

# Mental Health Toolkit for Employers

**EMPLOYER-FOCUSED RESOURCES  
AND BEST PRACTICES**

**MAY 2022**

# Introduction



Coinciding with Mental Health Awareness Month, the NC Chamber has launched this employer-focused toolkit to provide North Carolina employers with resources and best practices to help address mental health in their workplaces. In addition to the toolkit, we've launched a mental health [landing page](#) for employers, which was designed to provide additional tools and resources.

At the NC Chamber, we believe that mental health is a vital component of holistic, or whole-body health, and we're looking forward to helping the business community navigate this issue—which many health professionals have called 'the second pandemic.'

This initiative came to fruition after receiving feedback from our membership that they're looking for ways to better assist their employees in this area—and that's because for North Carolina employers, people come first. People are and always have been the top priority.

These resources are and will remain available and complimentary to the public as we believe it's the right thing to do for the at-large North Carolina business community and the people they employ.

Lastly, we want to extend our sincere gratitude and thanks to the member companies who wrote each section of this toolkit, which included, First Citizens Bank, Poyner Spruill, WakeMed, and IBM. It is because of them that this initiative was made possible.

Sincerely,

A handwritten signature in black ink that reads "Gary J. Salamido". The signature is fluid and cursive, with the first name "Gary" being the most prominent.

Gary J. Salamido  
President and CEO  
NC Chamber

# What is Mental Health

CECILIE SCHULTZ PEDERSON, ORGANIZATIONAL PSYCHOLOGIST AT IBM HEALTH & SAFETY

Mental health includes our emotions, our thoughts and feelings, our ability to solve problems and overcome difficulties, our social connections, and our understanding of the world around us. Mental health affects how we think, feel, behave, and interact with others.

The World Health Organization (WHO) [defines mental health](#) as a “state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to contribute to her or his community.”

This definition underscores that mental health is not just the absence of illness. Mental health is also about experiencing purpose and feeling like you can contribute to something meaningful. Managers can play a big role in supporting team members in working with a sense of purpose and meaningfulness.

Everyone has mental health and mental health is not constant or fixed.

Mental health varies over time, and no one is immune to changes in their mental health.

While mental health challenges are not new, and the numbers of those affected can be staggering:

- Mental health problems are one of the main causes of the overall disease burden worldwide. ([Global Burden of Disease Study 2019](#)).
- Depressive disorders are one of the leading causes of disability worldwide ([Global Burden of Disease Study 2019](#)) and has been linked with heart disease (see [The impact of mental illness on cardiac outcomes](#))
- It is estimated that 1 in 6 people in the past week experienced a common mental health problem. ([According to a UK survey](#))

These statistics are not meant to discourage or overwhelm. Instead, they are meant to highlight the critical nature of the problem. It's clear that only a few of us are untouched by mental health challenges. If we ourselves have not struggled with mental health, it's very likely we are close to someone who has.

Think about your physical health. You've likely had times when you've been very healthy and felt great. You've probably also had some issues; maybe you had an injury that took a while to heal, or you deal with a chronic condition every day. Our mental health is the same – it isn't constant but varies and changes.

Changes in mental health can appear as a result of what is happening in both our personal lives and our work life. But they can also occur, without any clear reason. We will experience mental challenges during parts of our lives. For some, these challenges can be severe.

Experiences of mental health can be very different from person to person. And two people with similar challenges might react differently and need different forms of support. It is therefore paramount that we work with our team members on an individual basis.

# Approaching Mental Health at Work: A Culture of Well-being

HEIDI HUMPHRIES, VICE PRESIDENT, HR BUSINESS PROGRAM MANAGER; AND  
SIMONE HARDEMAN, ASSISTANT VICE PRESIDENT, HR PROGRAM SPECIALIST AT FIRST CITIZENS BANK



Strong corporate cultures focus on relationship building as an essential building block for well-being. Companies with a proactive approach to mental health also create spaces for employees to feel welcome being their authentic selves, as well as spaces to access resources that help improve their overall well-being. As Human Resources (HR) professionals, creating a variety of spaces and places for employees to work, grow, and interact is what makes a corporate culture thrive.

Employee well-being is generally a cumulation of four components: Physical, Mental/Emotional, Relational, and Financial. We'll focus on the Mental/Emotional component here, recognizing that improvements in any one component may naturally improve elements in the other three.



With that in mind, an effective approach to creating and maintaining a strong corporate culture of well-being, especially during times of tremendous change, focuses on these **spaces**:

- Strong corporate cultures provide space to add value
- Inclusive environments happen when there is space to create a sense of belonging
- Effective management takes place when there is space to lead
- Productive communication occurs where there is space to exchange knowledge
- Proactive approaches to mental health transpire when there is space to find, choose and use available resources

We also recognize that HR leaders aren't doctors of mental health. We are, however, experts in how to manage and lead people in professional workspaces.

