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## **WORK-RELATED STRESS AND MENTAL HEALTH: THE LABOUR RIGHTS UNDER CONSTITUTION OF INDIA**

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### **ABSTRACT**

Stress at work is a typical response that happens when workloads grow and become too much to handle. Stress at work is a growing and real problem in today's society. Stress at work is a major issue for both individuals and organizations. It may result in a high rate of employee turnover, burnout, illness, absenteeism, low morale, and decreased productivity and performance. The majority of workers are not conscious of their stress levels. Unknowingly, people can exhibit strange behavior, which would be detrimental to both their performance and health. Furthermore, management ignores the fact that a stressed workplace affects not just its workers but also the organization's productivity. Numerous variables, including organizational and personal ones, can contribute to stress. Therefore, stress management is something that both employers and employees need to be aware of. In addition to understanding how stress is handled and the role that organizations play in this process, this study aims to identify the variables that lead to stress as well as its effects on workers and organizations.

**Keywords:** Stress, employees, affects productivity, right and duty on stress free work.

## **INTRODUCTION**

Stress significantly affects an organization's human resources' performance, physiology, and psychology. The dynamic social elements and changes in lifestyle have led to a major contribution from the researchers in the field of stress. Not all pressures are harmful in nature, even if they might have negative consequences on one's health. Positive reactions to stress, such as those brought on by good stress or eustress, inspire people to strive for success and overcome obstacles, enabling them to provide their best effort. The majority of research on the impact of stress on human resources and organizations has only looked at the information technology or banking industries. There is stress at work in every industry.

One of the fundamental components of social and economic growth is human development, and health is a crucial indication of such progress. The right to protection and health care has long been acknowledged in India. Being one of the founding members of the UN, India has accepted a number of international agreements that guarantee everyone's access to health care in society. As BKS Iyengar once said, "Health is the state of complete harmony of body, mind, and spirit." Therefore, discussing mental health is a necessary part of promoting good health. Approximately 500 million individuals globally suffer from mental health conditions. In India, stress, sadness, anxiety, or any other cause affects 10–12% of the population who suffer from a mental illness. Employee mental health has a significant impact on business productivity; these losses are estimated to be worth over \$100 million a year. This article aims to clarify whether the workers have the right to stress free work. Then the stress at the workplace also affects the productivity and development of the industry by affecting Industrial peace and harmony.

## **BACKGROUND OF THE STUDY**

"A state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community," is how the World Health Organization (WHO) described mental health in 2011. A mental illness affects around 450 million individuals worldwide. A significant percentage of mental health illnesses are caused by stress, worry, and sadness.

Thirteen to fourteen percent of all illnesses worldwide are caused by mental health issues. It is believed that in India, three to five times as many people have an emotional condition and

that 10 to 20 people out of every 1,000 suffer from a serious mental disease.

In India, the prevalence of depression ranges from 5.8 to 9.5 years. Anxiety disorder prevalence is around 16.5. According to a survey, the majority of stressors in India were connected to employment, with a moderate level of stress prevalence of 9.5%<sup>1</sup>.

It has long been recognized that there is a complicated link between employees' mental health and their employment. Work in and of itself may frequently improve a person's mental health; factors such as job security, schedule stability, social interaction, and organizational skills can frequently improve a person's mental condition. Negative mental health, however, can also cause disruptions to the workplace. The economic viability of an employer is negatively impacted by rising absenteeism, falling productivity, and earnings as well as expenditures associated with solving the issue.

Individuals suffering from depression and anxiety may have occupational role dysfunction, and workplace stress can create an unhealthy atmosphere. A psychologically healthy workplace is efficient, produces high levels of output, and welcomes conversations about mental health concerns.

The Centre for Mental Health calculated that stress, anxiety, and depression cost companies 1,149 pounds (inflation adjusted) annually for each person in the workforce in "Mental Health at Work: Developing the Business Case."

In India, there are over 98 million workers, the majority of them are in the unorganized sector<sup>2</sup>. There are no rules or legislation pertaining to the mental health of workers in businesses, whether they are formal or not. It is essential that we gather further proof supporting the aforesaid situation while keeping an eye on it.

