

Mental Health Issues and Wellbeing in the Workplace – Is There a Pill for That?

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Overview

- Understanding the ADA and related guidance when it pertains to mental health
- How to effectively communicate with employees about mental health
- How to foster a mentally healthy and modern workplace

Contextualizing the Conversation

- This year has been unprecedented in terms of physical and mental health
- Everyone is grappling with changes to their personal and professional lives
 - Consider some of the unexpected impacts on your workspace, daily routine, and interactions with your coworkers.

Contextualizing the Conversation

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 - Met a colleague's child for the first time in a video call?

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Contextualizing the Conversation

- How many people on this call have...
 - Met a colleague’s child for the first time in a video call?
 - Learned something new about a colleague’s taste in home décor?
 - Had more serious conversation with a colleague about current events than you had in the past?

Contextualizing the Conversation

- While this year has been a challenge in many ways, we can learn from what we've experienced.
- **What can 2020 teach us about improving everyone's mental health in the workplace?**

Understanding the ADA and Related Guidance

- The Americans with Disabilities Act
 - “The workforce includes many individuals with psychiatric disabilities who face employment discrimination because their disabilities are stigmatized or misunderstood. Congress intended Title I of the Americans with Disabilities Act (ADA) to combat such employment discrimination as well as the myths, fears, and stereotypes upon which it is based.”

Understanding the ADA and Related Guidance

- The ADA is applicable to both physical and mental disabilities.
 - The ADA defines disability as a “physical or **mental impairment** that **substantially limits** one or more **major life activities**.”
 - Employers have certain obligations regarding accommodating anything that the ADA defines as a disability, so where does the ADA definition draw the line?



Americans with Disabilities Act

Understanding the ADA and Related Guidance

- EEOC Notice No. 915.002: Guidance on ADA and Psychiatric Disabilities
 - **Mental Impairments** include "[a]ny mental or psychological disorder, such as . . . emotional or mental illness."
 - Not all mental illnesses listed in the DSM (Diagnostic and Statistical Manual of Mental Disorders, used by psychological clinicians) are disabilities or mental impairments as defined by the ADA.
 - » Some conditions, such as substance abuse arising out of currently engaging in illegal use of drugs, do not qualify.

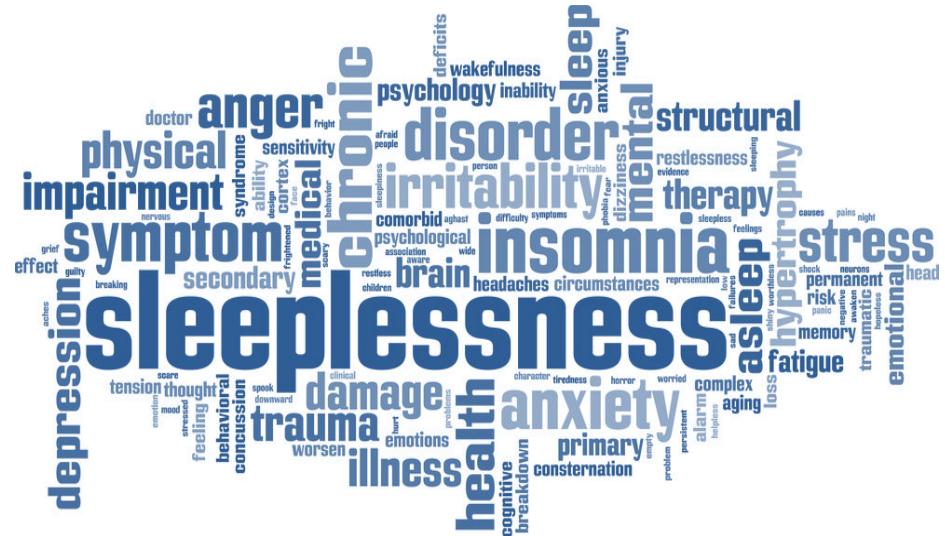
Understanding the ADA and Related Guidance

- The employee must experience a **substantial limitation** relating to the mental impairment.
 - An employee's "substantial limitation" is evaluated in terms of the severity of the limitation and the length of time it restricts a major life activity.
 - » Avoid generalizations and focus on that person's individual circumstances.