## Strong corporate cultures provide space to add value

We all want to find a career where we feel engaged – a place where we add value. When individuals feel a true sense of engagement, we know that stress and anxiety typically go down, thus improving overall well-being.

When we consider a job or career, we look for connections to our personality, our likes and dislikes, our values and our skills. We network in order to create connections that allow us to land in a place that best matches our career preferences, strengths and personal values. Once we're there – what next?

What can you do to make sure you're providing space for employees to add value?

- Clearly communicate and publish corporate goals, strategies and purpose statements. Highlight how your employees' unique skills and knowledge contribute to corporate success.
- Provide a way for all employees to meet, make connections, and network with teammates in their immediate group AND across the organization. This can be virtual (e.g., a Microsoft Teams channel or group or space on-site to meet and greet new hires). Take a teammate to lunch, either in a restaurant or virtually.
- Conduct routine check ins with recent hires, recognizing that engagement is critical "early and often" in the employee journey. Ask how they feel about their contributions and if they have additional ideas for the team.
- Keep an eye on new ways to use technology to create additional online spaces to communicate and meet. Be a champion for new technology!
- Remember that hiring for cultural adaptability may be even more important than hiring for a "cultural fit." People are incredibly agile when working toward forging their own sense of engagement, especially when they feel empowered to do so.

## Inclusive corporate cultures happen when there is space to create a sense of belonging

The corporate culture of a company can, and will, very quickly inform an employee's sense of belonging. Belonging is a product of being actively included at work and a critical piece of both the "Relational" and "Mental/Emotional" components of overall associate well-being. Put inclusion first!

Without inclusion, we're simply a grouping of diverse individuals in a common space or location. Without equity, employees may not believe they can achieve the same success as other employees due to imbalances in things like socioeconomic status, educational background, and gender demographics, among many others. Remember that inclusive behaviors will help naturally drive diversity and increase a sense of belonging.

What can you do to make sure you're creating a sense of belonging in the best way?

- Keep in mind that diversity does not equal belonging.
- Focus on the person not just the worker. Poor mental health and stress can affect employee job performance, engagement, communication, and productivity (CDC, 2019). Encourage employees to consistently check in on their own well-being.
- Make an effort to include your teammates in small ways – it can be as simple as asking each meeting participant to provide input (i.e., don't forget the quiet ones or remote workers).
- Reach out to a different colleague each week to check in. Intentionally try to make connections that don't specifically start with something you need from that teammate. Start with "How are you doing?" and then listen.
- Approach your colleagues with an assumption of positive intent. Conflict at work can happen, especially when bringing different perspectives together to reach business goals. If you focus on a starting place of positive intent, there isn't much you can't work through.
- Tie corporate goals back to a statement of purpose that infuses meaning into the culture. People identify with corporations whose values and purpose align with their own.



### Effective management takes place when there is space to lead

We realize that, especially during the past few years, enabling agile leaders is the essential building block for creating effective management. Giving trusted leaders space to be flexible is the foundation for effective management.

As managers approach a variety of generational differences and expectations in the workplace and on their teams, flexibility becomes the central component of leadership that produces consistent outcomes. Fifty percent of employees surveyed about returning to the workplace said they'd leave their jobs after the pandemic if their employers didn't offer flexibility in the workplace going forward (Center for Creative Leadership, 2022). It's ironic that consistent business results often necessitate inconsistent approaches to people: humans are not all the same.

What can you do to make sure you're focused on space to lead in the best way?

- Lead with empathy. Do your leaders regularly share and exchange information to increase their own experience of empathy when dealing with employees? Consider asking "How are you?" more than once. We get used to hearing this typical greeting many times throughout the day. Using this question as more than a rhetorical greeting is how to get an authentic answer.
- Examine your leadership development programs and courses. Are your managers getting what they need from easily accessible training?
- Empower your leaders to approach hybrid work decisions based on the needs of the business and the needs of individuals. Employees are increasingly expecting customized approaches to their work experiences. For example, although many employees were able to work remotely during the pandemic, many were not. Empowering leaders to make safety decisions customized for employees, geographic locations, physical spaces, and customer needs is how thriving companies kept the focus on well-being regardless of an employee's role.
- Use easily available technology to provide virtual spaces for questions and information gathering. Some companies deployed microsites on their intranets to aid managers during the unusual circumstances of the pandemic. These were easily found places on the intranet used to aggregate information, such as site-specific COVID-19 processes and tips for leading remote teams.
- Show gratitude in creative ways, especially during busy times when it seems like everyone on the team deserves an award. It's critical to search out key milestones along the employee experience journey to say thank you. Work anniversaries are a great time to highlight employees and reach out.
- Consider implementing "Stay Interviews" with your employees. Provide "Stay Questions" as guidelines to prompt discussions that focus on gratitude and that create a space for managers to reaffirm the employee's decision to join, and stay at, the organization. This applies to any key event in an employee's experience where they may re-evaluate their decision to stay or leave (e.g., anniversaries, birthdays, returning from leave, changes in the associate's family, etc.).

