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IT'S OK TO NOT BE OK: HOW SCHOOLS CAN ADDRESS MENTAL HEALTH WELLNESS FOR EMPLOYEES

Insights
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The pandemic has affected all aspects of daily life over the past few years and brought mental health awareness to the forefront of employee-related concerns. In addition to taking a heightened interest in student well-being, schools have been proactive about addressing mental health with employees. In fact, [a recent Fisher Phillips survey](#) revealed that 71% of employers in the education industry are openly discussing mental health and well-being in the workplace. How can you start the conversation with your employees and ensure they are receiving the support they need?

Discussing Mental Health

Don't be afraid to discuss mental health at work. Engaging in thoughtful discussions about employee well-being is an important step in diminishing the stigma associated with mental health issues. These conversations should be initiated by your school's leadership team, so employees know that your organization recognizes the seriousness of the issue. Be open and intentional, talk through the issues when appropriate, and let employees know how to access the school's employee assistance program (EAP) and other resources. Make sure employees know who to contact in human resources to help them feel comfortable seeking assistance.

Another important tool to address mental health is simple but effective: asking questions. Understanding what challenges employees face can better equip your school to address mental health issues as they come up. Ask employees to provide information about challenges they are

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experiencing at work, their view on your school's work culture, and which leadership initiatives are working (or not working). In addition to having direct conversations on these topics, you may want to ask questions through anonymous surveys to give employees an opportunity to provide candid feedback without putting them on the spot.

When engaging in conversations about mental health, there is a delicate balance that needs to be respected to ensure all employees feel comfortable and to avoid potential claims of disability discrimination. You should ensure that conversations do not feel artificial, become invasive, or run afoul of the Americans with Disabilities Act (ADA).

Recognize that a mental health condition may be considered a disability under the ADA if the employee can show one of the following:

- The mental impairment substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning);
- The employee has a record of such an impairment; or
- The employee is regarded as having such an impairment.

The ADA defines a mental impairment as "any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

Accommodation Requests

Under the ADA, most employers must provide reasonable accommodations to qualified employees with disabilities, unless doing so would cause an undue hardship.

"Reasonable accommodations are adjustments to a work setting that make it possible for qualified employees with disabilities to perform the essential functions of their jobs," according to the Department of Labor.

As your school starts having important discussions about mental health and employee well-being, you might see an increase in requests for accommodations. Notably, [54% of the employers surveyed by Fisher Phillips](#) that openly discuss mental health recently experienced an increase in reasonable accommodation requests. Moreover, [63% of employers in the education industry](#) reported an uptick in mental-health-related reasonable accommodation requests

since the pandemic started. This should not discourage your school from having conversations about mental health. Rather, the survey results highlight the need to ensure your school has the right systems in place to address requests for accommodations.

In addition to having appropriate written policies, you should ensure managers and human resources staff are trained to address these requests, or at a minimum, are trained to identify accommodation requests and direct them to the correct person.

Train Your Managers

Of course, you should respect employee privacy and train managers to be mindful of boundaries regarding personal conversations. Advise managers to seek help through the appropriate human resources contact when employees disclose concerns about what they may be experiencing, whether it be domestic violence, stress from working remotely, child-care or elder-care challenges, personal medical issues, or anything else that can affect mental health.

Conclusion

We will monitor these developments and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If you have further questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney on our [Education Practice Group](#).