Understanding the ADA and Related Guidance

- Mental impairments must impact a **major life activity** inside or outside of the workplace to merit an accommodation.
 - The level of impact can include activities inside the workplace (job duties) or activities outside the workplace (such as sleep, concentration, ability to perform other critical major functions).



Understanding the ADA and Related Guidance

- Employers cannot factor in mitigating measures when assessing the extent to which a mental health condition impacts an employee's level of impairment
 - For example, the fact that an employee usually takes medication to mitigate the impact of a mental health condition cannot factor into the assessment of how that condition impacts their life.
 - That employee's level of impairment would need to be assessed based on their condition without medication as a mitigating factor, when assessing whether the employee is entitled to an accommodation.



Understanding the ADA and Related Guidance

- Employee Disclosure
 - Employers are not required to accommodate a disability of which they have not been notified.
 - Similarly, employees are not required to disclose a disability (except in very limited circumstances).
 - Employers may not require an employee to disclose their disabilities – “speak now or forever hold your peace” is not an option.



Understanding the ADA and Related Guidance

- Disclosures made to the employer are generally required to be kept confidential.
 - However, there are some very limited exceptions



Understanding the ADA and Related Guidance

- Making Accommodations
 - Requests for Accommodations
 - Requests for accommodation do not need to be in writing.
 - The employee's family member, medical professional, or other representative may make the request for a reasonable accommodation.
 - An employer may request documentation regarding an employee's disclosed condition.



Understanding the ADA and Related Guidance

- Types of Accommodations
 - Accommodations can include any of the same accommodations applicable to employees with physical disabilities, including modified working hours or changes to the workplace. Requests for accommodation do not need to be in writing.



Understanding the ADA and Related Guidance

- When might these changes be appropriate for an employee with an ADA-covered mental health disability?
 - Modified working hours may be an appropriate solution for an employee who takes psychiatric medications which can lead to difficulty sleeping.
 - A change in location of an employee's desk may be appropriate for an individual who experiences post-traumatic stress disorder around loud noises, so that they're farther away from a noise source.



Understanding the ADA and Related Guidance

- Examples of Accommodations
 - An employee discloses that they experience panic attacks, and they're concerned about what will happen if they have one at work.
 - What accommodations might be helpful for them?

Understanding the ADA and Related Guidance

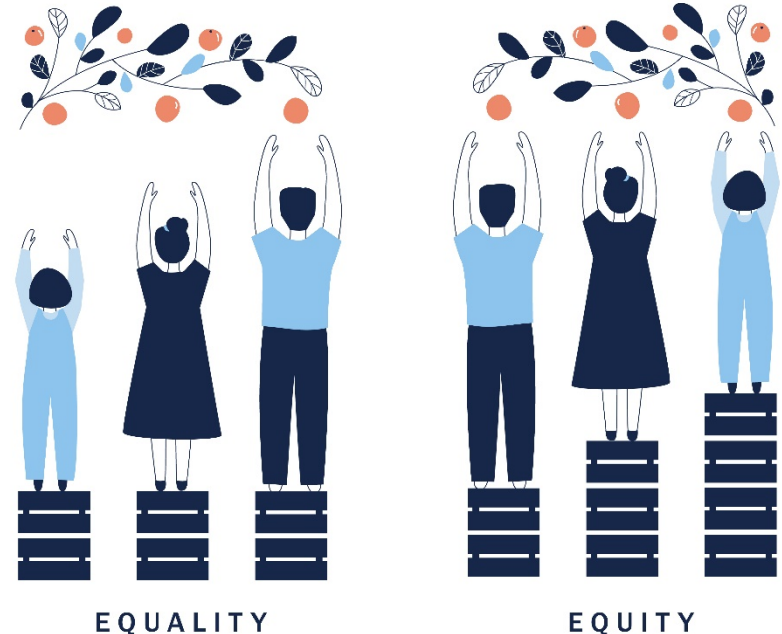
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 - **Bonus round: This employee is working remotely.**

Understanding the ADA and Related Guidance

- Equity vs. Equality in Accommodations
 - The ADA mandates *equity* in employee treatment, not equality.
 - *Equitable* policies get people to the same result, while *equal* policies treat everyone the same.