## Productive communication occurs when there is space to exchange knowledge

The topic of communication is as complex and varied as humans. Each of us have a host of preferences that drive how we communicate at work and throughout our lives. These preferences also change day to day based on how we're feeling, what we're doing, and who we're communicating with at that point in time.

Skills may also affect and change communication preferences over time. We've found that once our associates feel as if they add value, perceive a sense of belonging, and are led by agile managers, we've created a safe space for productive communication to take place.

What can you do to make sure you're creating space for exchanging knowledge in the best way?

- Identify, gather, and analyze data that can help you understand the extent to which you've provided an inclusive culture for employees. These can be KPIs that look at tenure trends, thresholds for first-year turnover, diversity trends that include attraction and retention data, and more.
- Encourage use of existing technology – lead by example. Team or department leaders can encourage internal chat groups or messages to create a space for informal networking. For example, challenge team members to a summer vacation photo challenge. Sharing personal experiences allows employees to bring their authentic self to work.
- Consider whether you're optimizing usage of the technology you already own and use. It's likely that digital experiences and SaaS options will make processes more efficient and consistent. Have you considered using a digital platform for your standard communication to reach a greater audience? Do your current systems account for learning and generational differences to ensure easy access to mental health information (i.e., including access to mental health assistance via the Employee Assistance Program (EAP))?
- Help destigmatize mental health discussions and issues: encourage leaders to talk about where they struggle AND how they successfully promote their own well-being.

## Proactive approaches to mental health transpire when there is space to find, choose and use available resources

Space to exchange knowledge is similar, yet very different, from space to "find, choose and employ available resources." It's somewhat like comparing diversity to inclusion: you can provide a wonderful suite of resources, enable technology to make sure those resources are easily accessible, and update those resources regularly, BUT are you encouraging employees, and making time for them, to explore and use them? It starts with communication.

What can you do to make sure you're making space for your employees to find, choose and use available resources in the best way?

- Set up an annual communication plan that coincides with your Benefits Enrollment period. Use creative ways, and a variety of ways, to reach employees. Recognize that people often need to read a message more than once, at different times, to take action on that message.
- Host webinars and Lunch and Learns where vendors are available to your employees to present and answer questions about available benefits.
- Ensure your employees know the best methods to find information when they need answers. Make your HR and benefits information easy to find and navigate.
- Ensure that the associate population is familiar with how to contact the confidential EAP. Include information that helps associates understand how much is offered under the EAP – it's so much more than crisis counseling. Help destigmatize mental health issues and use of the EAP services by talking about it!

# Educating Managers on Mental Health

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The past several years has taken its toll on the American workforce. At the height of the pandemic, it was thought that 42 percent of adults were experiencing depression or anxiety compared with 11 percent the year prior. Additionally, burnout has been noted to be on the rise. All of these concerns, significantly impact how employees are functioning and have an impact on the overall health of our organizations. This toolkit will provide a basis for managers who are interested in making those first steps toward improving employee well-being and mental health. In the long-run, investments made in employee well-being have a ROI in greater employee satisfaction, improved recruitment and retention, and higher morale.

## Tips for Building a Workplace Culture of Wellness

### 1. Start by making a commitment to employee well-being and a culture of wellness if you haven't already.

Employees recognize that their workplace cannot solve all their problems but by making intentional steps toward having a culture of wellness, employees will appreciate the message that their company values them and their well-being. This can go a long way! In fact, sometimes just by validating that it has been an extraordinarily difficult time and impossible to run business as usual, helps employees and opens the door for collaboration and meaningful discussions on improving workplace culture and employee well-being. As this type of goal will take time, begin with small steps. These steps might include: developing a well-being calendar of activities; bringing in speakers to discuss various well-being topics; adding a well-being discussion item to regularly scheduled meetings; assigning a well-being officer; or having onsite well-being resources such as a counselor, massage therapist, or financial advisor. Ultimately, a company with a culture of wellness will make employee well-being a lens through which decisions are made.

### 2. Take inventory of your employee well-being resources.

You likely already have activities or resources that support employee well-being. An initial step might be to list those resources. Note the gaps that you might see. A strong well-being program should include resources for the continuum of well-being concerns—from supporting the employees who are functioning well and largely content to those who may be grappling with more serious conditions such as burnout or depression.

### 3. Measure well-being and track it.

The adage “you can’t manage what you don’t measure,” certainly applies to employee well-being. An organization with a true commitment to well-being will monitor well-being regularly as it would any other important metric. You might begin with focus groups to collect qualitative data. Also, there are a number of online tools that can be helpful in measuring well-being. Some tools are free, others may require a license. Example of an online well-being resource: Well-Being Measurement – Lee Kum Sheung Center for Health and Happiness ([harvard.edu](https://www.harvard.edu)).



#### 4. Don't do it alone!

Improving employee well-being is a big task and requires the buy-in of multiple stakeholders especially leadership and the employees themselves. Formation of a well-being committee can bring particularly interested stakeholders together to discuss ways to improve well-being.

