



Mental Health Issues in the Workplace

Beyond
Accommodation

Jennifer M. Trulock
Baker Botts L.L.P.
May 8, 2020

Mental Health Statistics

- Nearly 1 in 5 US adults aged 18 or older reported any mental illness (AMI) in 2017
- 46.6 million people, or 18.9% of all U.S. adults
 - Young adults aged 18-25 years reporting AMI - 25.8%
 - Adults aged 26-49 years reporting AMI - 22.2%
 - Adults aged 50 and older reporting AMI - 13.8%
- AMI is defined as a mental, behavioral, or emotional disorder, ranging from no impairment to severe impairment



National Institute of Mental Health

Anxiety

- An estimated 19.1% of U.S. adults had any anxiety disorder in the past year
- An estimated 31.1% of U.S. adults experience any anxiety disorder at some time in their lives
- National Institute of Mental Health

Major Depression

- In 2017, an estimated 17.3 million adults in the U.S. had at least one major depressive episode. (7.1%)
- Prevalence was highest among individuals aged 18-25 (13.1%)
- 2017 [National Survey on Drug Use and Health](#)

Most Common Mental Health Issues



Employer Concerns



Employee



Supervisors



Other employees



Workplace violence

Employee Perspective

Employer surveys indicate 50% are reluctant to hire someone being treated for depression or a past psychological history

Psychiatric diagnosis can limit career advancement, as employees are less likely to be hired or promoted into executive positions

If an employee takes leave to manage a condition, often they return to face stigma from co-workers, increased oversight, fewer responsibilities

- Episodic disorders qualify for protection as a disability
- “Regarded as” disabled can protect employees subject to discriminatory treatment due to perceived impairment
- Must establish “qualified” for a position, meaning they can perform the essential functions of the job
- Can request accommodation from employer due to mental health issue that qualifies as a disability

Legal Protection for Employees - ADA

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Mental Health Issues in the Workplace

Also available as part of the eCourse

[2020 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the
27th Annual Labor and Employment Law Conference session
"Beyond Accommodation: Mental Health Issues in the Workplace"