

Employment Law Corner

Monthly Report



FOLEY & FOLEY^{PC}
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May Updates

1. [Is Union Organizing Really on the Rise?](#)
2. [Got Crypto? The DOL Is Not Cool with That](#)

Mental Health Awareness Month

May is Mental Health Awareness Month but for most employers, there is no need for a reminder. Living through two uncertain, often frightening and isolating years has taken its toll. With the continued rise in mental health crises and substance abuse, the workplace has become ground zero for support. We often write about the Americans with Disabilities Act (ADA) and the need to accommodate both mental and physical disabilities. That is more familiar ground for employers. What gets less attention is the pervasive impact that substance use disorders have in the workplace. The numbers are staggering: nearly 10% of employees identify as having a substance use disorder, with employees in the trades self-identifying as closer to 20%.

Mental illness and substance use disorders cause increased absenteeism, turn-over costs and medical insurance claims— not to mention its pervasive effect on family members, co-workers, and overall morale. Given the very tight labor market, keeping employees is paramount. Many employers are taking a more compassionate approach and working with an employee for a first-time issue. While traditionally employers have simply referred an employee to an Employee Assistance Plan, many are being much more proactive by providing manager training, a compassionate process to address, and even return to work agreements that encourage continued employment while supporting sobriety efforts. We are living in unusual times and the old methods do not always work.

This is a delicate area of the law. Employers must balance the employee's confidentiality with its efforts to assist both the employee and the interests of the organization. Because several clients have asked for assistance this year on this thorny issue, we have developed a vital resource. Our new **Employee Mental Health/SUD Toolkit** will provide you with the tools to remain compliant while helping an employee in need. This fixed fee service takes the guesswork out of employee expectations and employer rights by providing the forms and agreement you need.

Contact us to explore the **Employee Mental Health/SUD Toolkit** to navigate issues like return to work, confidentiality, and best practices. We can help.

Contact Us



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