#### 5. Make an emergency plan for mental health crises.

Most organizations have a plan for inclement weather, fire, or physical health emergencies but what about a mental health emergency? Does your organization have a plan to manage employees in a mental health crisis? If not, this would be a great step toward building a culture of wellness. If you have access to an Employee Assistance Program (EAP), you might begin with them in developing a plan. You might also reach out to local mental health agencies or therapists who may help with developing plan and may be a valuable resource in the event you have an employee who needs support. For immediate crisis needs, you might consider calling 911 and ask for a crisis intervention trained (CIT) officer or national crisis hotlines for guidance (below).

National Suicide Prevention

- A national network of local crisis centers that provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, seven days a week
- Website: [suicidepreventionlifeline.org](https://suicidepreventionlifeline.org)
- Phone: 1-800-273-8255

#### 6. Consider peer support training such as Mental Health First Aid at Work.

Unfortunately, many individuals when they struggle with an emotional health concern don't seek out professional help. But they may reach out to a friend or trusted colleague. It is also common that because we spend so much time with our colleagues at work, we may be one of the first to recognize when a colleague may be struggling. What do you do then? Mental Health First Aid at Work provides useful information about mental illness and substance use disorder, teaches practical techniques on how to approach and support a colleague in distress. Trainings can occur either in person or virtually.

Website: [mentalhealthfirstaid.org](https://mentalhealthfirstaid.org)

#### 7. Model balance.

Employees best learn life balance by observing and emulating the behavior of mentors and managers who have themselves adopted a whole-life perspective. Simply put, managers who appear to be able to separate work-life from home-life, allow employees the permission to have more balance as well. It's not what you say but what you do that counts!

## Frequently Asked Questions

### What is burnout?

Burnout is an occupational syndrome composed of emotional exhaustion, depersonalization, and a sense of reduced accomplishment or efficacy. People experiencing burnout may feel exhausted or cynical about the work they may have formally loved. They may show signs of detachment or disengagement or even irritability in the workplace. Burnout has been linked to negative consequences at both individual and organizational levels, including decreased productivity, increased job turnover, increased depression, and increased substance use.

### What causes burnout?

Burnout develops from chronic workplace stress and is considered to be a result of the person and workplace mismatch. Most person-workplace mismatches fall into six categories: workload (too much work, not enough resources); control (micromanagement, lack of influence, accountability without power); reward (not enough pay, acknowledgment, or satisfaction); community (isolation, conflict, disrespect); fairness (discrimination, favoritism); and values (ethical conflicts, meaningless tasks).<sup>1</sup>

### Are there strategies to fix burnout?

Absolutely! Organizations wishing to fix burnout, will need to explore which areas of person-workplace mismatch seems to be prevalent and develop specific interventions targeting those areas. Some of the most effective strategies involve providing flexible scheduling options, decreased workload if possible, improving workgroup cohesiveness, facilitating a culture of participation, equality and fairness and efforts to increase communication and transparency.<sup>2</sup>

### How is depression different than burnout?

Burnout is a workplace syndrome. Unfortunately, burnout can be a risk factor in developing depression. Depression affects all aspects of an individual's life including work, home life, physical health, and relationships. Depression is a medical illness where the individual has persistent sadness and/or lack of interest. The person may also have changes in energy, concentration, appetite, and sleep. Depression is not something the individual can "just snap out of it." Thankfully, depression is highly treatable with an array of treatments including medications and various therapies.

### How do I find resources for mental health concerns?

It is true that finding the right mental health resources may be challenging however, hang in there-help is available! Here are a few strategies:

- If your organization has an EAP, encourage your employee to start there. EAPs often provide bridging emotional support and can connect your employee to longer-term counseling and/or psychiatric care.
- Contact your medical plan for a list of local mental health providers who are accepting new patients. Going this route will ensure that the mental health provider is in network which typically means less out of pocket resources for the employee.
- Most NC counties have a local management entity/managed care organization (LME-MCO). Many of these LME-MCOs, have 1 (800) numbers available 24/7 to connect callers to local mental health resources.
- Your primary care provider is also a wonderful resource for mental health treatment. Your primary care provider can often get you started with treatment and help connect you with other mental health resources as well.

1. Maslach, C. & Leiter, M.P. *The Truth About Burnout* (San Francisco: Jossey-Bass, 1997).

2. Lasalvia, A., Bonetto, C., Bertani, M., Bissoli, S., Cristofalo, D., Marrella, G., Ceccato, E., Cremonese, C., De Rossi, M., Lazzarotto, L., Marangon, V., Morandin, I., Zucchetto, M., Tansella, M., & Ruggeri, M. (2009). Influence of perceived organisational factors on job burnout: Survey of community mental health staff. *The British Journal of Psychiatry*, 195, 537-544. doi:10.1192/bjp.bp.108.060871

# Arming Managers with Core Skills

CECILE SCHULZ PEDERSON, ORGANIZATIONAL PSYCHOLOGIST, IBM HEALTH & SAFETY



We hope that this mental health awareness toolkit for managers will provide you with:

- Greater **awareness** of mental health issues and concerns
- An **understanding** of how mental health concerns can present in the workplace among your team members
- **Support and guidance** for you and how you can help your team and colleagues
- An increased **ability** to positively impact psychological safety in the workplace

## Your role as a manager

First and foremost, as a manager, it is important to recognize that you are not a trained medical professional or a therapist. And you shouldn't be expected to be one either.

