

Employee Assistance Programs

Summary This Policy Directive outlines standards for Employee Assistance Programs (EAPs) to ensure employees have access to effective assistance services.

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Audience NSW Health Employees

Employee Assistance Programs

POLICY STATEMENT

NSW Health is committed to the health and wellbeing of its employees and demonstrates this commitment by establishing and maintaining confidential Employee Assistance Programs in all NSW Health organisations.

SUMMARY OF POLICY REQUIREMENTS

All NSW Health organisations must, in consultation with employees and their representatives, provide an Employee Assistance Program that includes:

- Access for all employees and household family members to voluntary, confidential and professional counselling and referral services delivered within a reasonable timeframe.
- Services that are appropriate to the needs of employees from diverse backgrounds.
- Information, advice and support available to supervisors and managers on the effective and management of organisational and individual issues affecting employees, for example change management issues, team functioning, interpersonal relationships and conflict resolution.

The key features of an effective Employee Assistance Program, includes the need for access to timely and effective counselling and referral services that meet the needs of a diverse range of users.

It provides direction for NSW Health Organisations when considering the engagement of external providers for Employee Assistance Programs.

For users of the Employee Assistance Program, this Policy sets out various ways they could be referred to the Employee Assistance Program, as well as information on how to access counselling and other services.

REVISION HISTORY

Version	Approved By	Amendment Notes
PD2022_048 October-2022	Deputy Secretary, People, Culture and Governance	Revised policy that reflects requirement for appropriate services for target groups and establishes links to the NSW Government's Mentally Healthy Workplaces Strategy.
September 2016 (PD2016_045)	Deputy Secretary, Governance Workforce and Corporate	Simplified policy; removed explicit reference to different models of Employee Assistance Programs
June 2011 (PD2011_040)	Director General	Revised policy that sets out roles and responsibilities and standards for the establishment and continuous improvement of Employee Assistance Programs.
March 2005 (PD2005_568)	Director General	Revised policy that includes best practice resources for the establishment and continuous improvement of Employee Assistance Programs
January 2005 (PD2005_174)	Director General	New Policy Directive

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1. BACKGROUND

An Employee Assistance Program (EAP) is a confidential counselling service offered by employers to their employees to support their social and psychological well-being in the workplace and in their personal lives. An Employee Assistance Program service offers initial short-term support and assistance to individuals and groups of employees who have personal and/or work-related issues that may impact their wellbeing, work performance, safety, individual and workplace morale and psychological health.

These issues may include personal and workplace relationships, health, trauma, substance use/abuse, gambling and other addictions, financial problems, grief, depression and anxiety disorders, mental health issues, communication problems, legal issues and coping with change.

1.1. About this document

These procedures are intended to assist NSW Health organisations to provide an Employee Assistance Program that is appropriate to the particular organisation and its employees.

2. FEATURES OF AN EMPLOYEE ASSISTANCE PROGRAM

2.1. Benefits of an Employee Assistance Program

The psychological wellbeing of employees has a significant impact on productivity, quality of work and interactions in the workplace. Providing an Employee Assistance Program (EAP) tangibly demonstrates the organisation's commitment to employee wellbeing and boosts its profile as an employer of choice.

2.2. Access to counselling

All employees and their household family members must be able to access an EAP service free of charge. It is to be noted that referrals to specialist services may incur expenses.

Irrespective of what model of EAP is available (i.e., internal, external or a combination of both), an EAP counsellor is to be available within a reasonable period of time, for example, no longer than five working days from a request for a counselling appointment. In urgent situations, a counsellor is to be available no later than 48 hours or 24 hours in the case of telephone counselling.

The EAP provider is to have appropriate experience and capability to support a diverse range of workers such as:

- Aboriginal and Torres Strait Islander peoples
- Culturally and linguistically diverse people
- People with a disability
- Lesbian, gay, bisexual, transgender, queer and intersex people
- People with caring responsibilities

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- Older people
 - People from specific (e.g., high-risk) occupations
 - People in rural and regional locations
 - People experiencing domestic or family violence
 - People with a mental health issue.

The number of sessions available to employees and approved hours of access to counselling delivered by EAP providers is to be determined by the organisation, in consultation with employees and their representatives. This is to reflect the needs of the workplace, for example by accommodating the needs of those who work shifts.

Employees with problems that are affecting their work are to be encouraged to seek assistance from the EAP, noting that use of the EAP is always voluntary.

All EAP counsellors are to be able to assist employees in discussing concerns and planning an appropriate course of action.

Where long-term or specialised counselling is required outside of the EAP provider's expertise, EAP counsellors will refer employees to appropriate agencies and services in the community, including referrals to culturally specific support services, where considered appropriate. It is important that where there are ongoing or recurring issues requiring specialist services, processes are in place to connect the employee to medical advice and support.

