

2 Things for Manufacturers to Keep in Mind About Mental Health Issues in the Workplace

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It goes without saying that the COVID-19 pandemic has been hard on the manufacturing industry. Manufacturers have had to navigate many obstacles since early 2020, including their employees' inability to work remotely due to the nature of the job, staffing shortages, hiring difficulties, COVID-19 outbreaks, mask and vaccine mandates, and significant disruptions to the global supply chain.

These obstacles and the adversity they brought have unsurprisingly impacted the mental health of employees in the manufacturing sector, including leaving them feeling burned out (or, as one employer put it, "everyone is mad").

When employees' mental health suffers, their productivity and job satisfaction are likely to decrease, and they are likely to miss work frequently. Manufacturers should not look the other way when employee mental health issues arise. Here are two key points manufacturers need to keep in mind about mental health issues in their workplaces.

1. Mental health issues in the workplace often create legal challenges

Mental health issues in the workplace are not just personal issues—they are often legal issues.

Mental health conditions typically qualify as "disabilities" under state and federal disability laws. Under these laws, manufacturers cannot discriminate against employees in their terms and conditions of employment and must reasonably

accommodate them in a manner that allows them to perform the essential functions of the job. Reasonable accommodations may include time off, physical changes to a workspace, modifying a job, modifying a schedule, or reassigning an employee to a new position. Reasonably accommodating an employee does not mean that an employer has to waive all productivity or other job-related requirements, or look the other way when performance issues arise, but it often requires creative thinking and a willingness to look beyond the way things are typically done.

Furthermore, mental health conditions also commonly qualify as "serious health conditions" under state and federal family leave laws, along with state sick leave laws, which provide employees with "protected" time off. An employee suffering from mental health issues may be entitled to take leave on a continuous (single-segment) or intermittent (small increments of time) basis and may not be penalized or treated differently because of those absences. For example, an employee cannot receive "points" under a no-fault attendance policy for a protected absence.

Finally, mental health conditions may also trigger a manufacturer's legal obligations under state and federal workplace safety laws, which can be particularly challenging in a manufacturing environment with many safety-sensitive positions. Under these laws, manufacturers must provide a safe workplace (for both the employee with the mental health condition and everyone else) and provide workers' compensation



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benefits. As employment lawyers, we frequently partner with clients to address challenging mental health-related disability, leave, and workplace safety issues.

2. Mental health issues in the workplace should be proactively addressed

Given the effects of mental health issues and the legal obligations they may trigger, manufacturers should proactively address mental health issues in their workplaces.

Employers should offer and refer employees to an Employee Assistance Program (EAP). Additionally, manufacturers should be cognizant of their employees' schedules to reduce burnout. They should encourage their employees to use paid time off by creating and maintaining a culture that values time away from work. On a day-to-day basis, meal breaks and rest breaks should be enforced. Overtime

schedules should be monitored as well to prevent employees from working consistently long days, weeks, and months without recovery periods in between.

Supervisors and management should be trained to be mindful of mental health issues. They should have realistic expectations about employees' workloads and performance, and schedule frequent check-ins with employees simply to see how they are doing. They should limit "after hours" communications with employees to promote work/life balance. And, of course, they should be trained to spot potential legal issues when they arise, and know when to consult with Human Resources or otherwise offer an employee additional assistance.

Stoel Rives helps manufacturing clients address their business and regulatory challenges, including those related to labor and employment, corporate, antitrust, real property, environmental and safety, tax, and intellectual property law. To learn more visit www.stoel.com.

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