
LEGAL RECOGNITION AND PROTECTION OF MENTAL HEALTH RIGHTS OF EMPLOYEES IN INDIA: A LABOUR LAW PERSPECTIVE

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1. Introduction

Mental health is a critical component of employee well-being, particularly in the workplace, where stress, anxiety, and burnout are frequent. However, mental health is frequently disregarded in Indian labor laws. Organizations like the World Health Organization and the International Labour Organization emphasize the importance of mental health for employee productivity, retention, and human dignity. India has legislation in place, such as the Mental Healthcare Act of 2017, however their application and enforcement in the workplace are constrained¹. The goal of this research is to look into the extent to which Indian labor laws recognize and protect employees' mental health rights, as well as constitutional provisions, key legislation, judicial pronouncements, and policy initiatives, and to highlight practical challenges that employees face when asserting their rights.

2. Conceptual Framework

Mental health is a crucial aspect of an individual's well-being since it enables them to cope with life's stresses, work productively, and contribute to their community. Anxiety, melancholy, burnout, and PTSD can all have a severe influence on productivity and overall well-being at the workplace. Poor mental health can lead to absenteeism, low productivity, high turnover, and greater healthcare costs. Employees may be unwilling to seek therapy because of the stigma surrounding mental diseases². As the nature of work evolves, particularly in India's service and knowledge-based industries, there is a greater requirement for workplace mental health protection. Labor rights, notably the right to safe working conditions and dignity, are integrally linked with mental health³.

¹ World Health Organization (WHO). (2021). *Mental Health in the Workplace: Information Sheet*. WHO. International Labour Organization (ILO). (2019). *Mental Health in the Workplace*. ILO. Mental Healthcare Act, 2017, No. 10 of 2017, Government of India

² Chronic stress, anxiety, and burnout in the workplace have been shown to lead to a range of physical and mental health issues, as well as higher absenteeism and turnover. For a comprehensive view on this, see:

Jain, M. (2021). *Mental Health in the Workplace: Perspectives from Indian Labor Law*. Indian Journal of Labour Economics, 64(1), 85-102

³ Kumar, R., & Shah, A. (2020). *Impact of Mental Health on Employee Productivity and Well-being: A Study of Indian Workplaces*. Journal of Workplace Behavioral Health, 35(4), 305-322

However, Indian labor laws have always stressed physical safety, sometimes overlooking mental health.

3. Legal Framework in India

In India, mental health rights in the workplace are legally recognized and protected by constitutional provisions and labor legislation. The Indian Constitution⁴ provides the basic right to life and personal liberty, as well as the right to health (physical and mental). Articles 39(e) and 42 require the preservation of workers' health and strength, as well as humane working circumstances, which can also include mental health. However, mental health has not always been specifically addressed in Indian employment regulations. The Factories Act of 1948⁵ governs working conditions but does nothing to address mental health issues. The Employees' State Insurance Act of 1948 offers health insurance benefits to employees, including coverage for mental diseases, although its breadth is misused. The Occupational Safety, Health, and Working Conditions Code of 2020⁶ consolidates several labor regulations to address employee well-being more comprehensively. The Mental Healthcare Act of 2017 defines the rights of people with mental diseases, including the right to equality and nondiscrimination in the workplace. Despite these legal efforts, the protection and promotion of mental health in Indian workplaces is still fragmented due to a lack of explicit, enforced mental health policies, low knowledge, and stigma.

4. Mental Healthcare Act, 2017 and Employment

The Mental Healthcare Act of 2017⁷ is crucial Indian law intended at preserving the rights of people with mental illnesses and increasing access to mental health treatment. It offers a rights-based approach, focusing on the right to mental health care and protection against discrimination. Section 21 ensures that people with mental illnesses are treated equally and without discrimination in the workplace, and that they are not denied job prospects only because of their condition. In the context of work, the Act requires employers to make reasonable accommodations for people with mental illnesses, comparable to the Rights of Persons with Disabilities Act, 2016⁸. However, the Act does not provide explicit standards or legal mechanisms to provide mental health support at work. The real difficulty is to put the Act into practice and create a culture that promotes mental health. Greater awareness of mental

⁴ The Constitution of India, 1950. Articles 39(e), 42, and 21

⁵ Factories Act, 1948, No. 63 of 1948, Government of India

⁶ Occupational Safety, Health, and Working Conditions Code, 2020, No. 37 of 2020, Government of India

⁷ Mental Healthcare Act, 2017, No. 10 of 2017, Government of India

⁸ India's Mental Healthcare Act (2017) – The law's impact and challenges. (2019). *Journal of Indian Law and Society*, 34(2), 145-162

health concerns among employers and employees is required, as is the establishment of more concrete laws to ensure the rights provided by the Act are enforced in the workplace.

5. Judicial Pronouncements

Indian legal rulings have had a tremendous impact on how people perceive and safeguard their mental health rights, particularly in the workplace. The landmark case *Consumer Education and Research Centre v. Union of India* (1995)⁹ construed the right to life under Article 21 of the Constitution to include the right to health, seeing health as an essential component of an individual's right to life. This decision established a precedent for applying these concepts to mental health at work.

In *Vincent Panikurlangara v. Union of India* (1987)¹⁰, the Supreme Court ruled that the State has a constitutional obligation to guarantee that working circumstances do not affect employees' physical and mental health. This focus on the state's obligation to safeguard workers' health serves as a foundation for expanding such protection to mental health in the workplace.

