy ones. The organization must work hard to sensitize the employees towards the maintenance of their mental well-being¹⁹.

Suggestion and Conclusion

The issue of mental health and its importance in the workplace is not only to be discussed at the national level but also to be discussed at regular intervals at the International Forum. To create a healthy work environment, the employer or organization should take an active part in

<https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_834081.pdf> [accessed 25 December 2024](#)

¹³ Ibid

¹⁴ The WHO special initiative for mental health (2019-2023): universal health coverage for mental health <<https://apps.who.int/iris/handle/10665/310981>> [accessed 26 December 2024](#)

¹⁵ Mental health <https://www.who.int/health-topics/mental-health#tab=tab_2> [accessed 26 December 2024](#)

¹⁶ Ibid.

¹⁷ Comprehensive Mental Health Action Plan 2013-2030 (21 September 2021) <<https://www.who.int/publications/i/item/9789240031029>> [accessed 26 December 2024](#)

¹⁸ Ibid.

¹⁹ Evelien Coppens Et. All, ‘Promoting employee wellbeing and preventing non-clinical mental health problems in the workplace: a preparatory consultation survey, <<https://pmc.ncbi.nlm.nih.gov/articles/PMC10426174/>> accessed 26 December 2024

ensuring the well-being of their employees at the workplace. Every employer is expecting the best output in the organization. The best performance or output can be achieved only when the work environment is positive and friendly. They must make sure that all forms of bullying, mistreatment, comparisons, excessive pressure, and prejudice are prohibited. A sympathetic and welcoming environment must be provided by the highest level of the organization. The finest performers should be recognized by the company, and efforts should be made to advance activities that reduce stress and foster interpersonal relationships. A rejuvenated room should be made if anyone feels exhausted or stressed to boost his mental health.

There is a need for community programmes at regular intervals so that a person can interact and share their feelings or emotions. The value of face-to-face human interaction cannot ever be replaced by entertainment or electronic media. The Government should make efforts to create the human bond through interactive gathering. The leaders of the workplace should volunteer to plan these programs. Thus, mental health at the workplace should not be compromised at any cost.

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