

# FP FLASH SURVEY REVEALS: MAJORITY OF EMPLOYERS GRAPPLING WITH WORKERS' MENTAL HEALTH ISSUES

Insights  
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While nearly 60% of employers have started a conversation about mental health in the workplace, more than four in 10 have seen reasonable accommodation requests related to mental health issues spike since the pandemic started – and an even larger number say that their retention efforts have been hampered because of mental health concerns. That's according to the latest FP Flash Survey conducted between May 10-13 to coincide with National Mental Health Awareness Month, gathering information from over 560 employers across the country. [While employers can always follow our 10-step guide to improving mental health and wellbeing in the workplace](#), reviewing the results from our survey can also help you navigate this sometimes-tricky path. What are the seven biggest takeaways from our most recent survey?

## 1. Most Employers Have Brought Mental Health Out into the Open

59% of companies surveyed indicated that they are openly discussing mental health and wellbeing in the workplace. Those industries most likely to be starting the conversation? PEO/Staffing (80%), Education (71%), Professional and Technical Services (66%), and Automotive (65%) are all well above the national average.

Some employers may be shying away from raising mental health and bringing it out into the open for fear that it could spark legal claims. After all, HR and Legal have been beating the drumbeat for years that managers should focus on performance and should avoid being the

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## Service Focus

### Employee Leaves and Accommodations

first to raise the possibility of a mental health issue in cases where production or quality are lacking. Doing so could walk you into a “regarded as” ADA claim, you’ve heard.

“But there’s another way to approach the subject,” says Pittsburgh-based Fisher Phillips attorney Raeann Burgo. “Removing the stigma associated with mental issues can work wonders. Many of your workers may be afraid to speak up about mental health problems if you haven’t initiated a larger conversation about mental health for fear of being seen as incapable of performing their job or generally having something wrong with them. The most effective way to overcome this stigma is for leadership to start the conversation on mental health. It may be a cliché, but leading by example works.”

Nevertheless, Burgo recommends that any employer that wants to become more active in this space work with their legal counsel before embarking on any plan. There are delicate boundaries that need to be respected in order to avoid not only making your workforce uncomfortable but leading to a potential disability discrimination claim.

## **2. Reasonable Accommodation Requests Have Spiked**

The survey revealed that 43% of employers have seen an increase in mental health reasonable accommodation requests since the pandemic started. And the three industries have had to deal with these issues more than any other probably won’t surprise you: Education (63%), Retail (62%), and Healthcare (60%).

“As an attorney who does a lot of work with healthcare organizations, this doesn’t surprise me one bit,” says Emily Litzinger, an FP partner based in Louisville who also co-chairs the firm’s Vaccine Subcommittee. “Healthcare has also been among the leaders in educating their teams about the resources available to them when it comes to workplace flexibility, and heaven knows that workers have been struggling for the past two years and have needed accommodation to get through their normal routines.”

## **3. Starting a Company-Wide Mental Health Conversation Could Lead to Increased Accommodation Requests**

Interestingly, 54% of those companies that openly discuss mental health have seen an increase in reasonable accommodation requests. That's a bit higher than the national average of just 43% for all employers. In other words, it should come as no surprise that raising consciousness about mental health concerns – and letting your workers know their wellbeing is a priority to you – will lead them to be more open and willing to seek help.

"This shouldn't be seen as a negative," says Burgo. "After all, reasonable accommodations are almost always inexpensive fixes that get your workers on the right track and lead them to be more productive than they otherwise would have been."

Litzinger agrees. "Don't get scared away from starting a company-wide conversation on mental health because it may slightly increase your chances of receiving an accommodation request. As long as your managers are trained to route such requests to HR, your organization will be all the better for it."

#### **4. WFH Requests Have Been on the Rise**

One in four employers surveyed say that they have received a work-from-home request on the basis of anxiety or another mental issue in the past two years. And the same three suspects are dealing with most of such requests: employers in the Education (57%), Retail (57%), and Healthcare (54%) industries.

#### **5. Burnout, Turnover, and Absenteeism Have Been Biggest Scourges**

When employers consider which troubling workplace developments they've experienced in the past two years that they believe have been caused by mental health concerns, three big concerns are revealed:

- 51% say they have fielded reports of burnout or mental fatigue
- 46% say they have faced higher levels of turnover
- 34% say they have seen increased absenteeism

Perhaps the single-most shocking statistic revealed in the entire survey? 70% of all Healthcare employers report

that they have seen their retention efforts hurt by mental health and wellness concerns since the pandemic started. This far outpaces the next two highest industries, Retail (57%) and Hospitality (56%).

## **6. Mental Health-Related Legal Claims Have Been Largely Quiet – So Far**

One of the positive pieces of information revealed by the survey is that only 12% of employers say they have seen an increase in legal claim or demand related to mental health in the last two years. But this doesn't mean that employers should let their guard down. Reviewing the FP COVID-19 Employment Litigation Tracker shows that claims have been generally on the uptick in the last few months – and we expect this number to continue to rise as work-from-home permissions are revoked and in-person interactions (and the pressures that accompany them) swell.

## **7. Employers Are Rethinking How to Address Mental Health**

Finally, the survey revealed that employers aren't just content with handling mental health concerns using tried-and-true tactics. While 68% of employers are encouraging their workers to take advantage of their EAPs and other benefits, and 48% believe that their hybrid, WFH, or other flexible schedules are helping address the mental health crisis, other employers are choosing new pathways.

36% of employers are encouraging deeper connections between leaders and their teams, hoping that the stronger bonds will help not only ease mental worries but could create the channels for alleviating or addressing issues through accommodation requests. Another 33% are engaging in teambuilding exercises in an effort to forge stronger relationships and to ramp up engagement, while 30% have decided to address their larger company culture in ways that will foster greater understanding of mental health concerns.

## **Conclusion**

We encourage you to read our latest Insight providing suggestions for [\*\*10 Steps to Mental Health Wellness for Your Employees\*\*](#) in order to dive deeper on this subject.

If you have questions about best practices to support employee mental health or would like assistance in preparing a mental health action plan, including a mental health policy tailored to your organization, contact your Fisher Phillips attorney or the authors of this Insight. We will continue to monitor further developments and provide updates on this and other workplace law issues, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to gather the most up-to-date information.