You know what it's like when team members are engaged and feeling well. Work gets done well and on time. Team members take pride in their work and interact with each other respectfully and pleasantly. It's great to work in that kind of environment.

However, sometimes things do not work out as well as you wish them to. There can be many reasons—one of them being collective or individual distress. As a manager, you care about your team. **So, how do you recognize if your team members are experiencing mental distress?**

## Indicators of challenges with mental health and distress

### WELLBEING

Expected mood fluctuations  
Calm and able to cope  
Regular sense of humor  
Performing well or as expected  
Seems in control mentally and emotionally  
Normal sleep patterns  
Few sleep difficulties  
Physically well  
Good energy level  
Physically and socially active  
No extra alcohol use  
Civil workplace behavior

### MILD DISTRESS

Irritable/impatient  
Nervous  
Sadness/overwhelmed  
Displaced sarcasm  
Procrastination  
Forgetfulness  
Trouble sleeping  
Difficulty managing thoughts  
Muscle tension/head aches  
Low energy  
Decreased activity/socializing  
Maybe increased alcohol use  
Workplace civility

### MODERATE DISTRESS

Difficulty managing emotions  
Worrying  
Pervasively sad/hopeless  
Negative attitude  
Poor performance/overworking  
Poor concentration/decisions  
Restless disturbed sleep  
Increased aches and pains  
Increased fatigue  
Avoidance  
Withdrawal  
Increased alcohol use  
Intrusive thoughts

### MARKED DISTRESS

Possibly angry outburst/aggression  
Excessive worrying/panic attacks  
Depressed/suicidal thoughts  
Can't perform duties, control behavior, or concentrate  
Can't fall asleep or stay asleep  
Sleeping too much or too little  
Physical illness  
Constant fatigue  
Not socializing  
Alcohol or drug abuse  
Addictions

**Disclaimer:** To be clear, **you should not ask your employee whether they are experiencing any of these symptoms as that information is confidential medical information.** You also should not attempt to diagnose your employees. As a manager you should be attentive to behavioral changes and listen to what employees tell you about themselves.

Rather, the example indicators of mental distress are simply intended to raise awareness about the possibility that **mental concerns can influence the behavior, performance, and well-being of your employees.** Having this awareness should empower you to respond with sensitivity and compassion if your employee discloses either symptoms or a mental health issue to you.

Depending on the actual situation, it may be appropriate for you to tailor your responses to the circumstances. It is however always important, to **focus on your actual observations of behavior rather than potential causes of this behavior and how you can help, in the work setting.** As a manager you should continue to consider whether it could be helpful to advise an employee of available resources for support but refrain from suggesting any specific diagnoses or issues.

**When in doubt, contact your HR department or if available, your health and safety department,** to discuss any potential concerns you may have with respect to one of your employees. You can also routinely remind your team members of available resources that your company may provide, such as an **Employee Assistance Program (EAP).**

Remember the **signs or symptoms of mental distress varies from person to person.** One team member could suddenly struggle with missing meetings and making frequent mistakes. Another could be angrier than normal and more prone to outbursts, while a third one may withdraw from conversations and in general go under the radar.

Small issues can lead to larger ones, and the earlier you address your concerns and observations and offer support, the better.

Signs of distress vary from person to person, but these are some indicators to be aware of. However, these signs don't automatically mean that the employee has a mental health problem. It could be a sign of another type of health issue, or perhaps something entirely different. Therefore, be careful not to assume and instead, you should talk to the person directly, and guide them to support and resources.

## Remember to CARE

Consider the signs.

Ask to talk.

Refer to resources.

Engage in follow-up.

## Impact of Mental Health Issues

It is important to understand that mental health problems themselves aren't contagious, but the distress that can arise from an individual not feeling well certainly can be. Distress can impact not only the individual, but also their immediate team members, and over time, the organization.

For the individual, mental health challenges usually affect their general well-being, it can affect how they interact with colleagues and with their work. When a team member is suffering, it can affect how workload is balanced and possibly contribute to conflict. If a company has a culture where issues aren't addressed, it can lead to additional consequences for the organization such as increased cost, attrition, and higher accident rates.

### Suggestions on empathic and sensitive ways to communicate and respond to team members

Instead of...

*"I know how you feel"*

*"Others are worse off"*

*"But your life is so good"*

*"Don't say that"*

Say...

