

MARCH MENTAL HEALTH AND DE&I UPDATE

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Massive Health Wake Up Call: Depression And Anxiety Rates Have Increased By 25% In The Past Year.

The World Health Organization (WHO) has advised all global leaders to increase their attention to mental health and well-being, given the rising rates of depression and anxiety. Reasons cited are: loneliness, from earlier isolation, deaths of family members and friends, financial worries due to economic dynamics, and off and on-again recession dynamics. Within the health community, nurses and doctors, are exhausted from the pandemic, but also so many citizens and our medical community are experiencing the Long-Covid which often includes: respiratory symptoms, fever, and gastrointestinal problems.

Further complicating these realities is the Omnicron variant, often referred to as “Kraken,” which is an enormous mythical sea monster, like a giant squid or octopus from Scandinavian folklore. This new super Covid-19 virus called XBB.1.5 (nicknamed “Kraken,” by some), is a descendent of the Omicron variant. Like previous versions of the virus, it has been described as the most transmissible strain to date and is far more efficient and contagious than its earlier predecessors.

Already infections in the U.S. and Canada are spreading like wildfire, as reported by the Centers for Disease Control and Prevention (CDC) earlier this month. This new virus strain, XBB.1.5 is currently the predominant strain in North America, having risen to 75% of infections vs. in mid-February 2023 from less than 2% in December, 2022.

What is important to understand is that we may well be in a health crisis with rolling hyper super viruses and as noted, we are already faced with tremendous mental exhaustion of our precious health care workers, nurses, doctors, care givers and not to diminish the reality of our continual backlog of healthcare procedures. Our healthcare systems are in crisis.

In addition, former containment measures from Covid-19, economic recession risk realities are continuing to impact employee mental health (e.g., anxiety, depression) and physical health (e.g., weight gain, unbalanced nutrition). All of these realities are continually putting stress on our employees across all businesses globally – but how is this changing how corporate board directors and C levels view health programs as health care benefits are predominately viewed as a cost vs. as an investment.

Will we start to see a shift on how the analysts start to view employee well-being and cognitive care or will we see bolder moves by leadership to increase or double their investments in cognitive care solutions and modernize their health and wellness/employee engagement practices.

Call To Action

To make the shift needed, corporate leaders need to place Health and Wellness as their #1 corporate priority and examine their employee health benefits and support systems, and strive to modernize employee well-being check-ins and provide 7x24 cognitive care to appreciate and understand how their employees are really feeling.

Management conversations need to shift and place more emphasis on employee well-being and be trained on what cognitive care means. Putting in place, Chief Happiness (Wellbeing) Officers are already starting to be seen in leading companies like: Ernst & Young, Google, Uniliver, SAP, Rakuten to name a few. What a cool title – Chief Happiness Officer.

It's no longer good enough to train your employees on health and wellness, offer portals with so much rich content that they are overwhelmed in trying to find information, or even emergency hotlines are not enough anymore.

Why is this the case?

First, we must learn to stop being reactive and be far more proactive in developing employee happiness and well-being strategies. HealthCare programs for our senior coveted talent must be opened up to equalize health and well-being.

Expensive yes, but do the math.

If you reduce employee churn, sickness, incidents by 20%, there are opportunities to reinvest in more proactive and predictive strategies, versus looking in the rear-view mirror which is sadly where the majority of our corporate programs are positioned across the globe.

We must find ways to prevent anxiety and depression and reduce the stress of employees and be able to predict health risks, well ahead of the risks of incidents, suicides, increasing sickness days, leave of absence, and serious illnesses developing from long standing health challenges. In our research on health and wellbeing that the risks of starting your day either sad or angry increase your risk of an incident in the transportation industry according to the Virginia Tech.

Well buckle up leaders as we have 25-30% of our global population starting their day like this. The cost to productivity and growth is trillions.

Why happiness matters so much. It's as important as building skills as leaders to read a profit and loss statement, or balance sheet.

Yet do we monitor our employee happiness daily as much we watch our stock market dynamics? I think you know the answer on this question.

One area that must change is companies have to start looking at healthcare as an investment, vs being managed as a cost.

Government and corporate leaders must strive to make this required shift to view health and wellness as an investment and a recruiting attractor to stand out in offering more employee assisted benefits focused on wellbeing, using modernized approaches that are proactive vs reactive - and many of these newer methods will be fueled by artificial intelligence.

We are going to experience many changes in how we interact with employees, and AI methods will be the core enabler in new solutions ranging from:

1. daily 7x24 AI health and wellness/moodinsightssecure and private check-ins, asking how you are feeling before you start your day, and analyzing with advanced methods all text inputs to predict risks that are controllable. Note: G2 has a good listing of other corporate wellness solutions, like HeadSpaceWellable, to also name a few etc.
2. mobile software that will listen to our breathing, our coughing frequency and heart rates and can predict if we have health risks;
3. software that analyzes your email written communication and can detect subtle changes in your communication style over time that shows if you are feeling more despondent or even depressed, using natural language processing (AI).
4. software that monitors your walking and even your gait (posture) can predict health risks,
5. cognitive health care chat bots that are acting as your personal health and wellness assistants guiding you to the right content sources automatically versus having to request content, and these new chat bots will even cheer you on not only personally but within your social team and corporate structures.

These are new AI designed employee health and wellness innovations in the market now, and more use cases will unfold as corporate directors and leaders shift more of their focus to employee happiness and well-being.

This is no longer a personal reality where often depressed or high anxiety employees suffer quietly in their own worlds, this is increasing a corporate responsibility where there is more transparency and sensitivity and open communication.

Positive and happy employees are more passionate and are more engaged with your customers too. It's simply smart business.

We also have an explosion and rapid adoption of biomedical advances, artificial intelligence, connected devices, digital pathology, population health, genomics, connected health and other technologies is contributing to an unprecedented explosion in healthcare data.

In addition, healthcare organizations are dealing with massive amounts of data from medical records, and also from a wide variety of medical instruments and devices, including wearable sensors," said Jane Yu, MD, PhD, Biomedical Engineering, International Client Technical Health Leader for IBM.

With data volumes "doubling every six months," it's difficult for healthcare organizations to manage the constantly growing influx of information, according to Yu. "Healthcare organizations have to know how to access, store, share and analyze this data.

The speed that healthcare changes are happening is incredible. For example, 15 years ago, it took 10 years and 2.7 billion dollars to sequence the first genome. Now we can do this with less than 10 thousand dollars in a week.

As we look forward, board directors and C-levels need to seriously think about modernizing their employee engagement practices with their employees, to ensure happiness and wellness is seeded in all operating practices.

<https://www.forbes.com/sites/cindygordon/2023/02/12/massive-health-wake-up-call-depression-and-anxiety-rates-have-increased-by-25-in-the-past-year/?sh=317fd9501760>

The True Cost of Untreated Depression in the Workplace

The importance of checking in on employees as a manager is major when it comes to morale and retention — but research conducted by Kaiser Permanente indicates that employees with unchecked mental health can also directly impact a business's bottom line significantly. The findings indicate a common trend of mental health struggles is left vastly untreated due to the stigma around the situation. Despite 75 percent of employee noting that they have encountered an issue that impacts their mental health, 80 percent of those affected workers don't opt for care to resolve it. As a result, it's calculated that on a per employee basis, untreated depression can cost \$9,450 annually due to productivity loss and general absenteeism.

While momentum has slowly gained toward accepting mental health treatment as a regular practice, it still lags behind the rate it should be by a wide margin. Fears over publicly seeking

mental health range from fear of strained co-worker relationships or perhaps even the loss of one's job.

Specific insights from Kaiser Permanente include:

- When it comes to worker disability, mental illness is the top worldwide culprit
- Mental health accounts for 62 percent of days where employees miss work
- Substance abuse is 3.5 times more likely to occur in employees who are distressed
- When it comes to leaving a job for mental health reasons, Millennials and Gen Zers are far more likely than other generations, with 68 percent and 81 percent of the demographic claiming to have done so. As a whole, roughly 50 percent of full-time employees have left a job for a mental health reason.
- The risk for heart attack or stroke is twice as likely among employees with untreated mental health issues

<https://www.cleanlink.com/news/article/The-True-Cost-of-Untreated-Depression-in-the-Workplace--29440>

How Depression Impacts the Workplace

When it comes to depression and addressing the rising mental health needs globally, one doesn't often think of its impact on businesses in the United States. One study was able to quantify the cost of depression on businesses in the US in 2012 alone, and these numbers have only increased over a decade later in the aftermath of the pandemic and various other threats to society. Learn about the impacts of depression on the workplace and how to combat this growing health crisis.

Key takeaways:

1. No one is immune to depression; anyone can have a major depression episode throughout their lifetime.
2. Depression greatly impacts the overall workforce and costs companies large sums of money if they do not address the issue and work toward making a happier, more supportive work environment.
3. Depression rates are continuously on the rise and are expected to be far more impactful than the research reflected — which was published over ten years ago.
4. Employers are finally starting to realize how much employee depression is costing their businesses. However, unfortunately, many workers either suffer in silence or go untreated. Hopefully, employers will learn how to recognize the sign of depression so they can get their employees the help they need.

Depression's cost on the workforce

Long before COVID-19 caused many businesses to start operating remotely, a study found that seven percent of employees aged 18–64 had at least one major depressive episode a year. These rates have only increased since the study was published in 2012, and its impact has spread on a global scale. One year over a decade ago, depression in the workplace cost businesses \$51 billion from employees missing work and \$26 billion from mental health treatment costs. These numbers are just for the United States and are much larger on a global scale.