This study is a pilot project designed to determine whether such a project is feasible in India and to see if the country aligns with worldwide projections in order to develop a solution that

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<sup>1</sup> Mental Health Foundation, UK: Economic burden of Mental Health Illness cannot be tackled without Research Investment. [Last cited on 2024].

Available from: <http://www.mentalhealth.org.uk/content/assets/PDF/campaigns/MHF-Business-case-for-MHresearch-Nov2010.pdf>.

<sup>2</sup> Provisional Report of Economic Census 2005. All India Report. [Last accessed in 2024 April 9]

Available from: [http://mospi.nic.in/economic\\_census\\_prov\\_results\\_2005.pdf](http://mospi.nic.in/economic_census_prov_results_2005.pdf)

will change some regulations and policies around mental health in the workplace.

## **RESEARCH HYPOTHESIS**

Increase in anxiety, depression and stress among workers decreases the productivity of the industry.

## **HYPOTHESIS TESTING**

The increase in stress reduces the critical thinking and reasonable thinking of the workers who work in the industrial sector. So, the Management of the Industry has the duty to provide stress free work for the workers. This act of providing stress free work should be enforced by the state which is given under the directive principles of state policy.

The right to life under Article 21 of Indian constitution has wide interpretation which also includes the right to stress free life. Thus, every worker who is also the citizen of India has the right to stress free work at the workplace. The duty of the state to provide stress free work is given under the article 39 (d), (e), 41,42 and 43 of the Indian constitution as directive principles of state policy.

Article 39(d) speaks about the equal wage for equal work, failing to provide equal wage results in the mental stress of the workers who do great work. This amounts to separating labor from the workers. Not providing equal wage makes the workers become lazy and reduces the productivity of the industry or firm.

Article 39(e) speaks about the duty of the state to provide for the good health and strength of workers at the workplace and they should not be forced to do the work. The word health includes mental health, and the word strength includes mental strength. Therefore, the state should ensure proper mental health in the workplace environment.

Article 41 speaks about the right to work for workers which also includes the right to stress-free work.

Article 42 speaks about the right to work with just and Humanae conditions includes right to stress free work.

Article 43 speaks about the right to living wage which also includes decent work. Decent work also includes stress free work.

## **INDIAN LEGISLATION FOR MENTAL HEALTH INCLUDING MENTAL STRESS**

### **1. Indian Lunacy Act, 1912**

It was India's first mental health legislation. It resulted in modifications to the asylums' amenities. It saw people with mental illnesses as dangerous and human rights violators. It was decided that a new health bill was necessary in light of the criticism. The Mental Health Act of 1987 eliminated it.

### **2. The 1999 National Trust Act**

The purpose of this Act's ratification was to empower and allow individuals with autism, cerebral palsy, mental retardation, and various impairments to live as autonomous members of society. Through the evolution of the processes for the appointment of guardians and trustees, the trust seeks to safeguard individuals with disabilities following the death of their parents and to promote equality in society.

### **3. The 2016 Rights of Persons with Disabilities Act**

Following India's ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), it came into effect. The rights and dignity of individuals with disabilities are promoted and upheld in a variety of spheres of life, including social, legal, economic, educational, safety, cultural, and political.

### **4. The 2017 Mental Healthcare Act**

Thirty years later, in 1987, the Mental Healthcare Act was created following the UN General Assembly's approval of the UDHR. The government's National Healthcare program included the passing of the Mental Healthcare Act, 2017. The MHA establishes upper limits on institutional care. The admission, treatment, and release procedures for individuals with mental health disorders are outlined in the Act. The term "madness" was dropped, and a more liberal approach to the problem was taken. They get protection from brutal treatment, information, legal help, the right to healthcare, the ability to reside in their community, and contract rights.

Regarding treatment selection, treatment consent, and what to do in the event that a very sick patient declines treatment, the Act is silent. As a result, even while the Act has advantages, it is not perfect.

