

Affinity HR Group Article: Mental Health in the Workplace

Please note: In this article, we follow NAMI's example by using the terms "mental health illness" and "mental health condition" interchangeably.

Since 1949, May has been recognized as "Mental Health Awareness Month" in the US. The goals of this campaign include destigmatizing mental health problems, increasing public awareness, and creating support for the millions who suffer from mental health conditions.

According to the National Alliance on Mental Illness ([NAMI](#)), mental illness is "a condition that affects a person's thinking, feeling, behavior, or mood" which "deeply impacts day-to-day living and may affect the ability to relate to others." It is estimated that:

- 1 in 5 adults in the US experience mental illness each year;
- 1 in 20 adults in the US experience serious mental illness each year; and
- 1 in 6 youths (6 – 17 years of age) in the US experience a mental health disorder each year.

[Mental health conditions include disorders](#) such as anxiety, ADHD, depression, bipolar, eating disorders, obsessive-compulsive, psychosis, and PTSD, with many people experiencing multiple of these disorders at the same time.

With so many people impacted by mental health conditions, it is no surprise that impacts are felt in the workplace, whether the employee is experiencing the mental health issues themselves or if they are struggling to help someone else. And, given the countless variations of symptoms, side effects, severity, duration, etc. for not only these conditions but also some of their treatments, mental health is a nebulous situation that takes time, patience, and understanding.

Whether an employee is suffering mental health conditions themselves or they are dealing with that of a loved one, it can impact their work. Since each person will be different, it is critical to understand that what may appear as lack of dedication or inability to do the job may actually be an employee's uncontrollable or unrecognized reaction to a mental health issue. Some common symptoms and side effects that may be exhibited at work are:

- Poor attendance and/or punctuality
- Changes in mood, temper, or appearance
- Performance issues
- Disconnecting from others
- Outside distractions

To help employees manage their mental health, employers can make general changes such as offering flexible scheduling, requiring employees to take regular breaks, offering opportunities for personal contact such as meetings or events, promoting open communication with management and HR, and offering benefits such as health care with mental health benefits and/or an Employee Assistance Program (EAP).

On a practical level, if an employee is exhibiting concerning behaviors, how you handle them will depend on various factors and circumstances.

If the employee has not informed you or management of an on-going issue: If an employee has begun to exhibit signs of concern, such as poor performance or attendance but has not notified the company of

any medical reason for the unacceptable behavior, do not assume something is wrong. You cannot treat an employee like they have a disability (mental health or otherwise) if they have not disclosed this as a fact to you even if you “know” something is going on.

Instead, document the performance or attendance issues consistent with your practice. Do not be stricter than you are with others. Use the discussions to allow the employee to freely and voluntarily disclose if something is going on. Otherwise, advise them that their performance or attendance must improve or it will result in further disciplinary action.

If the employee notifies you or management that they have a mental health condition: Once you are notified by an employee (whether in writing or verbally) that they are experiencing a mental health illness, different laws and regulations along with your company policies will kick in, including:

- **Family and Medical Leave Act (FMLA) and/or state leaves:** If the employee and the company meet the eligibility criteria for [FMLA](#) or related state family and medical leave, then you must send the employee notice. Under FMLA, this is required to be given within five business days of knowing they need at least three days of time off (consecutively or intermittently). The employee will need to provide you with a certification from their health care provider which will give you the information to handle their restrictions and limitations. Often with mental health conditions, absences or tardies may be unplanned but, if stated by the health care provider, then you must allow employees that protected time off.
- **Americans with Disabilities Act (ADA) and/or state disability laws:** Many employees are protected from discrimination in the workplace due to their disability, including mental health. In addition, employers covered by ADA and Americans with Disabilities Act Amendments Act (ADAAA) or applicable state laws must engage in a dialogue with the employee to determine [possible accommodations](#) such as time off or flexible scheduling. As with FMLA and similar leaves, you should require documentation from the employee’s health care provider which will state the limitations and restrictions such as unexpected tardies or absences. Unlike FMLA, ADA requires that any accommodation be “reasonable,” meaning that it does not cause an undue hardship on the company. If an accommodation would cause hardship, it does not need to be offered but an acceptable compromise may need to be made.
- **Paid time off and leaves:** Employees may have access to paid time off or paid leave whether under company policies, a short-term disability benefit, or required under state or local law. Employees should be advised of this time off and how to apply for state benefits, if applicable.

General guidelines:

- Application of these procedures should be followed consistently whether it is for the employee’s own mental health condition or because they are dealing with that of a close family member.
- Defer to the guidance of the health care provider; do not modify it based on what the employee, a manager, or anyone else “thinks.” If there is confusion, ask the health care provider for clarity.
- Keep all information confidential. It must be shared only on a “need to know” basis. For example, if a manager does not know the exact circumstances of an employee’s situation, then they should only be informed that the employee’s accommodation or time off is approved but not why they need it. Information cannot be shared with others even if they mean well.

- There can be no retaliation for time off or any accommodation needed due to a mental health condition. This includes from managers or other employees and can be in any employment decision.
- Time off taken under multiple laws, regulations, or policies usually runs concurrently unless otherwise dictated by law. For example, FMLA will run concurrently with any paid time off, disability pay, or unpaid leaves under ADA.
- Continue to consistently document performance or attendance issues, making allowances for what is covered by the health care provider. Coach them to improve their performance but be reasonable in your expectations.

Final note! Yes, everyone has “bad days” but not everyone reacts the same way. How one person experiences anxiety, for example, is not the same way another person will, so each situation is as unique and different as the person involved. Employers must be consistent and adaptable to ensure employees get the support they need and deserve.

Affinity HR Group can help you research the requirements for your company and help you manage any challenging situation step-by-step. Connect with us at 877-660-6400 or hello@AffinityHRGroup.com.

If you or anyone you know is experiencing mental health issues, NAMI has a helpline at 800-950-6264 or text “HelpLine” to 62640.

If you or anyone you know is struggling with thoughts of suicide or are experiencing a crisis, they can call or text the Suicide and Crisis Lifeline at their new number 988 or can reach out at 988lifeline.org.

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Links:

NAMI <https://www.nami.org/home>

Mental health conditions: <https://www.nami.org/About-Mental-Illness/Mental-Health-Conditions>

FMLA: <https://www.dol.gov/agencies/whd/fmla>

Possible accommodations: <https://www.dol.gov/agencies/odep/program-areas/mental-health/maximizing-productivity-accommodations-for-employees-with-psychiatric-disabilities>