Missed workdays and lower productivity

Another research study published in the Journal of the American Medical Association found that businesses are more likely to incur extra financial costs when they choose to screen their employees for mental health conditions and provide treatment options. Despite the increased costs, this is becoming a necessary practice for companies that truly care about and value the well-being of their employees. Because depression has been on the rise at such an accelerated rate, companies are being forced to address the issue. Employees who have depression tend to have higher rates of missed workdays and lower productivity rates in comparison to employees who have not experienced a depressive episode.

The stigma on employees seeking help

Unfortunately, many employees do not speak up about their struggles or self-identify with their employers. This is often due to the stigma surrounding mental health and the fear of being treated differently. The good news is that as more attention is being demanded to address the mental health concerns of our nation, the stigma surrounding mental illness is lessening. Nevertheless, many do not speak out about what they are going through and choose to struggle in silence.

The sad news is that if they did speak out and seek help, they'd have at least an 80% chance of experiencing a healthy turnaround. Proper therapy with effective treatment could produce positive outcomes resulting in far fewer or no missed workdays due to mental health issues. Increasing employee happiness and well-being

It's never a bad idea to have employees' best interests in mind when running a company, as a team or chain is only as strong as its weakest link. Therefore, the happier and healthier the employees, the better the business will run. There are various ways that businesses can work to provide environments that promote health and happiness for their teams.

This is a bit trickier in light of the pandemic, as many companies still have employees working from home or in a hybrid manner, only coming into the office ad hoc. Nevertheless, some ways that businesses can help promote good mental health among their staff include:

Offering mental health screenings and providing treatment and early interventions for those who have red flags of developing a mental health condition.

Facilitating a safe, peaceful, welcoming, inclusive, and comfortable working environment for all. This means prioritizing diversity, equity, and inclusion, allowing employees to show up to work as their true, authentic selves without the fear of discrimination.

Supporting the growth and development of the careers of your staff by offering various learning and development benefits, mentorship programs, etc.

Valuing the skills, ideas, and talents that all employees bring to the table.

Cultivating an environment among leadership that is highly supportive of their teams without harsh criticism but with support and team-building skills.

Good communication and defined goals and expectations understood by all so that employees know what to strive for while having the support and resources needed to achieve those goals. Mental health benefits and tools, such as Headspace for managing work stress and anxiety, mental health days, and a mental health stipend if not included in company insurance.

Signs and symptoms of depression

It's important to be aware of the warning signs and symptoms (red flags) that an employee may be feeling depressed or having an episode of major depression. Some signs to look out for include:

- No longer interested in things they once enjoyed
- Social withdrawal or self-isolation
- Sudden decline in work performance
- Talk of harming oneself
- Substance abuse
- Fatigue
- Mood changes and/or irritability
- Inability to make decisions
- Melancholic mood
- Eating and sleeping changes
- Crying or prolonged sadness
- Brain fog
- Self-harm

If you suspect your employee or coworker is experiencing a depressive episode, it's important for them to seek help. However, it's much more powerful if they seek help rather than feel backed into a corner to get help. Instead, try approaching them and checking in with them. Let them know that you are there for them and support them and that help is available if they want to talk to someone. The sooner a person can intervene in treating their symptoms, the better

they will be long-term, as untreated depression can have long-lasting negative impacts on a person and their life for years and those around them.

It's a good business practice to be invested in the mental health and well-being of your employees. If you find that one of your team members is struggling with their mental health, let them know that help is available. There are a variety of therapists available both online and in-person to help get your employee back into a state of mind and well-being where they enjoy each day and come to work as their best selves.

<https://healthnews.com/mental-health/anxiety-depression/how-depression-impacts-the-workplace/>

Remote, hybrid work linked to more anxiety, depression

However, overall symptoms of anxiety and depression among workers declined from July 2021 to August 2022.

Dive Brief:

1. Workers had an increased rate of anxiety and depression symptoms if they were fully remote (40%) or hybrid (38%), compared to those who worked in-person (35%), according to a Feb. 20 report from health and productivity research non-profit Integrated Benefits Institute.
2. While the number of individuals taking a mental health prescription increased from 20% to 22% and the unmet need for counseling rose from 12% to 14%, overall symptoms of anxiety or depression fell from 40% to 35% from July 2021 to August 2022, the report found.
3. "This report is a thorough examination of a wide-spread mental health issue — experiences of anxiety and depression symptoms. Such experiences can range from mild to severe and are an important cause of presenteeism, sickness absence, and disability," IBI Director of Research Candace Nelson said in a news release. "This research was conducted to provide employers comprehensive and timely facts, so they can better target programs and benefits addressing mental health."

Dive Insight:

Since the beginning of the COVID-19 pandemic, mental health has become an increasingly important topic for employers to address.

Google searches for same-day mental health services and centers for workplace mental health grew 1,300% from February 2020 to February 2022, according to a report by marketing

platform Semrush. And searches for “how to ask for a mental health day” skyrocketed 1,000% during the same period.

The problem becomes especially acute for remote workers who may not have access to on-site mental health services. Experts say employers may need to put in more effort to remain connected to remote workers to better spot potential mental health issues.

Sixty-four percent of executives said remote work negatively affected their employees’ mental health, up from 55% the previous year, according to an October 2022 survey by RSM US and the U.S. Chamber of Commerce. Seventy-three percent said workers felt isolated, an increase from 68% in 2021.

<https://www.hrdive.com/news/remote-hybrid-work-anxiety-depression/643278/>

Remote work and high rates of depression: What HR needs to know

It’s no secret that mental health struggles have skyrocketed in America in recent years. Just last week, U.S. Sen. John Fetterman of Pennsylvania became the latest high-profile example of the crisis, as he checked himself into a treatment center for depression.

It’s a condition that affects millions of Americans every year, and since the start of the pandemic, it could be disproportionately impacting certain segments of the population—who are in need of support from their employer.

According to new research from the Integrated Benefits Institute, based on a survey of nearly 500,000 employed Americans, symptoms of anxiety or depression have decreased overall since the height of the pandemic in 2020—from 40% to 35% of the sample. However, symptoms today are more prevalent among those not working in an office: 35% for fully in-person workers, 38% for hybrid and 40% for remote workers.

Why the difference? Previous IBI research pointed to a number of causes that could be driving up anxiety and depression among home-based employees, says Director of Research Dr. Candace Nelson. For instance, hybrid and remote workers reported challenges that include constant interruptions throughout the day, a seemingly endless workday, limited time with kids and spouses, and an overall struggle to balance work and family. Many also reported feelings of isolation; about one-third said they feel disconnected from their colleagues.

Remote workers aren’t the only ones disparately affected by anxiety and depression. The recent IBI report found rates are also higher among women than men, those under 24, workers with a lower income and LGBTQ individuals.

How are workers responding to the problem? According to the latest study, Americans are slightly more likely to use prescription medication to treat mental health (22% now, compared to 20% three years ago), yet 14% report that they need, but aren't getting, counseling help, up from 12%.

That suggests an opportunity for employers to intervene. Among IBI's recommendations, Nelson advises HR to work with business leaders to improve access to mental healthcare, as well as to structure programs that connect physical and mental healthcare, as "certain health conditions such as diabetes and heart conditions often occur with anxiety and depression," she notes. She also says employers need to prioritize inclusivity and access to culturally appropriate mental healthcare and confront stigma around workers seeking help for mental health—which requires culture work.

Ultimately, Nelson says, HR should lead their organizations to look at mental health "proactively" and focus on forward-thinking programs that assist employees with overcoming potential day-to-day stressors, particularly among populations like remote and hybrid workers, who could be more at risk.

Fortunately, IBI researchers wrote in the report, employers increasingly recognize the mental health crisis—and the role they can play in helping employees through it. "Even before the pandemic," they said, "awareness of mental health challenges in the workforce was rising. Now, due to the effects of social isolation; loneliness; prolonged exposure to stress, fear and worry; and work and financial instability—all caused by the pandemic—investment in mental health strategies is at an all-time high."

<https://hrexecutive.com/remote-work-and-high-rates-of-depression-what-hr-needs-to-know/>

How to protect your mental health while processing layoffs or job loss

The Mental Health Project is a Seattle Times initiative focused on covering mental and behavioral health issues. It is funded by Ballmer Group, a national organization focused on economic mobility for children and families. The Seattle Times maintains editorial control over work produced by this team.

When you lose your job, it can suddenly feel like you've been plunged 20,000 feet below sea level. You try to pull yourself back up, but the weight of what's on top of you — financial anxiety, betrayal by your company, older wounds of personal inadequacy — can keep you stuck.

It's normal to feel sad, angry, scared and even jealous after getting fired or laid off, experts say.

Jobs take up a majority of our time and can be deeply tied to our sense of self-worth and success. Our work can also be a distraction, shielding us from other insecurities. When that job is pulled, we are forced to reckon with those feelings.

What is job grief?

Work is a huge part of who we are, how we live our lives and how we support ourselves and others. Losing your job “can really rock you to your core,” said DeHeavalyn Pullium, a licensed marriage and family therapist in Washington.

Like the death of a loved one, getting fired or laid off is a loss and you may feel similar emotions. Initially, you may experience shock and disbelief, followed by resentment. Then you may feel sadness. Like a breakup, you may also feel rejection.

“Allow yourself to feel through the emotions, and then let them go,” said John Buscher, a licensed mental health counselor.

Grieving may include going to therapy, talking to friends, journaling, exercise, meditation — any practice to help process emotions and information.

The goal is to work toward acceptance — not that you agree with or like what happened, but that you are not fighting against the reality, said Lauren Richer, founder of Anchor Light Therapy.

But for many, reaching that point can take time.

For one thing, the decision was likely out of your control. “Very few things are in our control, but we have a sense that they are,” Richer said. “When that gets rattled a little bit, that can be really challenging.”

Even if the job loss was not related to performance, “it still is perceived by some as a form of rejection” she said, because they were chosen among the rest of the staff to be let go.