*"I can hear that you're having a really tough time"*

*"I'm here for you"*

*"I am really sorry you are experiencing this"*

*"I'm glad you said something; let's get you some help"*

Once you have a good understanding of what is causing the behavioral changes, you can consider possible ways to support from a workplace perspective. Some questions you could ask your team member as you discuss solutions:

*"How can I help you?"*

*"What can be done to eliminate or minimize the impact?"*

*"What would you like to happen? How?"*

*"What support do you think might help?"*

### How can I help as a manager?

You don't need to be a therapist to help. Managers are not therapists and should never attempt to diagnose an employee. You need to be the kind of manager who is attentive, willing to show concern and be understanding, help to identify solutions, and follow-up.

#### In the workplace...

*You notice your team member is struggling. It's been about two weeks since he started showing up late, being tense and unable to focus on work. You're now in meeting, just the two of you. What do you say?*

#### Potential considerations on how to support your team member

It's important to be the kind of manager who is courageous enough to have the conversation. **Strive to be open and non-judgmental, and most importantly, compassionate.** You could open the conversation by saying "I noticed some changes in your behavior..." (or whatever is appropriate considering the individual). Then you can ask if the individual has also noticed those changes.

You want your team member to have time to reflect and answer. In general, it's better to ask open questions that will invite responses. It's very important to spend as much time listening as possible. Also consider body language, facial expressions, and more, as you try to support your team member. Ideally, as the conversation continues, you will get an understanding of what your team member is experiencing, and what you can do to help.

### Next steps

Different mental health conditions call for different actions, if the employee discloses a specific condition make sure a proper care and potential re-integration plan is made by a qualified professional. If distress is caused by work-related factors possibly, you could remove or minimize triggers or factors causing strain for a while, of course this needs to be reasonable accommodations and in many cases agreeing on a fixed time frame is helpful to ensure evaluation and that the efforts have the intended effect. No matter what kind of issue your employee is facing, you should always follow up, follow up, follow up and provide ongoing support. What kind of follow up and support is decided by the characteristics of the issue.

Sometimes it is simply enough to listen and show that you care. In some cases, changes in work design, communication with others, and/or other action may be appropriate to help the individual or improve the work environment. You might also need support from your own manager, HR and potential case managers/ health and safety professionals depending on the issues.



**In especially serious cases** in the workplace, where you have any concern of immediate danger to one or more people, contact local law enforcement by dialing 911, 112 or the equivalent. You may need to make efforts to evacuate everyone from the situation.

You should be able to receive support via your HR department. Make sure you document discussions and agreements. If available, you may also wish to consult your health and safety department. Your workplace may also have well-being support resources such as a confidential EAP service.

**Do:**

- Be sensitive to the possibility of employee mental health challenges
- Be open to a request for a change in the work environment (for example, a change in schedule, shift, or other working conditions) or a company policy if it is needed to accommodate an employee medical condition.
- Have an interactive discussion with your employee to discuss what their needs are and what's possible given the required job duties. Bring in HR in appropriate circumstances.
- Direct employees to confidential services if you are concerned (e.g., EAP or medical professional)
- Increase employee's control and opportunities for action
- Facilitate a space to express emotions
- Encourage use of available resources
- Ask for help from departments such as HR and Health and Safety

**Don't:**

- Think that issues or concerns will solve themselves
- Attempt to diagnose an employee or ask an employee if they are experiencing particular symptoms
- Normalize or minimize distress symptoms
- Avoid addressing the root cause of a poor work environment
- Believe you should always handle the situation on your own

**Support beyond the workplace**

In addition, employees can be encouraged to contact their family doctors, healthcare providers, or state or local health departments.

**Promoting positive mental health through the ABC framework**

In addition to foundational knowledge on mental health, this following will also help you understand how to promote positive mental health with yourself and others through the ABC framework for positive mental health. The ABC framework for positive mental health presented here is adapted from the Australian framework of **Act, Belong, and Commit** (ABC).

**Act - Do Something**

Being active helps to maintain or promote positive mental health. You can be physically, socially, mentally, spiritually, or culturally active. Evidence highlights benefits of staying active and how it is related to positive mental health. When you are active, you are alert and have energy to stay in touch with others. This leads to the B for belonging.

There are many ways to be active during working hours. You can:

- Invite a colleague for a walk and talk
- Encourage colleagues to stretch during a long meeting
- Invite someone to guide you through a mindful moment
- Take five minutes to talk about your last vacation or a book you have read, at a team meeting

Many of these suggestions also relate to workplace belonging.

**Belong - Do Something with Someone**

As social creatures we are hardwired to connect with one another. For most people staying connected is essential to a fulfilling life. To be a part of something can improve your mood and may positively impact the mood of those you connect to. This can lead to commitment.

Belonging involves doing something with someone. If you consider how you can connect with your colleagues, especially when working remotely, you are a promoter of mental health. As suggested in Act in the workplace, you can:

- Dedicate time during team meetings for colleagues to connect with each other
- Host a virtual coffee meeting
- Plan a social event
- Or try something completely different!

