

Employee Mental Health/SUD Toolkit

Most employers have to confront mental health issues in the workplace. 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.

Our **Employee Mental Health/SUD Toolkit** includes the following:

- Two flowcharts of best practices:
 - Flowchart for if an employee discloses a mental health issue or SUD (before discipline/performance/attendance issue, and likely covered under ADA);
 - Flowchart for if an employee discloses a mental health issue or SUD (after discipline/as part of an internal investigation/performance/attendance issue, and likely not covered under the ADA).
- Medical Provider Cover Letter (for additional information as part of the reasonable accommodation interactive dialogue).
- Medical Provider Release (for employee to sign to permit employer discussion with medical provider as part of the reasonable accommodation interactive dialogue if more information is needed).
- Template Return to Work Agreement (returns an employee to work but supports employee in sobriety efforts through EAP, to ensure medical information remains confidential).

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