



## Caution A Must For Employers Tackling Mental Health Issues

News

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Howard Mavity was quoted on *Law360* on April 13, 2015. The article “Caution A Must For Employers Tackling Mental Health Issues” discussed how the recent Germanwings crash brings into stark relief the consequences of workers with mental health issues .

When it was discovered that Germanwings co-pilot Andreas Lubitz, who intentionally crashed a plane in the Alps, had received treatment for suicidal tendencies, it underscored the importance of detecting mental health issues in employees and how challenging that can be. Strict federal and state laws and regulations don't leave a lot of room for addressing mental health issues in the workplace, even if the public discussion on the employer's role in mental health is long overdue, stated Howard.

"I suspect that one outcome of the Germanwings crash will be that employers may weigh the risks of an ADA claim versus a catastrophic loss and decide to more frequently intervene where employees manifest symptoms of mental health [issues] in the workplace," Howard said.

"Many employers innately want to do 'the decent thing' and reach out to an employee who is apparently suffering some sort of visible mental health issues, but lawyers have scared them not to do so," Howard said.

If an employer does suspect something is wrong, a way to intervene within the confines of the law is to determine if a mental condition prevents the employee from performing essential functions of the job or poses a "direct threat" to safety, Howard noted.

"I cannot speak to how women view depression, but many men view admitting depression as admitting weakness, failure and unmanliness," Howard said.

And incorporating messages about mental health is a golden opportunity to jump-start the often underutilized programs, Howard said.

To read the full article, please visit [Law360](#).

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