**Commit - Do Something Meaningful**

Understanding that what you do has an impact on something, or someone can help you find meaning to your everyday life. You can improve your self-esteem, confidence, and self-efficacy by committing yourself to activities at work, in your social circles, and in your community.

There are many things you can't influence regarding the meaningfulness in another person's life. However, you can:

- Highlight the importance of someone's work and contribution
- Give feedback on how they have helped or are meaningful to you
- Invite someone to take part in a volunteer project

From time to time, these behaviors can be helpful in reinforcing the importance of having something meaningful in our lives.

# Accommodating Employees with Mental Health Conditions

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Employees with mental health conditions may be entitled to accommodations under the Americans with Disabilities Act (ADA) or leave under the Family and Medical Leave Act. However, unlike physical disabilities, mental health conditions may be harder to identify. Diagnosis and treatment of mental health can also be substantially different from treatment of physical disabilities, which may impact the feasibility and types of accommodation provided. Mental health conditions may be of indefinite duration, treatment may have varying efficacy, and may be episodic. This toolkit discusses basic obligations and strategies for supporting employees with mental health conditions that may be disabilities under the ADA.

## Creating a Culture of Support

Employers should be proactive. This will help employees feel comfortable reporting mental health conditions when they arise and empower managers to respond appropriately. Examples of proactive best practices:

### Policies

Review your accommodation policy and ensure it clearly communicates how employees can request an accommodation and that they will not be retaliated against for requesting or receiving an accommodation. The policy should communicate to employees that any medical information submitted in connection with a request for accommodation will be kept confidential. Policies should be regularly reissued and acknowledged to ensure employees are aware of them (annually).

### Employee Assistance Programs

Employee Assistance Programs (EAPs) are a relatively low-cost benefit employers can provide to employees to obtain free counseling. Not all mental health conditions will rise to the level of a disability that must be accommodated in the workplace. EAPs are particularly helpful in supporting employees facing temporary conditions and encouraging employees who have more serious mental health conditions that may constitute disabilities under the ADA to seek treatment.

### Training

Employees should be trained on the accommodation policy. Managers should be trained on identifying requests for accommodation and escalating those requests to human resources. Managers should also be trained on implementing accommodations, maintaining confidentiality, monitoring effectiveness of accommodations, and ensuring the employee is not retaliated against for requesting or receiving an accommodation.

### Defining the Role

Have detailed job descriptions that accurately reflect the requirements for the position. Put a process in place so these are regularly reviewed to ensure accuracy. Accurate job descriptions ensure employees know the expectations for the role and that employers can identify when an employee is not qualified for the position.

Job descriptions are an important component of establishing the role's qualifications and essential job functions. Under the ADA, employers are required to provide reasonable accommodations to qualified individuals with a disability if they can do so without an undue hardship. To be qualified for the job, the employee must:

- Have the skills, experience, education, and other job-related requirements necessary for the position.
  - These must be legitimately related to job performance, and should be consistently applied (e.g., all employees in this job title meet these requirements without exception). Examples include education level; professional licenses or certifications; skills (e.g., computer software proficiency); traits like attention to detail or ability to manage deadlines.
- Be able to perform the essential functions of the job with or without a reasonable accommodation.<sup>1</sup>
  - Essential functions are the fundamental job duties. They are the reason the position exists.
  - Employers are not required to eliminate essential functions of the job as an accommodation.

### What should I do if I suspect my employees are struggling with a mental health condition?

Employers who have taken the steps outlined above will hopefully be alerted by an employee if the employee is struggling at work due to a disability. Even if an employer has a reporting procedure, the employee does not have to request an accommodation any specific way. If the employee says he or she has a health condition and it is interfering with his or her ability to do his or her job, that is enough to trigger the accommodation process.

Even if an employee does not come forward with an accommodation request, an employer can reach out to an employee who is struggling and ask the employee how the employer can help. If the employee mentions a potential disability, the employer can then start the interactive process. If the employee does not identify an issue, an employer cannot force an employee to move forward with an accommodation or force the employee to request leave. Instead, the employer can remind the employee of the resources available (EAP and accommodation process).

However, if the employee appears to be a danger to themselves or others, or if the employee regularly performs dangerous work, the employer should consult with counsel to discuss options related to a fitness for duty or other psychological examination.

### The Interactive Process

Once an employee requests an accommodation, the employer should go through its regular ADA accommodation process:

1. Request medical documentation from the employee's healthcare provider detailing the condition the employee has, limitations on the employee's ability to perform the job duties outlined in the job description, and any recommended accommodations that might enable the employee to perform those job functions.
2. Review the medical documentation and confirm the employee has a disability within the meaning of the ADA.
3. Work with the employee to identify a reasonable accommodation.