“Recognize that a job loss can be a very difficult and traumatic experience. Give yourself the opportunity to grieve it,” Richer said.

Financial stress

In an expensive city like Seattle, valid questions around financial security may become pressing. Take a moment and breathe. Approaching the situation with a level head can lead to more thoughtful choices.

For workers who have been laid off from big tech companies, Andrew Rogers, a clinical mental health counselor in Tacoma, reminds his clients that many of them have been given severance

packages and “they’re not actually in the dire (financial) emergency that their brain wants to say.”

A layoff may trigger deeper feelings about class anxiety, especially if you’re the first person in your family to reach a higher income bracket. Avoid catastrophizing, or searching for the worst possible outcome, in fear, Pullium said. Instead of thinking you will automatically fall into poverty, ask yourself, “what would it actually take to go all the way back there from this financial point, and what options are in between that can act as a buffer?”

For example, there may be payment plan programs to help lower student loan payments and friends who can help you find solutions.

Buscher suggests setting a budget and looking for a temporary job, like working at a grocery store. Some companies provide an employee discount on groceries, which can help save money. You might also qualify for unemployment or food assistance and shouldn’t feel guilty about taking advantage of those services if you need them.

If you have a therapist, ask them if they’d be willing to lower their fees while you are out of work.

When we’re feeling vulnerable, we tend to become reclusive and may not want to share what we’re experiencing.

“I encourage people to not isolate themselves,” Rogers said. “It’s really important during this time to stay connected and really lean into friendships, family members, and a community that they’re a part of.”

Practice being open about the layoff. Socializing and connecting with people can be an antidote to shame and allows other people with similar experiences to learn they’re not alone.

Buscher suggests reaching out to former colleagues or finding other people looking for work through meetups and job clubs. Those people can help share job leads and provide networking opportunities.

Volunteering can also fill that sense of contribution to society that may be lacking while unemployed.

Within intimate relationships, people who have been laid off may be withdrawn or have a difficult temperament, and a job loss can be a huge stressor.

“Talking to a couples therapist may be really beneficial to help both parties express their emotions, anxieties and fears and help them find tools to be supportive partners,” Rogers said.

Practical tips

Without familiar structure, our brains have a tendency to ruminate. Negative thoughts can create a constant loop in our brain. Buscher suggests replacing “Why did I get fired?” with “What one thing could I do today to move toward finding a job?”

Take some time to reflect and consider what you need and want in your next job.

Schedule dedicated hours to job hunt. And limit reading about layoffs, especially at night before bed.

The extra time may also be an opportunity for you to catch up on appointments and try new hobbies or activities.

It’s also important to understand your job search in greater context, Pullium said. If you’re doing everything you can to put yourself out there, but the economy is not in a place to provide jobs, “we have to acknowledge that some things can’t be fixed. ... Some things are systemic or societal issues.”

Manage your feelings

It’s easy to measure yourself against others after losing a job, especially when people seem like direct comparisons. When friends or colleagues get jobs and we’re still struggling, our brains tell us something is wrong with us.

It’s more likely that we may be not seeing the other side of things. We don’t always know their personal situations and there may still be lots of people who aren’t getting jobs.

“This is just a really hard process, and everyone has their own path on it,” Rogers said. “Keep focused on what you can be doing instead of getting clipped by what other people are doing.”

Jealousy is normal, said Tim Stanley, a licensed mental health counselor. Sometimes saying it out loud or telling a friend can help open communication.

As an indication of desire, jealousy can be helpful, Pullium said. Understand what you’re wanting and that it isn’t quite here yet, and allow it to motivate action: “I wonder what a plan would be for me to get closer to that thing.”

People who were spared a layoff while watching colleagues lose jobs may also experience survivor’s guilt — where someone experienced a loss that you did not and you feel a level of guilt or responsibility.

Rogers suggests switching the guilt into gratitude while still being compassionate toward people who have lost their jobs.

Middle managers, who are not making the decision to conduct layoffs but may still be responsible for carrying them out, may also experience guilt or shame.

“It’s soul crushing for people to make those cuts, and it hurts so much,” he said. “A lot of times, they have to cut off a piece of themselves in order to even do it.”

Getting professional help

Almost everyone will feel a little depressed right after they’re laid off. It’s normal to feel sadness and grief. If it’s been more than three months and you’re still feeling depressed and withdrawn or finding it difficult to think about new possibilities, experts suggest finding a mental health professional to talk to.

There is a diagnosis called “adjustment disorder, where people get stuck in the grief or loss or traumatic event that has happened for them, and they struggle to move forward,” Richer said. Monitor your mood the same way you would a physical injury, Stanley said. If you’re not feeling better after several weeks, it may indicate something needs deeper attention.

Some people might feel shame if they’re diagnosed as depressed, but Stanley said it’s important to be compassionate and honest with ourselves when we’re stuck. It’s more problematic when someone is stuck and avoids talking about it.

If you’re becoming hyper vigilant, can’t sleep at night, or are having physical symptoms like a racing heart, you may be experiencing extreme symptoms of anxiety and could also benefit from treatment.

Processing your feelings with a professional can be an opportunity to explore the feelings that are coming up and find a way together to move forward.

<https://www.seattletimes.com/seattle-news/mental-health/how-to-protect-your-mental-health-while-processing-layoffs-or-job-loss/>

Report: Managers Have Bigger Impact on Employee Mental Health than Therapists

A new report by the Workforce Institute at UKG found that managers have a greater influence on employee mental health than therapists or doctors, and an equal influence to spouses and partners. That may be surprising until you consider that 60 percent of the employees surveyed said their job was the most significant factor in their mental health. The survey included 2,200 employees and 1,200 leaders in 10 countries.

Other striking employee responses:

- One in three said their manager fails to recognize the impact they have on their team's mental well-being.

- Nearly three in four said stress from work negatively impacts their home life.
- Two-thirds would take a pay cut for a job that better supports their mental wellness.
- A majority (70 percent) want their company to do more to support mental health.

Leaders and workers have quite different mental health experiences:

Nine in 10 human resource and C-suite leaders surveyed said that working for their company had a positive impact on employee mental health, while only half of employees agreed.

"People power organizations, so managers need to be aware [of their employees' mental health]. This is an organizational concern," said Tracy Curry, SHRM-SCP, HR director at Fearless, a digital services company in Baltimore. She sees it as a healthy sign that employee assistance program (EAP) resources are well used by Fearless's 250 employees.

Suffering in Silence:

One in five employees responding to the survey said the impact on their mental health from their job was negative. Heavy workloads and exhaustion at the end of the day were common problems cited. Yet, more than one-third of employees rarely or never talked to their managers about it.

Traditionally, managers were taught to avoid discussing mental health with employees in an attempt to not run afoul of the Americans with Disabilities Act, nondiscrimination laws and confidentiality issues, said John Adamcik, SHRM-SCP, director of HR for Baptist Children's Homes of North Carolina. "If someone needed help, they went to HR."

That old script is changing, Adamcik said. Leaders should check in with employees who appear distracted, tired or stressed. Beyond the human concern, an overwhelmed employee will be less engaged, productive and innovative, and more likely to leave.

Today, managers often are encouraged to share their challenges and strategies for coping with stress to model work/life balance for their team. By being open about stress, managers send the message that employees can talk about their problems without stigma.

"It's old-school to separate your personal and professional life," said Linda Dahlstrom, a manager for a Fortune 500 company. "The manager should see you as a whole person, recognizing that [employees] have a lot of things going on outside of work. It's respecting who people are."

But the growth of the remote workplace has made it challenging to stay in touch, said Ellyn Pollack, supervisory program analyst at the U.S. Census Bureau who has also managed people in the private sector. "People feel more connected when they can actually see one another, so it's important to turn on the camera for meetings when on a Teams or Zoom call," she maintains. Bonus: seeing colleagues' pets, kids and home office spaces.

Start the Conversation

Managers shouldn't force a discussion. Instead, they should try to earn employees' trust and let them know they have a safe space to share.

While showing compassion and concern, respecting employee privacy is also important, Pollack said. She recommends that managers regularly remind staff of available employee support services. "This allows them to seek assistance and still maintain their privacy," she said. Adamcik suggests this gentle, caring approach for an employee whose performance has declined: "This isn't like you. I'm not trying to pry but is there anything work-related we can help with?"

When Dahlstrom was a newspaper editor early in her career, she managed a reporter who turned in impeccable copy on deadline. When she started seeing a lot of mistakes in his work, she simply asked him how he was doing.

The employee revealed that his wife was in the end stages of multiple sclerosis. He was getting up every two hours at night to change her position due to bedsores.

"It changed everything," Dahlstrom said. "When you see someone acting out of character, there may be something going on that we can't even imagine." Once you know what's happening, you can offer support and modifications, she added.

"Get proactive about asking employees how they are," Curry echoed. "Check in briefly if they're having a bad day. You can talk about 'what' without the 'why' to avoid making the person uncomfortable."

"Don't try to play the therapist," Curry added. She stressed that managers and HR professionals should not do a deep dive but refer the employee to an EAP, where staff have clinical training for this.

The majority of employees (81 percent) sent a strong message through The Workplace Institute at UKG survey that their mental health was a higher priority at work than their salary. "Employees today are looking for a caring environment. A caring culture is going to win in the arena of recruiting and retention," Adamcik said.

<https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/manager-mental-health-of-employees.aspx>

Should Managers Matter That Much To Mental Health? 3 Critical Considerations

Managers impact their employees' mental health—to a greater degree than therapists or doctors and on par with partners, according to research. But should managers have that much of an effect?

It makes sense that leaders impact employees' experience, because most people spend upwards of 80% of their time engaged in their work. But healthy boundaries must also be part of the equation.

If you're a leader, there are some important considerations for your interactions and the conditions you create for people to thrive and do their best work. There is a downside of your potential influence, and you may think first of the risks and the high stakes—but the good news is you can have powerfully positive effects on people and their experiences as well. You won't be perfect, but you can do your best—and this will matter.

