



POLICY ISSUE BRIEF

Mental Health Information and Resources in the Workplace

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.

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.

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. Among small businesses without Human Resource departments in particular, many employers are unsure of the best practices regarding employee mental health and wellness. Creating a workplace culture of acceptance of mental health, standardized best practices across departments and different labor industries, and creating a nexus between New York State Office of Mental Health and the Department of Labor will provide greater access to mental health resources and workplace support. Encouraging parity between physical and mental health and 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, these recommendations are more important than ever. As New Yorkers begin to return to their places of employment following work-at-home 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.

Recommendation

MHANYS recommends two actions that would immediately contribute to workplace mental health literacy, awareness, stigma reduction, healthy habits of self-care, and the pursuit of professional care when needed. These actions include: 1) mental health postings in the workplace; and, 2) voluntary guidelines in the workplace. MHANYS supports S.7577 (Brouk)/A.8675 (Gunther), which incorporates these provisions into law.