### Accommodating the Employee

The ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities of an individual. Medications that help an employee overcome a disability cannot be factored into the determination of whether an individual has a disability. Examples of major life activities that may be impacted by mental health conditions include learning, reading, concentrating, thinking, communicating, interacting with others, caring for oneself, and sleeping. Mental health conditions like major depression, post-traumatic stress disorder, bipolar disorder, schizophrenia, and obsessive-compulsive disorder will likely qualify as disabilities. The ADA definition of disability is broad, and employers should seek legal advice if they believe the documentation submitted does not show the employee has a disability under the ADA.

<sup>1</sup>29 C.F.R. § 1630.2(m).

Assuming the employee has a disability within the meaning of the ADA and is qualified for the position, the employer will then work to identify reasonable accommodations. Reasonable accommodations for current employees<sup>2</sup> are modifications:

- To the work environment or in the way the job is customarily performed that enable the person to perform the job's essential functions or
- That enable an employee with a disability to enjoy benefits and privileges of employment equal to those of similarly situated employees without disabilities.<sup>3</sup>

*Possible accommodations for mental health conditions may include:*

- Modifications to the work schedule:
  - Flexible starting or ending times
  - Time to attend treatment during working hours
  - Limit on hours worked per week or number of days consecutively scheduled to work
- Relocated to a quiet office space
- Job restructuring
- Reassignment to vacant position
- Unpaid leave (if FMLA is exhausted)
  - However, at least one court had found that indefinite leave to be treated for a mental health issue was not a reasonable accommodation.<sup>4</sup>
- Telecommuting

For a list of other potential accommodations, employers can review the [Department of Labor's article](#).

Despite the long list of potential accommodations, employers generally do not have to excuse poor job performance, even if it was caused by a medical condition or the side effects of medication.

### Communicating with other employees about the accommodation

Medical information submitted by an employee in connection with an accommodation request should be stored in a separate confidential medical file and should not be shared with anyone except the HR professional evaluating the request.

When communicating to a supervisor that an employee is receiving an accommodation, HR should not disclose the medical condition and should only make the supervisor aware of the required modifications to the position. If other employees complain about the co-worker receiving special treatment, the supervisor should be instructed to respond that the company has a policy of assisting employees who encounter difficulties in the workplace and that employee privacy rights prevent the company from providing more details.

### Conclusion

Although mental health conditions can be different from physical conditions, the important thing for employers to remember is that both may constitute a disability under the ADA. Employers should follow the same ADA accommodation process regardless of whether an employee identifies a physical impairment or a mental one.

Proactively ensuring that employees have access to resources and an awareness of the accommodation policy is the best way to ensure a culture that supports employees' mental well-being.

<sup>2</sup>Note that applicants may also be entitled to reasonable accommodations under the ADA.

<sup>3</sup>29 C.F.R. § 1630.2(o)(1).

<sup>4</sup>Jarrell v. Hosp. for Special Care, 626 Fed. Appx. 308 (2d Cir. 2015).



# Legal Compliance for Your Employee Assistance Plan

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Employee Assistance Program (EAP) offerings can be an important component in a company's mental health offering—providing low or no cost short-term counseling and helping employees find the mental health resources they need. However, EAPs also come with a host of legal considerations that need to be addressed to ensure the program remains a benefit and not a liability.

EAPs take a variety of forms, and the offerings can vary significantly. However, it has become very common for EAPs to provide some amount of counseling. EAPs that provide this service or other medical care (as opposed to merely connecting employees to community resources) generally are considered to be health plans. As a health plan, the company has to determine how to comply with the myriad of laws applicable to health plans, such as the following:

## Cobra

EAPs generally are subject to COBRA continuation coverage, meaning employers need to give employees an option to continue using the EAP after termination of employment and give any required COBRA notices. Often, companies comply with this requirement either by allowing terminating employees to use the EAP for 36 months following termination (at no cost) or by giving terminating employees a COBRA election and requiring payment for continued use.

## HIPPA

As a health plan, the EAP is a covered entity subject to HIPAA requirements. Most EAP providers are familiar with these rules and compliance, but the employer needs to ensure its own procedures and participant disclosures reflect the EAPs status.

## ERISA

Group health plans are ERISA-covered benefits, meaning that certain requirements must be met, including annual Form 5500 filings in certain instances. To avoid a separate Form 5500 for the EAP, some employers elect to adopt "wrap" documents to allow the employer to file only one Form 5500 for multiple benefit offerings.

## HSA Eligibility

If employees are participating in a high-deductible health plan (whether through the company or another source), they may anticipate also contributing to a health savings account (HSA). To be eligible to contribute to an HSA, the employee cannot have other health plan coverage that provides benefits before the deductible is met. EAPs generally are not considered coverage that would disqualify an employee (see IRS Notice 2004-50). However, if the EAP provides medical benefits that are significant enough, it could make employees ineligible for HSA contributions, therefore care should be taken when establishing the limits on counseling visits and other medical care benefits.

This list may seem daunting at first, but these legal considerations can be easily managed as long as the employer is aware they exist and consults with knowledgeable counsel.



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