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Employee Mental Health Issues

Psychiatric or emotional disabilities often account for more charges filed with the Equal Employment Opportunity Commission (“EEOC”) in a given year than either of the two most common physical disabilities: back or limb injuries. The problem with these claims is that it is sometimes more difficult for employers to determine whether a mental impairment rises to the level of “disability” as defined in the Americans with Disabilities Act (“ADA”) than it is for employers to assess physical conditions.

- The most common challenge for employers is being able to distinguish between true protected mental disabilities and the many conditions that fall short of that threshold under the law.
- An ADA claimant must prove both that he or she has a disability that substantially limits one or more *major life activities* and that he or she can perform the *essential functions* of the employment position with or without a *reasonable accommodation*.
- Major life activities commonly cited by claimants with mental impairments include reading/learning, thinking/concentrating, caring for oneself, sleeping, getting along with others and working. Certain mental disabilities can also limit physical activities, such as walking and performing manual tasks.
- Because a claimant is covered by the ADA if he or she is merely “regarded as” being disabled, employers must also be careful not to *assume* that the effects of an employee’s condition are worse than they truly are. Employers may not treat the employee differently based on such an assumption.
- The ADA does not protect claimants who pose a direct threat to the health or safety of individuals in the workplace or claimants whose disability is effectively ameliorated through medical treatment or aids.

TIP

Because most employees are not experts on mental disabilities, and because the ADA requires employers either not to overreact or to minimize an employee’s mental health condition, reliable medical information and dialogue with the employees are important tools to use in determining whether and how to accommodate claims of mental disability.



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