



Mental Health Association in New York State, Inc.

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Memorandum in Support

S.7577 (Brouk)/A.8675 (Gunther)

AN ACT to amend the labor law, in relation to workplace mental health

MHANYS strongly supports S.7577 (Brouk)/A.8675 (Gunther), which would direct the commissioner of labor to create and distribute to employers a poster, pamphlet, or other written materials regarding mental health and wellness of employees to be posted in the workplace. This legislation also directs voluntary guidelines for employers to put in place strategies and programs to support the mental health and wellness of their employees.

Federal statutes such as Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) provide certain protections for people with disabilities, both physical and mental, but there is often confusion in the workplace about how these laws apply to people with psychiatric disabilities. For example, application of the reasonable accommodations standard to people with mental illnesses is not as intuitive as accommodations for individuals with physical disabilities, like installing wheelchair ramps, for example. All too often, employers and employees aren't even aware that the reasonable accommodations provision also applies to people with mental illness, much less how the standard can be applied.

While workplaces across New York make policies and best practices regarding physical health issues and accommodations clear, similar practices do not exist for mental health. In addition, there is still a significant level of mental health stigma reflected in the workplace. Stigma is often rooted in a lack of knowledge about mental health and in the workplace specifically, a lack of acknowledgment or clearly articulated policies about mental health. Among small businesses without Human Resource departments in particular, many employers are unsure of the best practices regarding employee mental health and wellness. Encouraging parity between physical and mental health, the presence of mental health information and resources in the workplace will work to prevent stigma around mental health issues while providing necessary resources encouraging proactive and positive mental health.

Due to the COVID-19 pandemic, this legislation is more important than ever. As New Yorkers begin to return to their places of employment following the phasing out of remote work practices, it is imperative that workplaces are prepared to play a role in enhancing mental health awareness and overall mental health literacy with an emphasis on employee rights.

For these reasons MHANYS strongly supports S.7577/A.8675 and urges the Legislature to pass this critically important and timely bill.

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