Because work occupies so much of people's lives, it's reasonable that it would have a significant impact on their moods, wellbeing and outlook—and there are key dynamics that drive this reality.

1) Power

As a leader, you inherently control much that affects your employees' lives. You hold power over their pay and promotions. You also have significant influence over their reputation based on performance reviews and the electronic record of your assessments, comments and evaluations. You generally have control over their work hours, work location, the content of their work and even their career growth—through development opportunities you provide.

You can appropriately manage this power by providing people with as much choice and control as possible—giving alternatives and flexibility to the extent you can. These may include options you provide about the projects people work on, the development they pursue or the hours or locations where they work.

In the final analysis, the final say is typically yours, but fostering open communication and choice are positive for people.

2) Influence

As a leader you also have outsize influence. People tend to put a laser focus on leader behaviors, language and approaches. Whether you mean to or not, you are a model for others' behaviors. Because you've progressed to a leadership role, the inherent message is that the organization values and has rewarded what you do—so your approach is amplified. Human nature also tends to be egocentric, so people may tend to feel they are the reason for your mood or behavior. If you walk in with a scowl, people may wonder what they've done,

why you're frustrated with them or what's going on in the organization to cause your demeanor—when really you just didn't sleep well the night before.

Increasingly, people may also over-emphasize your messages. With the deluge of information from so many sources and the uncertainty of the last few years, leaders have become a “source of truth” that people pay attention to.

Often, people look to their managers to share information and also to interpret it—looking for direction on what it means for the organization, for their role and for them. Again, it may not be your intention to have such a significant influence, but it is likely the reality of your impact. You can manage your effect by being aware of how you're feeling and how you're coming across to people. Be open about what's driving your behaviors and talk explicitly about your values and how they're affecting your choices. Constructive, productive cultures are characterized by more openness and authenticity—so when you're clear about what's occurring and why, it creates positive conditions and can reduce ambiguity or uncertainty.

3) Centrality, Identity and Spillover

It's also important to know that work is often central in employees' lives. It occupies a large proportion of time, but work is also part of people's identities. Typically, they derive much of their sense of self and esteem through their work. They accomplish feelings of meaning based on what they do, the expertise they deliver and the results they achieve. Work is also a source of belonging because it offers a shared sense of social identity. Common goals and the opportunity to come together with purpose provide unity and meaning.

Work also has spillover effects. Multiple studies have found when people are happy and satisfied at work, they report less stress and greater joy in their time away from work. They even report they are better parents and partners.

You can affect people's experience of work by reinforcing how they matter and celebrating their contributions. When you respect people for all they bring to the table and the multiple roles they fulfill—both inside and outside of work—you contribute to their wellbeing. And when you create a culture of inclusion, openness and trust, it has significant positive effects—inside and outside of work.

Responsibility

But even with your power and influence and with the importance of work, each person also has responsibility for their own happiness and mental wellbeing. So as a leader, you're not responsible for others. But as part of a community, you are responsible to others—to create the conditions for a positive work experience.

You hold much within your control, but of course there's a lot that's outside of your control as well—things in employees' personal lives and emotional lives.

Effective relationships have a balance of responsibilities. You will respect people and treat them fairly. You'll provide a sense of purpose and recognition for their good work. You'll create a positive culture on the team and you'll give people growth opportunities. You'll do your best, and you'll need to rely on others to do their part as well.

We're All Adults Here

The most effective leaders treat people like adults, giving them as much choice and control as possible within the constraints of what teams and organizations need and what the work responsibilities demand. Put people on equal footing by encouraging them to ask questions and challenge you professionally. Ask for feedback, and provide feedback as well. When you create openness in a relationship, it tends to foster trust and nurture wellbeing.

Also avoid trying to fix people's problems. By trying to solve things, you inadvertently disempower people—so empower them instead by encouraging them to work through a challenge with a customer or resolve a conflict with a colleague. Or if they are facing a personal issue, connect them with resources who can help.

Reinforce the belief you have in people, and offer support—but avoid taking on their burdens yourself. You want to demonstrate caring and compassion, but this doesn't mean you own the responsibilities which are theirs.

One of the most important things you can do for people is to ensure they feel seen and heard and know they matter. New data from Joblist finds when people feel invisible, they are more likely to experience burnout, imposter syndrome and loneliness. They also report having less comfort with their performance and engagement, and they worry about their job security. Ensure you're helping people to feel seen, heard, appreciated and understood.

An Amazing Opportunity

While you can worry about your effects, it's more useful to consider the opportunity you have to create great work experiences. Connect with people, foster trust and build effective teams. Drive results worth celebrating and be authentic and vulnerable. People aren't looking for perfection, but they will appreciate your efforts, your progress and seeing you do your best to help them be their best.

<https://www.forbes.com/sites/tracybrower/2023/02/21/should-managers-matter-that-much-to-mental-health-3-critical-considerations/?sh=4b173e986211>

Managers have big influence on worker mental health: survey

Managers have greater influence on the mental health of workers than doctors and therapists, results of a recent survey suggest.

The Workforce Institute at UKG commissioned a survey of 2,200 workers and managers from the United States and nine additional countries about their employment, work-related stress, mental health and other topics. Researchers also surveyed 600 C-suite leaders and 600 human resource executives/directors from the United States. All of the respondents were adults who worked part- or full-time for at least one employer in an hourly or salaried role.

Although 3 out of 5 of the workers indicated that their job has the biggest influence on their mental health, 69% said their manager plays the largest role – the same as a spouse or partner. Managers were cited more often than a doctor (51%) or therapist (41%).

More than 80% of the respondents said they'd prioritize good mental health over a high-paying job. Among U.S. respondents, 70% would leave a high-paying job in favor of one that provides more mental health support, including 70% of Generation Z and 69% of millennial workers.

Other findings:

- 78% of the respondents said stress negatively affects their work performance.
- 64% would take a pay cut to have a job that better supports their mental wellness.
- 43% said they're "often" or "always" exhausted after work.
- Only 38% who said their workload is a problem acknowledged that they "rarely" or "never" talk to their manager about it.

Managers are experiencing the same stressors as well. Nearly 60% of the managers said they wish someone had warned them not to take their current job, and 46% suggested they'll quit within the next year because of too much work-related stress.

<https://www.safetyandhealthmagazine.com/articles/23639-managers-play-largest-role-in-worker-mental-health-survey>

The Best Way to Boost Workers' Mental Health Is to Give Them Good Managers

To improve workers' health, research shows, companies need to support "transformational" leaders and weed out "destructive" actors, not just tout wellness programs

Workers are not doing well. Around the globe, employees report rising rates of burnout despite efforts by many organizations to add programs and resources such as counseling, more paid time off and even free access to meditation apps.

The ongoing distress may be because none of these steps directly address one of the biggest impacts on your well-being: your manager. Now a study pinpoints the specific leadership styles that make the largest difference. It also revealed that increasing positive management tactics may be every bit as important as minimizing bad leadership.

This research, published in the *Journal of Leadership & Organizational Studies*, outlines findings from an analysis of 53 studies that tested how leadership style affects employee mental health. By analyzing results across studies, this meta-analysis provides much stronger evidence than any single investigation on its own. Previous research had established the link between leadership style and mental health, but this new effort goes further: it is the first to explain which styles make the biggest difference. The researchers looked at both the positive impact of helpful styles and the negative effects of unhelpful ones.

The scientists compared seven distinct leadership styles. Among the most common is transactional, in which bosses focus on consistently rewarding and punishing people based on performance. Another frequent style is laissez-faire, where managers largely leave employees to their own devices. Of the seven styles, the analysis found that two had the most significant effects on employee well-being: transformational and destructive.

Managers who adopted a transformational leadership style had the biggest positive impact on their employees' mental health. First defined in the early 1970s, transformational leaders inspire others by painting a vision, encouraging team members to engage in creative thinking and tailoring their approach to the individual needs of each employee. This style had far and away the most positive results, as measured by employee reports of their own well-being. It even beat out the leader-member exchange approach, in which the manager and employee have a tight-knit relationship, and the relationship- and task-oriented leadership styles, which emphasize supportiveness and efficiency respectively.

On the flip side, the researchers also found that destructive leadership styles, where bosses engage in aggressive and hostile behavior, have the largest negative impact on employee mental health. While anyone who has worked for a difficult manager won't find that surprising, the analysis still held a twist. In many psychological studies, scientists have found that "bad is stronger than good" in most people's mind. People generally expect that a truly awful boss is far more detrimental than an inspirational leader can be beneficial. The researchers therefore anticipated that the negative effects of a bad leader would be substantially greater than the positive effects of a good one. Instead, they found that transformational leadership was just as powerful in explaining positive mental health outcomes as destructive leadership was in explaining negative outcomes.

This has powerful implications. It means that making average leaders better (specifically by helping them be more transformational) can have just as much of a positive impact as minimizing destructive leadership. To be clear, companies should work to eliminate toxic behaviors in their managers. But the findings suggest that increasing the number of

transformational leaders should also be a high priority for companies. Doing that could be just as effective as pouring money into programs such as stress-reduction and mindfulness resources. Given that employees often use those tools to cope with their average or destructive managers, improving leadership through training, for instance, could be a more powerful intervention.

Helping managers identify specific actions and attitudes they should either adopt or avoid will improve the mental health of employees. Better management will lead to a healthier organizational culture overall, one that reinforces what excellent leadership looks like and what types of behaviors are not tolerated. And that change can kick off a virtuous cycle: over time, a healthy culture attracts better employees and better leaders.