Understanding the ADA and Related Guidance

- Mental health challenges vary just as widely as physical disabilities, and accommodations aren't cookie-cutter.
 - An employee who struggles with depression might need a flexible work schedule, while an employee with obsessive compulsive disorder may need a more consistent structure and routine.
 - Both accommodations get them to the same result: improved job performance, and more successful employees.



Communicating with Employees About Mental Health

- Recognizing the Stigma
 - What comes to mind when we think about mental illness?
 - The majority of Americans have stigmatizing attitudes towards mental illness.



Communicating with Employees About Mental Health

- A significant number of adults experience mental health challenges, including some of those who have these negative views of mental illness.
 - Overall, about 44 million adults (over age 18) in the U.S. report having had any mental health condition during the past year, representing about 18.5% of the U.S. population.
 - According to the CDC about 80% of adults with depression reported at least some difficulty with work, home, or social activities because of their depression symptoms.



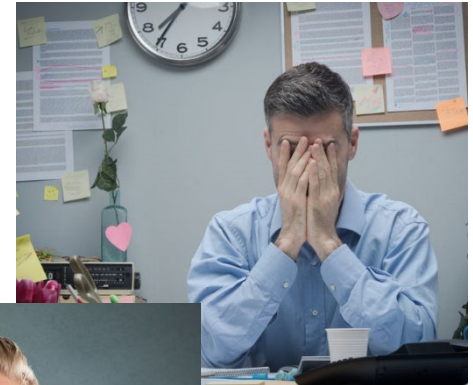
Communicating with Employees About Mental Health

- About 18% of workers in the U.S. report having a mental health condition in any given month.
 - Mental health disabilities are one of the most common types of disability covered under the ADA.



Communicating with Employees About Mental Health

- Employees are often hesitant to disclose their mental health challenges to employers.
 - Only 44% of Millennials and 38% of Gen Zers who took time off work because of stress or anxiety issues admitted the reason for their absence to employers.



Communicating with Employees About Mental Health

- Lifting the Stigma
 - Create opportunities for employees to disclose mental health conditions when they choose to.
 - Inform employees about who they can approach and how to start the conversation.
 - Open multiple channels of communication.



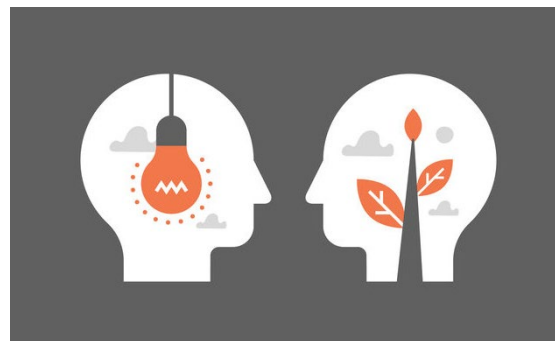
Communicating with Employees About Mental Health

- Recognize mental health awareness events.
 - October 10th: World Mental Health Day
 - May: Anxiety and Depression Awareness
 - First Wednesday in November:
National Stress Awareness Day
 - March 1st – March 7th: Eating Disorder
Awareness Week



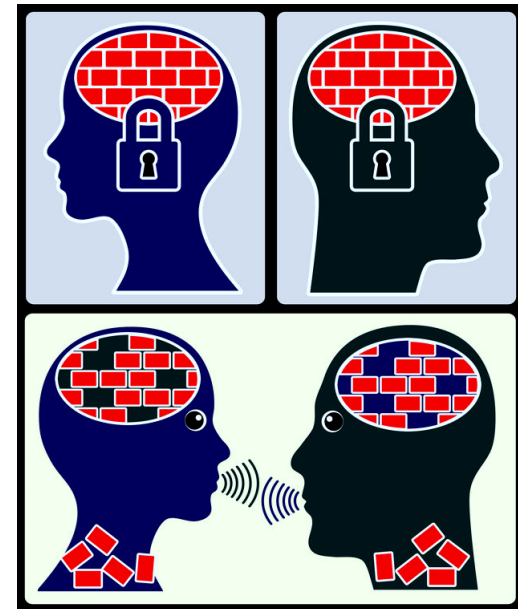
Communicating with Employees About Mental Health

- Benefits of Successful Communication
 - When employees are able to address their mental wellbeing, they reduce barriers to productivity.
 - An underperforming employee may have been limited by a mental health condition, not by their abilities.