The *Jeeja Ghosh Case*¹¹ (2016) acknowledged that people with disabilities, including those with mental health disorders, must be given reasonable accommodations at work to avoid discrimination. These judicial decisions provide a framework for addressing mental health as part of larger workplace rights. However, for effective protection, further legal clarification and the establishment of specialized mental health rules in the workplace are required.

6. Comparative Jurisprudence

The United Kingdom and the United States have improved legislative safeguards for workers with mental health disorders that can be used as examples in India. The

UK's Equality Act of 2010 protects against disability discrimination, including mental health problems such as depression, anxiety, and bipolar disorder. The Act requires companies to make reasonable adaptations in the workplace for employees with mental health issues, ensuring that they are not disadvantaged in terms of employment prospects, job positions, or career advancement. The UK's approach also focuses on workplace wellness initiatives, which leads to more open talks and less stigma around mental health in the workplace.

⁹ *Consumer Education and Research Centre v. Union of India*, (1995) 3 SCC 42, Supreme Court of India

¹⁰ *Vincent Panikurlangara v. Union of India*, (1987) 2 SCC 125, Supreme Court of India

¹¹ *Jeeja Ghosh v. Union of India*, Writ Petition (C) No. 502 of 2016, Supreme Court of India

employment prospects, job positions, or career advancement. The UK's approach also focuses on workplace wellness initiatives, which leads to more open talks and less stigma around mental health in the workplace.

The Americans with Disabilities Act (ADA)¹² of 1990 protects employees with mental health disorders from discrimination and requires businesses to make reasonable accommodations. The ADA considers depression, anxiety, and PTSD to be impairments if they significantly impede one or more important living activities. The ADA encourages workplace diversity by providing equal opportunities and accommodations for employees with mental health issues.

However, India's legislative structure lacks explicit rules and clearer standards for dealing with mental health issues in the workplace. The implementation of India's Mental Healthcare Act of 2017 is limited, and more extensive legislative measures are required to actively promote mental health in the workplace. Both the United Kingdom and the United States have clear and enforceable legislation from which India might take inspiration to build a more friendly and inclusive environment for employees battling mental health issues.

7. Gaps and Challenges

Despite existing legal safeguards, the Indian workplace still has severe gaps in protecting and promoting mental health rights. The Mental Healthcare Act of 2017 has certain legal safeguards, but it lacks comprehensive standards and enforceable procedures for workplace mental health. The stigma attached to mental health concerns in India causes underreporting and a lack of help, impacting employees' well-being and workplace productivity.

Execution of current rules is also difficult, with regulations in the Factories Act of 1948 and the Occupational Safety, Health, and Working Conditions Code of 2020¹³ focused mostly on physical health and safety, with little emphasis on mental health. There are no specialized regulatory organizations or processes to guarantee mental health is handled in the workplace, and many firms fail to implement policies that promote mental well-being.

Furthermore, businesses, human resource departments, and managers are not adequately trained or sensitized to mental health concerns. The lack of defined rules and training programs for recognizing and treating mental health disorders exacerbates the situation.

¹² Chakrabarti, S. (2021). *Comparative Mental Health Protection: Lessons from the UK and the US for Indian Labor Law*. *International Journal of Comparative Law*, 9(1), 77-93

¹³ Occupational Safety, Health, and Working Conditions Code, 2020, No. 37 of 2020, Government of India

The existing legislative framework does not provide clear entitlements for mental health leave or address the need for mental health treatment, leaving employees with limited access to critical care¹⁴. Addressing these issues needs strong laws, clearer rules, improved execution, and a shift in public attitudes regarding mental health.

9. Recommendations and Conclusion

India must overcome legislative loopholes in recognizing and protecting employees' mental health rights. This can be accomplished by legislative and organizational actions. The Indian government may alter the Mental Healthcare Act of 2017¹⁵ to add specific measures on workplace mental health, such as employer rules for reasonable accommodations, mental health leave, and workplace wellness initiatives. This would establish a clear legal framework for the protection of employees with mental health disorders, ensuring that their rights are actively maintained¹⁶.

Employers should be required to develop workplace policies that raise mental health awareness, make appropriate accommodations, and combat mental health stigma. Employee Assistance Programs (EAPs) should be implemented, counseling services provided, and HR workers and management trained to detect and respond to mental health problems. Mental health should be integrated into occupational health and safety frameworks, with dedicated resources and initiatives to promote employee well-being. Given the stigma associated with mental illness, government-led programs to enhance employee and employer knowledge about the importance of mental health in the workplace may help prevent discrimination and increase receptivity to getting treatment. Employee rights regarding mental health should be addressed in labor law education programs and workplace training sessions¹⁷.

Establishing clear rules for mental health leave is critical, aligning with progressive practices in countries such as the United Kingdom and the United States, where mental health leave is viewed as a vital component of fostering a healthy, productive workplace.

¹⁴ Saxena, N. (2021). *The Challenges in Implementing Mental Health Law in India*. *International Journal of Indian Legal Studies*, 14(2), 215-229

¹⁵ Mental Healthcare Act, 2017, No. 10 of 2017, Government of India

¹⁶ International Labour Organization (ILO). (2019). *Mental Health in the Workplace: Towards a More Inclusive Approach*. ILO

¹⁷ Singh, R. & Thomas, A. (2022). *Policy Recommendations for Mental Health in the Indian Workplace: A Comparative Perspective*. *Journal of Employment Law and Practice*, 40(4), 133-148