<https://www.scientificamerican.com/article/the-best-way-to-boost-worker-mental-health-is-to-give-them-good-managers1/>

Mental health and chronic pain: Understanding your employees' invisible illnesses

Support is needed for both mental and MSK health across your workforce

There is growing research linking chronic pain and poor mental health and though it appears to be 'invisible,' it's crippling your workforce. As HR leaders, you can rewrite the narrative to improve the lives of staff suffering from concurrent health conditions by first understanding the comorbidities, then collaborating with insurance providers to embrace a holistic and comprehensive approach to employee care.

The 2021 Benefits Canada Healthcare Survey found that 61 per cent of people with mental health conditions also experienced chronic pain; and that up to 65 per cent of people with chronic pain conditions also experienced mental health challenges.

Mental health conditions can present itself through anxiety, depression, and burnout – these medical conditions are referred to as invisible illness because they are not easily visible to others. Similarly, many chronic pain conditions, including musculoskeletal (MSK) conditions like low back pain, carpal tunnel syndrome, and arthritis, are also generally invisible.

<https://www.hrreporter.com/focus-areas/compensation-and-benefits/mental-health-and-chronic-pain-understanding-your-employees-invisible-illnesses/373835>

10 plus ideas for supporting mental health in workplace

Even just implementing a few of these ideas could make a significant impact on your employees.

Growing up as a proud Gen-Xer, I was taught the rules of professionalism in the workplace. I understood I was to leave my personal problems at the door. There's no crying in baseball, nor is there on the job. I was there to serve customers and get stuff done. When I punched in for work, I was expected to punch out of any thoughts or feelings that might interfere with my duties. "Mental health" wasn't discussed in the workplace. Nor did anyone complain about "toxic work environments." Yeah, you might have worked for a jerk or felt some stress. But that was just part of the job. We all accepted that work was something to be endured.

Not anymore. Societal values have shifted. Mental illness is better understood. More importantly, it's less stigmatized. People can seek treatment in a (slightly) more open, compassionate environment with less fear for how they'll be judged.

That openness has shed light on how much suffering is actually happening. According to the World Health Organization, one in four people in the world will be affected by mental or neurological disorders at some point in their lives, anxiety and depressive disorders being among the most common issues. During the pandemic, rates of anxiety and depression went up by 25%. Mental health conditions are the leading cause of disability in the United States, with an estimated 44 million adults experiencing mental illness each year.

This is impacting business. The National Institute of Mental Health (NIMH) estimates that depression alone costs the U.S. economy \$210 billion in lost productivity annually. Poor mental health at work can lead to increased callouts, decreased productivity, and higher turnover. It can make managing a team of restaurant workers mentally taxing on management itself. Therein lies the opportunity for restaurant operators. Creating a workplace culture that supports mental health can help to mitigate these costs and improve employee retention and performance.

1. Open your own mind. You've got enough things to worry about. Addressing your employees' mental health may seem like an unnecessary distraction and a monumental burden. But in today's marketplace for labor, it's necessary to be competitive. Let go of any resistance and embrace the opportunity to do better by your team. It's the right thing to do and it'll be good for business.
2. Create a safe environment for employees to communicate mental health concerns.

3. Acknowledge to your team your commitment to their well-being. Invite them to speak freely to you or a designated person about any issues and assure them their concerns will be addressed seriously, compassionately, and privately.
4. Build a positive team culture. How employees are with each other impacts the way their time at work feels. Teams don't bond because they're told to or because of motivational posters on the wall. They connect via deliberate work on behalf of management.
5. Hire for cultural fit. Train new employees not just on their work but on teamwork.
6. Create teambuilding experiences and rituals that allow employees to connect as people. The bonds they form will build loyalty, create a cohesive staff, and make work feel like a healthier, safer place to be.
7. Survey your team. This is a great way to assess their feelings and handle them before things get worse (for them and for you). Ask about their mental health and their thoughts on the work environment.
8. Ask how things can be improved. Keep the survey anonymous for those who may feel uncomfortable opening up to their superiors. You can always ask if they'd like someone to follow up with them and request their identity if that's the case. Take their responses seriously and act accordingly.
9. Conduct regular one-on-ones. You may already be doing this to discuss job performance. Use this time also to build trust and gauge their well-being.
10. Identify and address workplace stressors. What are the tasks that take the most toll? How can those tasks be altered to make them more manageable? Look for ways to change procedures to maximize efficiency and minimize unpleasantness.
11. Make it easier for employees to get time off. Often called "mental health days," these added breaks allow team members to decompress. They also communicate your recognition of their needs and commitment to their health. Don't ask too many questions when they request this time.
12. Build more flexibility into your scheduling. The data is clear. In today's climate, workers want more say over when they work. Rather than resisting this, find ways to accommodate. Many restaurants now hire more workers (when they can) and provide more cross training. Some pay more for less desirable shifts. There are apps and scheduling technologies that make it easier for employees to swap shifts and even allow for self-scheduling.
13. Recognize those employees who regularly avail themselves to cover others' shifts. And, of course, post the schedule as early as possible to give team members time to plan

accordingly and make adjustments. Scheduling is a complex and evolving operational element in all businesses, but especially in restaurants. Stay on top of this and continue to refine it.

14. Offer mental health assistance as a perk. These days most restaurant owners are trying to pay their way out of labor shortages through signing bonuses and increased wages. It may actually be more economical to divert some of those funds to employee wellness programs. Companies such as Included Health offer franchise business owners affordable telehealth options for employees that give them immediate access to MDs and mental health professionals.

Early results of such services found that 41% of the employees at a leading restaurant chain reported that having access to medical and behavioral health care at \$4 per visit extremely influences their decision to stay with their employer. Economically, these solutions may pencil out better than increasing wages and provide employees with a service they'll deeply appreciate.

<https://www.nrn.com/operations/wealthy-franchisee-10-ideas-supporting-mental-health-workplace>

Mental health: Prioritizing access to services and treatment for employees is key

Employers are in a unique position to help accelerate the positive momentum around mental health by implementing impactful programs and building a culture that makes it ok to ask for help.

A direct consequence of this “new normal” for business leaders is a need to put the mental health wellbeing of their employees at the top of our priority lists.

Americans are stressed. In an October 2022 survey by the American Psychological Association, nearly 30% of adults said they're so stressed they can't function and 76% say stress is impacting their health. All that stress is impacting the workplace and putting a lot of pressure on employers to provide greater access to mental health resources. Not surprisingly, increasing access to mental health services was cited as the No. 1 emerging trend among HR leaders in SHRM's 2022-2023 State of the Workplace Report. And it was the No. 1 service added by Marathon Health clients last year.

Mental health has long been an underserved need in America, but COVID-19, racial injustice and social media amplified the issue and made it easier to talk about openly. While it continues to carry stigma in some communities, there has been meaningful progress in our ability to empathize and not see it as a sign of weakness or the result of “not trying hard enough.”

Creating access to qualified programs and professionals – and actually getting your employees to use them – can feel overwhelming for HR leaders, however. What is mental health? What types of programs actually work? Is an EAP or the latest mental health app enough? Each of these questions are top of mind, so let's unpack them.

Related: 67% of employees want their employer to provide mental health support

First off, mental health is the perspective of feeling like you have the right coping skills to manage stress, including biological, psychological and social reactions to the world. When the number of stressors in our lives outweigh our perceived ability to cope, we struggle.

Recognizing that dissonance – regardless of the source – is the first step in taking action. Fortunately, most humans don't spend a bunch of time contemplating the fleeting nature of life. Major events, such as birth, trauma, change and tragedy tend to bring those thoughts to the forefront. Mass casualties of COVID-19 and major historical events of the past few years created a nearly non-stop flood of emotion that impacted individuals, family systems, communities and the world. From these events, many realized that the coping skills we thought were adaptive – technology, sleep, avoidance – actually aren't. After the first few months of lockdowns, many of us had mastered TikTok, slept a ton and made more bread than we could ever responsibly eat, and we still didn't feel great. Two years of self-reflection helped us realize we weren't managing our stress as well as we thought we were.

Today, that's caused a residual effect on relationships, jobs and finances. The biggest issues therapists see stemming from the workplace:

- Personal and professional relationships – with yourself and with the world
- Mood disorders, which include depression, anxiety and emotional regulation
- Functioning disorders like attention difficulties, productivity and resiliency

A therapist's job is to be a facilitator and offer a safe space for individuals to talk about ways to reduce stressors in their life and/or increase their ability to cope with them. But therapists aren't magicians and there's no silver bullet – employers and employees have to collaborate with therapists to make an impact. Working with qualified professionals helps employees gain insight and skills to better relationships with themselves and those around them.

Here are seven tips to help employers increase access and improve results with mental health programs.

1. You can't just say you care about your employees' mental health; the quality of your programs and policies has to match. For example, employers should provide access to mental health resources and flexible time off to participate during work hours without clocking out or taking a personal day. Partner with a behavioral health solution that fits your population and provides in-person as well as virtual access.

2. Make mental health conversations part of your culture. Leaders and managers should share stories about their own stressors and what they're doing to manage and encourage their teams to do the same. And you have to consistently promote the behavioral health programs you offer – it can't just be listed in your benefits guide or buried in the EAP.
3. Employers need to take accountability for things within their control that are creating stress. Do you have a known policy or supervisor that is making the environment toxic? Make a change.
4. Implement a confidential workplace stress assessment. Review the results and actually do something with the feedback. You can purchase a tool or collaborate with your health partner to create one that's tailored to your population. Quarterly is a good cadence – once or twice a year could highlight seasonal stressors, but four times should normalize what's really going on.
5. Identify change agents within the organization that will watch for negative reactions to the topic of mental health and step in to change the narrative. For example, if Tom says, "Great, another dumb webinar about mental health," then Robert can step in and remind Tom why it's a benefit for the team.
6. If you have an in-house therapy solution, don't put their office right next to the HR leader. Behavioral health is more mainstream, but privacy is still important.
7. Be mindful of the words you use to talk about mental health and don't use diagnoses as personality traits, like "Mary is bipolar" or "Donnie must be depressed."