Communicating with Employees About Mental Health

- Employees who feel confident that they won't be viewed negatively are more likely to communicate with employers.
- They're more likely to let employers know in advance about changes in their condition, or related absences.



Communicating with Employees About Mental Health

- A supportive workplace is in the best position to recruit and retain talented people.
 - A culture of acceptance and openness can attract potential new hires, especially those who have struggled with mental illness.
 - Expressing a focus on mental wellbeing and acceptance of mental health conditions throughout the hiring and training process draws in candidates who share your organization's values.
 - Current employees who feel they can be honest about their mental health are more likely to be satisfied in their work.



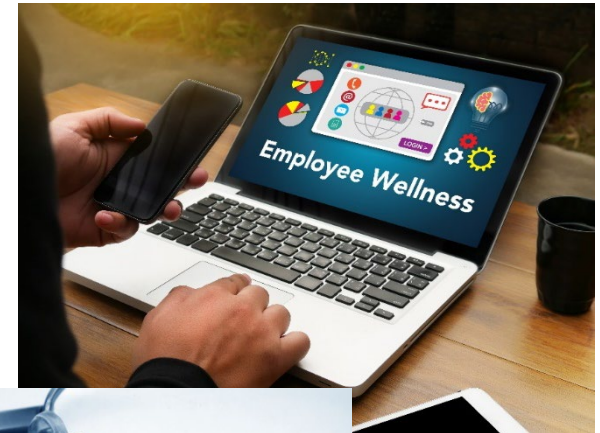
Fostering a Mentally Healthy Modern Workplace

- Organization-Wide Action
 - Choose policies that acknowledge mental health conditions.
 - Review policy and handbook language to ensure that you aren't excluding mental health concerns.



Fostering a Mentally Healthy Modern Workplace

- Assess what resources your organization provides to employees.
 - What mental health services are covered through company-provided insurance?
 - Does your organization offer an Employee Assistance Plan?



Fostering a Mentally Healthy Modern Workplace

- Incorporate mental health topics into employee training.
 - Include topics like employee burnout and stress management in standard trainings for new employees.
 - Clarify lines of communication from the beginning.



Fostering a Mentally Healthy Modern Workplace

- Individual-Focused Action
 - Prepare supervisors and managers to have sensitive conversations about mental health.
 - Ensure that they know boundaries of when it is and isn't appropriate to address concerns about mental health with an employee.
 - Encourage open ended questions so that employees have opportunities to disclose without pressure.



Fostering a Mentally Healthy Modern Workplace

- Make access to mental health resources easy and stigma-free.
 - Provide information that can be accessed without employees needing to “out” themselves as seeking mental health treatment.
 - For example, make information about use of an EAP available on a company intranet, instead of accessible by contacting a certain person within the company.

Fostering a Mentally Healthy Modern Workplace

- Give employees the space to share their own experiences if they choose.
 - Hearing from others, especially those in management, about experiences with mental illness can help destigmatize the discussion.
 - Knowing that colleagues have sought treatment for their conditions can encourage employees to seek treatment and utilize resources.



Fostering a Mentally Healthy Modern Workplace

- How is your organization starting the conversation?

Fostering a Mentally Healthy Modern Workplace

- How is your organization starting the conversation?
 - Check-in calls or video calls for remote employees
 - Sharing mental health resources on internal and external channels
 - Seeking feedback from employee resource groups or affinity groups

Fostering a Mentally Healthy Modern Workplace

- Remind employees about resources you've made available.
 - Hold refresher trainings to keep employees up to date on the resources within your organization.



Thank you!

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