2.3. Injury management

EAP provides valuable support to a work health and safety system. Organisations need to manage their psycho-social and physical injury risks with workplace redesign and prevention strategies. EAP may provide support to these systems but does not take the place of an injury management system.

Injured employees may choose to use their EAP for extra personal support in addition to the services provided as part of their injury management plan or care plan provided by their general practitioner.

The NSW Health Policy Directive *Rehabilitation, Recovery and Return to Work* ([PD2022_02](#)) provides more information on injury management processes.

2.4. Incident management

Agencies are to consider the role of the EAP when developing incident management plans.

EAP providers may also offer a high level responsive critical incident service following workplace incidents, accidents, workplace deaths and associated trauma. For example, providers can be engaged to provide appropriate types of immediate support to employees after an incident occurs and the necessary follow-up over the period following the incident while maintaining the voluntary nature of the EAP.

NSW Health organisations need to ensure that their EAP provider can respond in a timely manner to such critical incidents and have significant experience in working with trauma across a range of organisational settings. The service that the EAP provides is to incorporate

trauma informed principles, including safety, trustworthiness, choice, collaboration and empowerment.

2.5. Supporting a mentally healthy workforce

Encouraging greater use of support services available via EAPs and maximising their effectiveness can reduce mental distress and contribute to improved mental health outcomes. An effective EAP program can help workplaces boost mental health at work as part of the [NSW Government's Mentally Healthy Workplaces Strategy](#).

NSW Health organisations are to consider various ways of promoting the value of the EAP, the services provided and educating managers and employees on how to access these services. As a minimum, all NSW Health organisations must have information on the EAP easily accessible to employees. This may include EAP posters and information documents. Consider the EAP details to be available on the landing page of your organisation's intranet site to ensure accessibility to information about the availability of EAP services.

2.6. Management support

Managers/supervisors are responsible for identifying and acting upon problems that affect work performance in their work area. This includes providing support to employees who may be experiencing work-related concerns or personal problems that affect workplace performance or conduct.

Many EAP providers include services to support managers/supervisors by providing confidential coaching and advice. This is particularly relevant when dealing with challenging workplace issues, such as managing performance, having difficult conversations, dealing with interpersonal and team conflict, managing change and supporting team development. The EAP may assist in identifying and resolving people management issues before they emerge or escalate.

In addition to assessing and managing their team and employee needs, managers/supervisors are to assess the impact on themselves and access the EAP individually to ensure their own well-being.

2.7. Employee Assistance Program provision in rural areas

When selecting a model for an EAP in rural and remote areas, the following may also be considered:

- A full-time EAP manager who coordinates both internal counselling and external referrals. Greater sensitivity to confidentiality and appropriate referral is required within small communities
- Provision of a toll-free telephone counselling/crisis line
- Out of hours services.

2.8. Confidentiality

Use of an EAP is voluntary and confidential. Job security and promotional opportunities are not to be jeopardised by participation.

Where an external provider is engaged, consideration is to be given to the allocation of a file reference or activity code (for billing purposes) to the employee attending counselling.

All information relating to the content of the counselling provided to employees by the EAP provider is to be kept strictly confidential. Written authority of the employee is to be obtained before any details of counselling is provided to any other party.

Personal information collected, used or disclosed in the provision of EAP services is protected by the *Health Records and Information Privacy Act 2002* (NSW) and the *Privacy and Personal Information Protection Act 1998* (NSW).

Employees seeking EAP assistance are to be provided with information that explains how their personal information is managed, who their personal information may be disclosed to and how employees may request access to their personal information held for EAP purposes.

The NSW Health *Privacy Manual for Health Information*, the NSW Health Policy Directive *NSW Health Privacy Management Plan* ([PD2015_036](#)) and the NSW Health [Privacy leaflet for staff](#) provides further guidance on privacy and confidentiality issues.

2.8.1. Exemptions from confidentiality provisions

EAP providers are permitted to inform the organisation of activities which constitute a serious and imminent threat to the life, health or safety of the individual or another person, or a serious threat to public health or public safety. For example, if an employee is not able to undertake their current work safely, the organisation is to be notified that close support and/or work alterations may be necessary. There may also be other lawful requirements to use or disclose the information. For example, information may be required to be disclosed for certain law enforcement or investigative purposes.

EAP providers also have obligations to report registered clinicians to the relevant regulatory authorities e.g., medical boards etc if there is a risk to public safety. If they are registered practitioners themselves, this is a mandatory requirement.

If, for whatever reason, any EAP records are relevant to a court case, a party to the case can seek a court order (such as a subpoena) to obtain copies of those records. A court order would usually override the employee's right to privacy and confidentiality. The EAP provider is to ensure users of the services are aware of these provisions.