The bright line between work and home doesn't exist, so it's nearly impossible to decouple life stress from work stress and vice versa. Employers are in a unique position to help accelerate the positive momentum around mental health by implementing impactful programs and building a culture that makes it ok to ask for help.

<https://www.benefitspro.com/2023/02/27/mental-health-prioritizing-access-to-services-and-treatment-is-key/?slreturn=20230213120843>

Use FMLA to support employee mental health

Businesses couldn't predict the spread of COVID-19 in 2020 — or the mental health implications that followed. From lockdowns and remote work to economic uncertainty, Americans face severe stressors like never before.

However, the prevalence of mental health conditions isn't new, as one in five Americans — 52.9 million people — report having a mental illness. Globally, the World Health Organization (WHO) states that nearly 12 billion working days are lost annually due to depression, accounting for \$1 trillion in reduced productivity.

Taking care of your mental health is crucial for your overall health and well-being and workplace performance. Fortunately, many employees can utilize Family Medical Leave Act (FMLA) benefits to seek help while protecting their job.

What's stressing American workers?

Several professional and personal stressors can negatively impact your mental health. According to a Pew Research Center study, 70% of Americans are most concerned about inflation, while 55% and 54% worry about healthcare costs and violent crime, respectively. Gun violence, climate change, racism, unemployment rates and the coronavirus also make people's lists of the country's leading problems.

The American Psychological Association (APA) found that 68% of adults felt stress at work during the pandemic — primarily due to the transition to working from home, lay-offs, longer hours or having hours cut. Returning to the office has also induced severe anxiety for some. With the employee burnout rate in today's professional landscape on the rise, the chance of reduced job performance and greater job dissatisfaction is much higher. Workers satisfied in their roles may generate 43% more revenue and deliver a 20% increase in productivity. With these advantages in mind, many employers are choosing to offer additional benefits for their employees' mental health, such as unpaid leave.

Mental health and FMLA

The Family Medical Leave Act (FMLA) allows up to 12 weeks of unpaid leave annually for employees to address their or their family member's mental illness. FMLA ensures that workers have a job to return to once they finish their leave.

You must meet specific eligibility requirements for FMLA, such as working for the government or a private entity. The criteria for employees seeking FMLA at a private company are as follows:

- The company employs a minimum of 50 people.
- The company employs 50 or more people within 75 miles of the job site.
- You've worked for the company for at least a year.
- You've worked 1,250 hours or more in the past year.

FMLA also designates specific mental and physical health conditions for eligibility, including if you require inpatient care or ongoing treatment from a medical provider — severe conditions might include a hospital stay or seeking help at a treatment facility.

Often, employers require your medical provider — such as a psychologist or psychiatrist familiar with your mental health history — to furnish a letter explaining your condition's ability to hinder you. The letter may also indicate whether a chronic mental health condition necessitates immediate, ongoing treatment.

Read more: Aflac's CHRO leads by example to encourage work-life balance
If you're looking after a relative with mental illness, you'll need to follow the same procedure. However, you can rest assured your medical records stay confidential as, by law, employers must file FMLA documents separately from other employee records.

<https://www.benefitnews.com/advisers/opinion/fmla-to-support-employee-mental-health>

How to Build Your Business Case for an Employee Mental Health Solution

The world feels unstable right now. Several large tech companies just conducted large-scale layoffs, there continues to be racial violence and mass shootings seemingly every week, and mental health has been hit hard by the state of the world.

Employees are, of course, part of the wider world and feel the weight of this instability, along with all the personal struggles they're navigating—individually and with their families.

Collectively, it's a heavy burden on mental health, which is still present when each employee walks into the workplace. This is why mental health support is not just a direct line item on the budget, or a box to check.

The risk of doing nothing

In the short term, it may seem easier to put employee mental health on the backburner, or do the bare minimum to “solve” this growing problem.

But mental health doesn't just go away, and it may be costing your organization more than you realize.

The World Health Organization reports that globally, employers lose 12 billion working days each year to depression and anxiety alone, costing them 1 trillion dollars in productivity. That doesn't include any other mental health conditions or the ways that untreated mental health issues are linked with other health conditions.

Additional costs fall into these three areas.

Higher turnover and lost productivity

More than one in four employees have quit a job due to mental health, and nearly two in every five employees say work has the worst impact on their mental health.

Quiet quitting has been extensively talked about, and this level of disengagement can be especially costly if someone is worried about losing their job or if there have been layoffs. Presenteeism is the third issue in this area. Employees may be concerned about family members, children, or elderly parents who they're responsible for. Maybe there's a mental health issue or health issue within the family.

That stress makes focusing and fully functioning at work difficult if there's no support for the individual.

Chronic illnesses and delayed care

Chronic illnesses, both mental and physical, can be very costly for employers.

So is delayed care, which can lead to more severe mental health crises. It's easy to deal with surgeries or other health issues first, but ignoring mental health issues doesn't make them go away. It builds up and can lead to a tipping point and possible crisis situation.

Repeated exposure to violence

Bearing witness to repetitive traumatic events, directly or indirectly through news coverage, can have a significant impact on our mental health.

The long term strain of society-wide violence, mass shootings, and racial violence builds up when employees aren't able to process, name, and confront their feelings.

Looking through a long-term lens

While doing nothing about employee mental health may save pennies in the short term, putting an innovative mental health solution in place now saves dollars on longer term scales.

Supporting employee mental health makes a difference

So, we've established how harmful it is to ignore employee mental health. What's the alternative?

Two newly released studies prove that evidence-based mental health solutions not only show clinical improvements in symptoms for employees, but also positive benefits to businesses in terms of productivity, absenteeism, and healthcare costs.

The results show that 70% of participants reliably improved their mental health, and reported reduced symptoms of anxiety and depression. When employee mental health improves, so does work performance and retention rates, including:

- 60% reduction in employee turnover
- 25% fewer missed work days
- 24% increase in productivity

3 biggest barriers to change

One of the most effective ways to address employee mental health is to level up your benefits with expanded access to care. But after making the decision to search for the right solution for your organization, you may run into many barriers that need to be overcome. Here are three of the most common.

Concerns about cost

Employers may think they can't afford mental health solutions that go beyond traditional EAPs, but mental health is too costly to ignore. Innovative EAPs deliver savings in the amount spent on employee health plans, fewer missed days of work, and improvements in just 5.9 weeks.

According to the JAMA Network Open study, companies also save an average of \$7,000 per employee within 6 months, and have a 30% reduction in total claims cost per employee. Supporting employee wellbeing is not a zero-sum game, where one side loses when the other wins.

Stigma around mental health is still widespread

Unfortunately, there's still a lot of work that needs to be done to reduce stigma. Talking about mental health at work is taboo in many industries and within many companies. There's a continuing need for education, and for leaders to be trained on how to help employees with mental health needs.

If employees know they can't talk about their mental health in the workplace or feel like mental health issues don't have a place at work, they'll be less likely to seek help or prioritize their mental wellbeing.

Lack of basic mental health education

As conversations about mental health have expanded in the media and other public arenas, it's easy to forget that basic mental health education is still widely needed.

As a first step, it's essential to acknowledge that taking care of our mental health is equally important to caring for our physical health. Just as we see a doctor when we're sick, we need to see a therapist when we're feeling down, anxious, or depressed.

Many people still associate mental health with being broken or abnormal, and are unaware that mental health is something we all have and should attend to with the same urgency as our physical health.

Additionally, when someone is completely new to mental health treatment, it's natural to have questions. These could be about the difference between a psychiatrist, psychologist, therapist, or coach, about an antidepressant their doctor prescribes, or whether being on an antidepressant means they need therapy.

The impact of quality mental healthcare for employees

A quality mental health solution needs to make a difference in employees' lives. When you're evaluating mental health solutions, start by asking this question: how would this impact employees' lives?

Here are some things to look for:

- Access: how do employees get help, quickly?
- How do you ensure that it's quality support?
- How do you know if the care is working for the employee? Are they getting better? Are outcomes being measured and tracked?

The ability to match the employee with the right provider at the right time, eliminating trial and error care. Someone struggling with depression shouldn't have to try 5 different providers before finding someone who can help them.

<https://springhealth.com/blog/build-your-business-case-mental-healthcare-solution/>

Study: Burnout Is a Barrier to Promotion

The COVID-19 pandemic triggered what could be an unprecedented level of burnout among U.S. workers. But even as the disease threat wanes, the burnout phenomenon hasn't tapered off.

A 2022 study by insurance company Aflac found that nearly six in 10 U.S. workers (59 percent) were experiencing at least a moderate amount of burnout. That represented an increase over

2021's figure of 52 percent and was similar to the number from 2020, when the pandemic was at its worst.

Burnout has been shown to take a toll on workers' mental health and job performance. Now, a new study says it also could be jeopardizing job promotions for people experiencing it.

For the study, published by the peer-reviewed European Sociological Review journal, researchers at Belgium's Ghent University asked 405 U.S. and U.K. workplace managers to decide whether they would promote a set of fictional employees.

Some of the 1,620 fake employees had gaps in their work history attributed to reasons such as burnout, parental leave and sick leave. The research found that employees with a history of burnout had the worst chance of being promoted. In fact, the burned-out workers scored 34 percent lower in promotion grading than workers without employment gaps.

"In the bigger picture, this study's findings illustrate that the negative consequences of job burnout go beyond health impairment," said Philippe Sterkens, a doctoral candidate at Ghent who led the study. "Even after successful recovery, such as returning to work, the lingering label jeopardizes career opportunities. The stigma accompanying burnout—despite growing public awareness—is not to be neglected."

Sterkens was particularly surprised by how much burnout factored into the decision-making of workplace managers.

