

EMPLOYER EDITION

The Field Guide

— *to* —

Mental Health in the Workplace



JUSTWORKS.

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Welcome

Thank you for being a part of the Justworks community.

When an employee is experiencing a mental health issue that's affecting their work, it can be difficult to know how to approach the situation. As a human, you feel sympathy for the person and want to provide emotional support. But as a manager, you still need to prioritize the interests of the business as well as protect yourself against potential legal liability.

If you're feeling overwhelmed by the challenges of navigating mental health in the workplace, use this field guide as a starting point to help you down the right path.

We've got your back,
The Justworks Team

Signs an Employee May Be Struggling

Although it's important to remember that you're not a licensed mental health professional and should never make assumptions or attempt to diagnose a mental health condition, it's helpful to be aware of the warning signs that an employee may be struggling with a mental health issue.

Here are a few common behavioral changes to look out for:

COMMON WARNING SIGNS

- **Changes in work habits** - Repeatedly missing deadlines, appearing disengaged in meetings, decreased productivity, poorly executed work—sudden changes like these can go beyond simple performance issues.
- **Changes in demeanor** - Increased irritability, nervousness, listlessness, extreme passivity, emotional outbursts or mood swings—if you notice an ongoing or dramatic difference in an employee’s personality, that might be a sign of an underlying mental health struggle.
- **Changes in attendance** - Showing up late, leaving early, frequently calling in sick, missing meetings—there are a number of reasons a normally punctual and present employee might start having attendance issues, and a new or underlying mental health issue could be one of them.
- **Changes in sociability** - Becoming more withdrawn, no longer participating in team activities, avoiding social interactions, difficulty communicating—everyone has different degrees of sociability at work, but sudden and significant changes in the employee’s behavior could be a cause for concern.

Discussing Mental Health at the Office

Sometimes your employees might proactively bring up their mental health issues with you, but in many cases, they will not. If someone is experiencing performance or attendance issues that you suspect might be due to mental health issues, consider initiating the dialogue yourself.

Bear in mind, not every mental health issue is chemical or chronic – sometimes, a person's circumstances can lead to issues at the workplace. Someone you might think is depressed may actually be sad because they're coping with the death of a loved one, for example. It's important that you don't assume they're developing a chemical imbalance when the behavior you observe might be very specific to a recent event in their lives.

Here are some important tips to keep in mind when discussing mental health:

TIPS

- **Tact is paramount.** Try opening the conversation with, “You don’t seem yourself today (or recently), is something going on?”
- **Ask open-ended questions** (such as, “Is there anything we can help with?”) and reserve your judgment.
- **Favor “I” statements** (“I’ve noticed that you’ve seemed a little distracted lately”) vs. “You” statements, which can feel more confrontational (“You’ve been showing up late”).
- **Mood and environment matter.** Make sure you’re having the conversation at an appropriate time and place, somewhere private and relaxed, where the employee can feel safe.
- **Remember that you’re not a therapist.** Don’t try to diagnose or overstep boundaries. Be supportive and human, but aware of your legal and professional limitations.
- **Understand that your employee may not feel comfortable broaching this subject with you.** Don’t take it personally if they bristle at the conversation, and be ready to refer them to HR or another resource if needed.

Understanding the Legal Landscape

As an employer or manager, it's essential that you understand the complex legal landscape surrounding mental health so you can avoid liability issues and stay compliant. Remember that mental health should be treated with the same concern and respect as physical health.

Aside from applicable state and local laws, the two main federal laws pertaining to mental health in the workplace to be aware of are the Americans with Disabilities Act (ADA), and the Family and Medical Leave Act (FMLA).

THE AMERICANS WITH DISABILITIES ACT

The ADA is a federal law applying to companies with 15 or more employees that requires covered employers to provide “reasonable accommodations” to qualified individuals with disabilities (including mental health), unless doing so would cause an “undue hardship” for the employer.

The ADA also requires covered employers to engage in an “interactive process” to determine the precise limitations created by the disability with respect to the essential functions of the employee’s job duties, and explore possible reasonable accommodations—which might include things like working from home, coming in late or leaving early to attend therapy appointments, and so on.

