

Help!

How to Handle Mental & Emotional Health Claims in the Workplace

- 1. Mental & Emotional Health Are Protected Under the ADA.** Employees with mental or emotional health conditions—such as anxiety, depression, PTSD, and bipolar disorder—are protected under the Americans with Disabilities Act (ADA) if these conditions substantially limit one or more major life activities. Employers must be aware that mental health issues are considered disabilities and have an obligation to accommodate affected employees unless it would cause undue hardship.
- 2. Reasonable Accommodation Requests Are Common and Must Be Handled Carefully.** Employees with mental or emotional health conditions may request reasonable accommodations, such as flexible work schedules, modified duties, or the ability to work remotely. Employers must engage in the “interactive dialogue” to evaluate these requests. Failing to consider, accommodate, or properly document accommodations may lead to ADA claims. It's essential to take these requests seriously and assess them on a case-by-case basis, ensuring compliance with the ADA.
- 3. Stigma Around Mental Health Is Decreasing, Increasing Awareness and Claims.** As awareness of mental health issues grows and stigma continues to decrease, more employees are coming forward to seek accommodations or file complaints related to their emotional or mental health. This shift in societal attitudes means that employers may see an increase in the number of employees disclosing mental health conditions and requesting accommodations.
- 4. The COVID-19 Pandemic Has Exacerbated Mental Health Struggles.** The COVID-19 pandemic has increased stress, anxiety, and other mental health challenges among the workforce. Remote work, job insecurity, health concerns, and social isolation all contributed to mental health struggles during and after the pandemic. As a result, employers are more likely to encounter ADA claims related to emotional and mental health conditions. Recognizing the impact of the pandemic and being proactive in addressing mental health needs may help prevent potential claims.
- 5. Failure to Provide Adequate Mental Health Support Can Lead to Legal and Reputational Risks.** Employers who fail to recognize the importance of mental health or fail to accommodate employees' mental health

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needs may face legal consequences, including discrimination claims under the ADA. Additionally, such failures may damage the company's reputation and employee morale. Creating a supportive work environment, implementing clear mental health policies, and ensuring HR and management are trained on ADA compliance can help mitigate risks and promote a healthy, inclusive workplace.