2.9. Record management

EAP providers are to establish and maintain appropriate professional, and strictly confidential records in compliance with privacy legislation. This includes keeping all records in an accurate, orderly, complete and secure manner.

EAP providers are required to keep notes/files in a secure manner which is considered a fundamental part of appropriate customer management. EAP providers are to retain and dispose of EAP files in accordance with relevant records management requirements.

Users of the EAP may request access to or amendment of their personal information under the *Health Records and Information Privacy Act 2002* (NSW). The EAP service provider must obtain appropriate proof of identity before releasing or providing access to personal information. Records of any access requests must be maintained on the user's file.

Users of the EAP service do not own their own files. Where appropriate, they can have access to the file or may request copies of files from the provider.

2.10. Reporting

It is important that the independence and integrity of the EAP be maintained. EAP providers must, while preserving the confidentiality of EAP users, provide regular statistical reports as agreed with the organisation and include, for example:

- Utilisation rates
- Referral source
- Total number of counselling sessions conducted
- Basic demographic data
- Response time between referral and assessment
- Type of presenting issues – e.g., work vs. non-work issues
- Interventions
- Services utilised and outcome evaluations
- Recommendations for actions to management
- Follow-up evaluation of general satisfaction
- Other types of services provided to the organisation (training, advice to managers, etc).

An EAP can, with the correct data collection and analysis, provide unique insights into the psychological wellbeing of the workforce. Using anonymised details from employee contacts an EAP can identify and suggest wider areas for learning, training and improvement.

This data can also assist in tailoring and evolving EAP services for mentally healthy workplace initiatives. It can also contribute to identifying psycho-social risk factors in the workplace. Data from EAP services must be integrated into organisational safety systems to monitor the health and wellbeing of employees.

2.11. Evaluation and continuous improvement

It is good practice to review and evaluate the effectiveness of an EAP. A review process must be formulated and may involve the establishment of an EAP advisory committee or involving appropriate managers or EAP coordinators to review the data.

A review process can contribute to the development of strategies to address major issues in the workplace and improve the performance and wellbeing of employees. Elements to be considered when evaluating the effectiveness of an EAP may include feedback on appropriate access to the EAP and timely responses to counselling requests, as well as levels of grievances prior to and after the provision of the service.

NSW Health organisations may also consider the engagement of additional resources or providers in order to provide specialist services where the current EAP provider does not have the necessary expertise or resources. For example, consideration of a specialist

Aboriginal and/or Torres Strait Islander service provider in the event that the primary EAP provider does not have Aboriginal and/or Torres Strait Islander counsellors and/or psychologists.

3. ENGAGING AN EMPLOYEE ASSISTANCE PROGRAM PROVIDER

NSW Health organisations reviewing Employee Assistance Program (EAP) models and/or contracts and evaluating possible external providers must consider the following:

- Years of service, experience, and genuine testimonials
- Relevant registrations
- Cost of the provider including checking appropriate insurances
- Scope of services covered
- Qualifications and experience of EAP counsellors
- Specialist experience for identified target groups
- Geographical accessibility
- Availability of services 24x7
- Customer service and satisfaction levels
- Robust data and reporting.

4. EMPLOYEE ASSISTANCE PROGRAM REFERRALS

Employee Assistance Program (EAP) operational design accommodates various referral options.

Employees are able to self-refer where they can access private and confidential support for both work and personal issues. Suitable appointments are arranged directly with the provider and support can be accessed via telephone, video call or face-to-face to allow for ease of access.

Third parties such as supervisor/manager, colleagues, doctor or family may recognise an employee's distress or challenge. Such third parties may suggest EAP support to the employee with the understanding that access is always voluntary. On occasion and in consultation with the employee, a manager may suggest the use of the EAP to discuss support options.

It is important that where there are ongoing or recurring issues requiring specialist services, processes are in place to connect the employee to medical advice and support.

5. ACCESSING THE EMPLOYEE ASSISTANCE PROGRAM

Employees can access the Employee Assistance Program (EAP) in their own time or in work time. When accessing the EAP outside of work, the employee does not need to discuss attendance with anyone from work and no one from work will be advised of their attendance.

When accessing the EAP during work time:

- There is no requirement for the employee to give details of the reason for attendance only that they are attending.
- For an initial appointment, the employee is considered to be on duty, providing that the approval for the absence has been obtained from their manager.
- Subsequent work time appointments can be made using flexible work practices, existing leave provisions or in the employee's own time.
- Employees must notify their manager and seek approval if they are leaving the workplace during core hours to attend an external counselling session.

6. RESOURCES

SafeWork NSW [*Our Aboriginal Program*](#)

SafeWork NSW Code of Practice [*Managing psychosocial hazards at work*](#)

NSW Government [*Mental health at work*](#)

NSW State Insurance Regulatory Authority [*Using Employee Assistance Programs to help improve mental health at work*](#)