The study's findings "provide yet another reason to invest in burnout prevention," Sterkens said. "By refusing to promote individuals with a history of burnout, despite positive performance reviews and indications of restored health, organizations could harm their own HR processes and productivity. Objective and bias-free promotion procedures are important counters to stigma."

Andrew Shatté, co-founder and chief knowledge officer at meQuilibrium, a digital platform that encourages workforce resilience (such as combating burnout), said any employer that allows a history of burnout to impede a worker's path to promotion should rethink this approach.

"We need to create a culture that destigmatizes burnout and promotes a culture of mental health and well-being," said Shatté, adding that he believes the problem of burnout will only become "more ubiquitous."

Indeed, employers as a whole appear to be recognizing the vastness of the burnout dilemma: LinkedIn recently ranked "employee experience manager" as the fifth fastest-growing job title in the U.S. in the past five years.

Shatté said that if employers fail to curb worker burnout, there will be more absenteeism, presenteeism, "resenteeism" and resignations.

Meredith Michael, SHRM-CP, director of human capital at wealth management firm Gratus Capital, said it should never come as a surprise to managers and other workplace leaders that a worker is experiencing burnout.

"When your team feels empowered to share when they feel burnout coming on or are actively experiencing burnout, leaders have an opportunity to help them take steps to prevent or reduce burnout so they can feel excited about taking on a new role versus it feeling daunting," Michael said.

Lisa Hamill, people and culture generalist at employee benefit firm Sentinel Group, provided these tips for helping ensure that burnout isn't a roadblock on the route to promotion: Prioritize mental well-being. "Recognize employees for good work output, not necessarily who is staying online the latest or going the longest without taking a vacation day," she said.

Show promotion-seeking employees the path to success. Clearly spell out the skills, experience and other factors needed to achieve a promotion. "Promoting an employee who burned themselves out trying to get the promotion is setting them, and the company, up for failure," Hamill said.

Be fair with promotion opportunities. Hamill said this is especially crucial as employers and employees alike continue to navigate the balance between in-office work and remote work. "Remote workers may feel that they have to work harder if they do not have the in-office visibility of a peer," she said.

Conduct check-ins with newly promoted employees. Just as you would do with new hires, investigate how newly promoted workers are adjusting to their new roles. These check-ins could be at the 30-, 60- and 90-day marks, Hamill said.

Amy Mosher, chief people officer at isolved, which offers a workforce management platform, said that if a promotion might be too overwhelming for an employee who has been burned out, managers should identify opportunities to slowly expand that person's skill set, such as assigning them to a new project or tapping them to lead a small team.

"New opportunities will not only help employees build new skills, but also feel more connected to their team and company by adding valuable contributions and being recognized by management," Mosher said. "Open communication is one of the most important ways to support employees and show an organization is invested in an employee's personal and professional success."

<https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/burnout-promotion.aspx>

Miracle Workers Available 24-7, and Other Toxic Expectations

Personal Perspective: Unrealistic expectations can make workers feel burnt out.

In centuries gone by, in factories, farms, and other workplaces across England, most workers had few rights. Their employers could make them work seven days a week, giving them, few breaks during the day and putting them in danger of injury or death from machinery. Society has come a long way since then, but there are worrying signs that some organizations are starting to regress.

Toxic expectations in some workplaces

Some organizations create a culture that expects employees to work excessively and beyond their paid hours, creating the risk of burnout. A school in Sheffield recently made headlines in the UK because of its expectations for a new deputy school teacher, worded in its advertisement for the job vacancy. The Guardian newspaper [1] reported that some people thought that the school's job advert was a spoof because it had unreasonable expectations, such as expecting the deputy head teacher to work from 7 a.m. to 6 p.m. and then in the evenings, Saturday mornings, and holidays. The candidate would hardly have any time left to eat or rest.

The job advert stated that the school wanted someone with "high energy and sacrifice," that the school "cannot carry anyone," and that it wanted the deputy headteacher to "stay until the job is done." [1] The job advert added that the job "may dominate your life on occasions," notwithstanding the fact that, in the UK, there are laws limiting the number of hours that employees can work a week. Such organizations tend to expect workers to be available all day and all week without paying them anything for the overtime hours.

When organizations want miracle workers

Some organizations expect workers to get in, work wonders, and do some sort of miraculous feat that makes them worthy of employment when, in reality, many jobs do not need—or have the opportunity—for that. It sets an expectation under which workers are likely to feel continually deficient and unworthy, damaging their self-esteem. The Guardian went on to report that this school wanted someone who would "lead with bravery" and, further, "We want someone who rolls up their sleeves, a doer and a grafter. Not just a visionary, but someone who also walks the hard yards." The idea of someone being recruited to not just do their job but do more for free during their personal time sets unrealistic expectations, which can be difficult to meet without burning out.

The impact on workers' mental health

The news story led to an outcry from teachers, many of whom have been on strike because of pay and working conditions, and highlighted problems in UK primary and secondary education which have contributed to significant numbers of teachers becoming burnt out and leaving the profession.

The irony is that when organizations set unrealistic expectations for workers, workers lose valuable mental time trying to meet those expectations, which can actually lead to reduced overall productivity on the "bread and butter" aspects of their job. For instance, if someone's job is to make sales and provide customer service, an organization that sets unrealistic expectations about how many sales an employee should achieve will likely find that customer service suffers while employees chase unachievable sales quantities of sales. This might actually lead to declines in the organization's profit because clients refuse to engage in repeat business.

Other signs of a toxic organization include:

- Expecting you to be "always on" emails, messages, and phone calls, even when you are not being paid (e.g., evenings and weekends).
- Expecting you to work miracles to achieve things that are unachievable in the amount of time available.
- Judging you harshly, even when you have done a good job.
- Creating a culture in which you are told openly or tacitly that you are not "good enough" to work there.
- Micromanaging you, making you feel incapable of working independently, and damaging your sense of self-efficacy.

It is better for organizations to have realistic expectations of employees and to remember that creating a culture that might lead to burnout is counterproductive because it could lead to employees quitting their jobs. That can be an expensive lesson for organizations, which then have to spend more money recruiting and training new staff, and it could lead to the organization's productivity and profits nosediving because of staff shortages and reduced morale.

<https://www.psychologytoday.com/us/blog/the-science-of-mental-health/202302/miracle-workers-available-24-7-and-other-toxic>

Workers are suspicious about remote co-workers' productivity, survey says

Despite saying leadership trusts them to do work from anywhere, employees don't feel the same about their co-workers.

In-office visibility may be at the center of some “productivity paranoia” for workers — even though the vast majority of workers surveyed said their managers trust them to do their work from anywhere, according to an Envoy report released Feb. 22.

Notably, workers don’t believe the same about their fellow employees, the survey showed. More than three-quarters of those surveyed said they trust co-workers to get work done while in the office, while only 24% said they trust co-workers to get work done remotely. Envoy said this may be due to workers mirroring the distrust of leaders, signaling the pressure remote work may place on workplace cultures.

Over 95% of leaders said in a previous Envoy report they notice employees’ work contributions more when employees come into the office. And amid recession concerns, in-office work may be seen as a critical advantage in helping retain visibility when layoffs are on the table.

However, especially in a hybrid environment, teamwork may matter more than individual performance. More than half of workers surveyed said their managers value group productivity over individual performances.

Employers will want to tread carefully regarding remote worker engagement, other studies have said. Access to remote work can level the playing field for caregivers and other workers — meaning employers will need to make sure talent management systems can accommodate different working situations equitably.

<https://www.hrdiver.com/news/workers-are-suspicious-about-remote-co-workers-productivity/643639/>

Could a Four-Day Workweek Impact Workers’ Health? A New Report Offers Insight

Employees who participated in the trial reported decreased stress, fatigue and levels of burnout and increased physical and mental health.

A new report suggests that a four-day workweek may have some benefits for workers’ health. From June to December 2022, 61 companies in the UK participated in a trial where employees’ work time was reduced by 20 percent but pay and work were kept the same.

Of the approximately 2,900 employees in the trial, nearly three in four (71 percent) saw decreased levels of burnout, according to the report from 4 Day Week Global. Employees also reported decreased stress (39 percent), negative emotions (54 percent), fatigue (46 percent) and sleep difficulties (40 percent) as well.

Moreover, physical health improved for more than one in three employees (37 percent), and mental health improved for more than two in five employees (43 percent).

It wasn't just the employees who enjoyed this model of working; 91 percent of the participating companies said they "are definitely continuing or planning to continue a 4-day week," per the results. Only four percent said they aren't moving forward with the model.

In October, the U.S. Surgeon General Dr. Vivek Murthy published a framework on supporting the mental health and well-being of employees. It included "five essentials" for employers: Protection from Harm, Connection and Community, Work-Life Harmony, Mattering at Work and Opportunity for Growth.

<https://ohsonline.com/articles/2023/02/22/could-a-four-day-workweek.aspx?m=1>

ADHD Is a Protected Disability... But I Still Face Discrimination

"I was told by the senior manager of a neurodevelopmental children's service that I shouldn't be a nurse if I have ADHD." While ADHD is a protected disability, many adults say they've experienced discrimination at work because of their disorder.

We all have the right to basic employment protections and equal opportunities under the law — regardless of gender, race, religion, disability, or other characteristics. But discrimination in the workplace happens. And it can happen to anyone.

According to a 2022 report by NASDAQ, 55% of U.S. employees have faced discrimination on the job and 61% have seen it happen to others. 1 Despite those statistics, discrimination can be hard to identify and even more difficult to rectify. It often falls on the victim to recognize the signs of inequitable treatment by a boss, coworker, or potential employer. Feelings of shame or low self-esteem can dissuade employees with ADHD, anxiety, or depression from speaking up.