### **5. Government-undertaken schemes**

In order to treat people with mental health issues, prevent and promote positive mental health, and facilitate rehabilitation, the Indian government developed the National Mental Health Programme (NMHP) in 1982. Additionally, it introduced the District Mental Health Program, which offers community-based basic mental health treatments. The NHRC has also taken action to investigate the amenities offered by mental health facilities and suggest improvements to the government. Through active research, the Indian Psychiatry Society (IPS) has made a substantial contribution to mental health since its founding. Several forms of close collaboration between NGOs and government agencies have been established to provide mental health rehabilitation and reintegration services. Examples of these are the Institute of Human Behaviour and Allied Sciences (IHBAS) and the Medico Pastoral Association. NGOs have also started a number of community initiatives to raise awareness of mental health, including community-based mental health boot camps in both rural and urban regions, research, and training at universities.

## **COURT INTERPRETATION IN INDIAN LEGISLATION**

In the case of *Consumer Education and Research Center v. Association of India*<sup>3</sup>, it was decided that Article 21 covered a much broader range of topics, such as the right to a better standard of living, hygienic working and recreational environments, and chances to eradicate employee illness and physical disabilities. The court held that the right to health was also a necessary condition for both the right to life and the right to a meaningful existence. Additionally, it imposes an equal duty on the State, which is further reinforced by Article 47.

In the case of *Rakesh Chandra Narayan v. State of Bihar*<sup>4</sup>, the Supreme Court established several fundamental rules. An extension of the right to life guaranteed by Article 21 of the Constitution is the right of individuals with mental health issues to food, water, personal cleanliness, sanitation, and recreational opportunities. In order to achieve the intended

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<sup>3</sup> AIR 1995 SC 922

<sup>4</sup> 1989 AIR 348

outcomes, therapy, education, training, and research must be integrated. Quality norms and standards in mental health are non-negotiable.

iii. The Supreme Court ruled in *Kirloskar brothers Ltd. v. Employees State Insurance Corporation*<sup>5</sup>, a case concerning the role of employers in welfare states, that employers had an obligation to guarantee their workers could lead fulfilling lives and, as a result, they had to take an equal part in the development and implementation of welfare programs. To assist those suffering from mental illness, a number of mental health legislation, such as the Military Lunatic Act of 1877, the Indian Lunatic Asylum Act of 1858, and the Lunacy Act of 1858, went into effect. The purpose of all the legislation enacted during the British government was not fulfilled; instead, they separated those with mental illnesses that were labeled as such.

## **FINDINGS AND SUGGESTION**

1. Increases in stress among workers decrease the productivity of the firm.
2. Right to stress free life is included and given under the article 21 of the constitution of India.
3. The State has the duty to give stress-free work to all the workers in the industry. This duty is given under the directive principles of state policy.

## **CONCLUSION**

Individuals suffering from mental illnesses are among the most susceptible groups in the community. They are frequently marginalized, humiliated, stigmatized, and subjected to discrimination. One significant milestone in the development and acknowledgment of the challenges is the Mental Healthcare Act. Although it is a significant step in the right direction toward the protection and treatment of people with mental health difficulties, there is currently no complete legislation that addresses the pressing problems of discrimination, mental health promotion, equal opportunity, and the strict application of current programs. A successful coordination plan from the government and its specialized agencies, non-governmental organizations, and international organizations can help us get closer to the objective of a healthy country. The purpose of this study was to examine the levels of stress, anxiety, and

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<sup>5</sup> AIR 1996 SUPREME COURT 3261

depression in an industrial setting and to determine whether unfavorable circumstances had an impact on the company's production. The three subscales of depression, stress, and anxiety revealed a prevalence of mental health issues among the workers that ranged from 18 to 36%. The only way to determine if a causal impact is real is through longitudinal research. Research on how workers' health is impacted by their jobs is just as important and closely connected as research on how employees' health is impacted by their jobs. Developing nations lack the watchdogs necessary to monitor companies and occupational health, which, if problems persist, can put workers' health in unnecessary jeopardy.

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