This interactive process is a two-way conversation between the company (typically the HR team) and the employee to determine the appropriate reasonable accommodations, and should address:

- **The employee’s accommodation needs as requested by the employee and/or prescribed by a medical professional**
- **Potential alternative accommodations that may suitably address these needs that the business deems to be “reasonable.”**

An employee with a mental health condition that significantly limits one or more of their major life activities, who has a record of an impairment (like, say, from a doctor or therapist), or who is regarded as having an impairment is likely to be covered by the ADA.

THE FAMILY AND MEDICAL LEAVE ACT

The FMLA requires some employers (generally private-sector companies with 50 or more employees in a 75-mile radius, as well as public agencies and schools with any number of workers) to provide their workers with job-protected, unpaid leave in the case of certain family or medical circumstances.

Eligible employees are entitled to up to 12 work-weeks of leave in a 12-month period for things like childbirth or adoption, military service of a close family member, serious health condition in a close family member, or the employee's own serious health condition.

To qualify for FMLA leave due to a serious health condition, employees must be in inpatient care or require continuing treatment by a doctor or health care provider. An anxiety attack, PTSD episode, major depressive disorder, or other psychiatric mental health event may qualify as a serious health condition under the FMLA.



Resources and Support

Outside of those required by law (like reasonable accommodations under the ADA and leaves of absence under the FMLA), there are a number of additional resources you can consider offering to employees for support if they are struggling with mental health issues.

- **Employee Assistance Programs (EAP)**

EAPs generally offer a wide range of services—help with everything from finding childcare to legal assistance to negotiating medical bills. In addition to these valuable services, many top EAPs offer mental health resources as well.

For instance, [Health Advocate](#) offers a number of helpful services to members with mental health needs, including:

- In-person, telephonic, and video counseling
- Licensed Professional Counselors who address stress, depression, family issues, substance abuse, and more
- Referrals for long-term counseling or specialized care

- **Remote Therapy**

Providing access to confidential online therapy, or “telamental therapy” can be hugely beneficial for your employees. Since privacy is a key component of these services, employees don’t need to worry that their personal information is being shared with their employer.

Companies like [Talkspace](#) and [BetterHelp](#) quickly and easily connect patients to licensed therapists via the internet any time of day, making it easier for employees to navigate getting help outside of working hours.

- **Office Mentorship**

Another great way to give employees more support is to pair them up with an advocate or mentor in the office, preferably another manager to whom they don't report directly. Ideally, you would work with someone from HR to be the third-party who can help set this up. Having someone at the manager level means they will be able to frame things in a professional capacity, and help be a coach on how to communicate and process issues as they pertain to the workplace — rather than helping with personal problems like a therapist would.

This mentor should be someone the employee can trust and turn to when they need help or professional guidance. There shouldn't be a guarantee of confidentiality with the mentee. As a manager, the mentor will ultimately need to keep the interests of the business in mind, and occasions may arise when they'd need to report an issue to the employee's direct manager. That said, the purpose of the mentor-mentee relationship is to create a safe, professional space where the employee feels empowered to learn and grow outside of their regular workstream.

It's helpful to have the mentor and mentee set up regular check ins, say once a week, where the employee can benefit from professional coaching tailored to overcoming their personal challenges.



Coping with Work Stress

While many employee mental health issues stem from their personal lives, work stress can also be a contributing factor. If so, this is an area where you as a manager or employer can certainly help. Perhaps there are aspects of your company's culture or this individual's workload that could be adjusted to help alleviate some stress.

If you think an employee might be struggling to cope with stress from work, try asking them the following questions:

- What part of the workday do you find most stressful?
- What tasks are most stressful?
- How do you feel about receiving negative feedback?
- Do the expectations of the job make you feel pressure rather than positive motivation?
- Do you feel stress about work relationships?

Once you have a better sense of the root cause of their stress, you'll be able to come up with a plan to help them manage their day-to-day issues and improve their mental health.

About Justworks

Justworks makes it easier to start, run, and grow a business.

Think of us as a modern support system for work and life. With Justworks, entrepreneurs and their teams get access to big-company benefits, automated payroll, compliance support, and HR tools — all in one place.

When your business offers health insurance through Justworks, your team will have unlimited access to Health Advocate's EAP services at no additional cost. Health Advocate is available to eligible employees, their spouses or domestic partners, dependent children, parents, and parents-in-law.

By combining the power of a certified Professional Employer Organization (PEO) with expert support and simple software, Justworks gives teams of all sizes the confidence to work fearlessly.

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