A recent ADDitude reader panel found that many adults with ADHD have experienced bullying, demotions, or wrongful termination because of their ADHD symptoms. Some readers never knew why they struggled in the workplace until they were diagnosed later in life. Others said they performed their responsibilities well but were punished for disclosing their disorder.

<https://www.additudemag.com/discrimination-in-the-workplace-ada-protections-disabilities-adhd/>

EEOC's New Guidance Will Help Employees With Hearing Disabilities

For job applicants and current employees who have disabilities, the Americans with Disabilities Act of 1990(ADA) has been the primary law for protecting their rights. These include protections against retaliation, interference and discrimination, as well as access to reasonable accommodations at work.

While the basic premise of the ADA is fairly straightforward, implementing its provisions can sometimes be confusing, even for the most well-intentioned employers. Misunderstandings and assumptions about individuals can lead to unintended ADA violations and employers losing out on having quality employees.

These problems can take place more often when the disability isn't obvious or the individual with the disability carries out daily activities without any apparent difficulty. A notable example is individuals who are hard of hearing, deaf or have other conditions that affect their hearing.

The U.S. Equal Employment Opportunity Commission(EEOC) recently issued updated guidance on how employers should handle hearing-based disabilities at work. This guidance technically doesn't have the force of law, but it reflects the EEOC's interpretation of the law. Courts may also use this guidance as persuasive authority when deciding cases involving ADA compliance issues.

To better understand what this guidance says and how it helps individuals with hearing disabilities, let's have a quick review of the ADA.

When Do the ADA's Disability Protections Apply?

The ADA applies to most private employers with 15 or more employees, in addition to local and state government employees. Federal employees receive similar protections through Section 501 of the Rehabilitation Act of 1973.

The ADA's definition of disability is fairly broad, with several ways for an individual to receive ADA protections. The most common definition of a disability refers to a physical or mental impairment that substantially limits a major life activity. In many cases, trouble hearing will constitute a substantial limitation of a major life activity.

The EEOC's Updated ADA Guidance on Workplace Hearing Disabilities

This updated guidance from the EEOC can be divided into several sections, including:
General information about hearing conditions.

When and how an employer can obtain, use and share medical information relating to the hearing disability.

The employer's obligation to protect confidential medical information.

Accommodating employees with ADA-recognized hearing disabilities.

How employers can handle their concerns about workplace safety.

Harassment, retaliation and interference.

How to file a charge of employment discrimination based on a disability.

The guidance covers these topics in a question-and-answer format. There are also plenty of examples that reflect the modern workplace. I encourage you to take a look at the guidance, but below are a few notable key points from the guidance that are worth highlighting.

Key Point #1: When Employers Can Ask for Information About a Hearing Disability

The first key point deals with an employer asking questions about a hearing disability either just before or just after a job offer is made. Before making a job offer, the employer for the most part cannot ask the job applicant questions about their medical issues, such as hearing problems.

This is true even if the employer is motivated by work-related concerns. However, the employer may ask questions about the job applicant's ability to do the job they're applying for. For example, if the employer sees that the applicant for a call center job wears a hearing aid in both ears, they can't ask the applicant why they need hearing aids. But they can explain that the job entails using a headset connected to a phone and ask if the applicant can interact with customers in this manner.

Once a job offer is made, then the employer has more room to ask for more information about the applicant's hearing disability. This includes asking the applicant to provide information relating to their medical history and complete a medical exam. The employer needs to make sure that these questions and exam requirements are equally applied to other individuals who receive job offers.

This may seem confusing, but when looking at the big picture, it makes sense. The EEOC doesn't want employers asking for detailed medical information until the employer has already decided to hire someone.

Too often, an employer's bias will affect the decision on who to hire. So the EEOC tries to balance the employer's need for confirming someone with a disability can do the job and a job applicant not having to worry about their disability skewing the employer's decision on whether to hire them.

Key Point #2: Protecting Disability-Related Information

If an employer provides a reasonable accommodation to an employee with a disability, the employer may not tell the employee's coworkers that the accommodation is required by the ADA. This is because it indicates that the employee receiving the accommodation has a disability.

To avoid situations where a fellow employee might question the use of an accommodation, the employer can be proactive by training its staff about the ADA and its requirements, including providing reasonable accommodations.

An employer may share the fact that an employee has a hearing disability in limited circumstances. For instance, a manager oversees the implementation of a reasonable accommodation of one of their subordinates.

Key Point #3: Requesting a Reasonable Accommodation

There are no "magic words" for requesting a reasonable accommodation. The employee asking for an accommodation must only inform the employer of the need for an accommodation because of a disability. This puts the employer on notice that an accommodation may be needed.

Even though the accommodation process begins with a basic request, the employer is within its rights to ask for additional information. They can use this information to decide whether an accommodation is warranted and if so, what kind of accommodation they must provide. This means that getting a reasonable accommodation is an interactive process, with the employer and employee having a good-faith discussion and sharing information about what is needed and why.

Key Point #4: Technology Has Made it Easier to Accommodate Hearing Disabilities

The EEOC guidance doesn't directly make this point, but its examples make it clear that the ubiquity of high-speed Internet, smartphones and advancements in electronics mean it's easier for employers to provide reasonable accommodations to their employees with hearing disabilities. What might have been cost-prohibitive 20 years ago is now easily affordable.

A good example of this is the American Sign Language (ASL) interpreter. If, for example, an employee needed an ASL interpreter as an accommodation for a weekly staff meeting, it might have required an employer to hire the ASL interpreter who had to travel and be present in the office each week. Depending on the resources of the employer, this could pose an undue hardship.

Today, video conferencing software is more readily available. Therefore, the employer likely has the option of having the ASL interpreter provide their services remotely. This could lower costs so that it's no longer an undue burden.

Bottom Line

This guidance doesn't create a new law or substantive legal right. Yet it reflects the changes in today's workplace and clarifies what an employer should or shouldn't do. This means job applicants and employees with hearing issues should have an easier time understanding their rights and employers will be a little bit less confused about what the ADA requires of them.

<https://www.forbes.com/sites/tomspiggle/2023/02/13/eecs-new-guidance-will-help-employees-with-hearing-disabilities/?sh=3281519020f2>

Indeed survey finds 54% of Black employees have experienced discrimination at work

HR leaders should analyze current organizational practices and provide ongoing education.

While the Civil Rights Act of 1964 made it illegal to discriminate on the basis of "race, color, religion, sex, or national origin," studies show that Black talent still experiences inequities and discrimination on the job, almost 50 years later.

According to the findings of a recent Indeed survey of 615 Black workers in the US, many are looking to leave their current roles, despite the positive impact some say DE&I efforts have had on their workplaces.

Employee concerns. Some 49% of Black employees reported they're considering or actively looking for a new role. The majority (55%) don't feel they're compensated fairly, while 48% don't see advancement opportunities.

Misty Gaither, VP of global diversity, equity, inclusion, and belonging at Indeed, told HR Brew that HR leaders need to think about pay transparency through a wide lens. "Look at policies and processes, because that's where systemic bias and barriers persist, and then look at programmatic efforts, and then partnerships—and in that order—because that's how you can really affect change long term."

The survey also found that 54% of respondents experienced discrimination at work, with just over one in five reporting microaggressions as a reason they're looking for a new job.

“[Microaggressions] are a real thing that can cause harm,” Gaither explained. “And while microaggressions may not rise to the level of a coaching plan, it’s looking at how you develop your internal policies where they can be more progressive.” She said that HR should share examples of microaggressions with employees and even leverage pop culture references (she suggested Netflix’s You People) to make them more tangible.

Gaither said that it’s the responsibility of HR, and every leader, to reduce and eliminate workplace discrimination, and recommended providing employees with continuous education through various forums, including online bias training, listening sessions with people with lived experiences, and panel discussions.

Progress. While employers still have work to do, 76% of respondents reported feeling a sense of belonging at work, and 72% said their organization prioritizes diversity and inclusion initiatives. Gaither said these numbers signal that diversity efforts are making a difference, despite criticism of DE&I investments.

“I’m hopeful that we’ve reached a point in the US where this work is actually being amplified and it’s finally being seen as integral to business operations, and not just adjacent to the business or something that is just fun to do,” she said.—KP

<https://www.hr-brew.com/stories/2023/02/22/indeed-survey-finds-54-of-black-employees-have-experienced-discrimination-at-work>

United States: ChatGPT – What Employers Should Be Worried About Now

Seyfarth Synopsis: Since ChatGPT became available to the public at large in November 2022, employers have been wondering, and asking their employment lawyers, "What kind of policies should we be putting in place around the use of ChatGPT in the workplace?" Although at this stage it is difficult to imagine all of the different ways ChatGPT, and its subsequent iterations, could be used by employees in the workplace, it is important to consider some of the more obvious usage cases and how employers might choose to address them in workplace policies.

What is ChatGPT?

ChatGPT is a form of artificial intelligence (AI) - an AI language model that is trained to interact in a conversational way. At its most basic level, AI is a computer system able to perform tasks that normally require human intelligence. In order to achieve this, AI needs to be trained. First, massive data sets are fed into a computer algorithm. Then the trained model is evaluated in order to determine how well it performs in making predictions when confronted with previously unseen data.

For ChatGPT, it is predicting the next word in a given context to provide that conversational tone for which it has become known. Lastly, the AI goes through a testing phase to find out if the model performs well on large amounts of new data it has not seen before. This is the phase in which ChatGPT finds itself.

Legal Risks for Employers

Given how AI is trained and learns, significant issues can arise for employers when employees use ChatGPT to perform their job duties. One big concern when employees obtain information from a source like ChatGPT in connection with their work is accuracy and bias.

ChatGPT's ability to supply information as an AI language model is only as good as the information from which it has learned and on which it has been trained. Although ChatGPT has been trained on vast swaths of information from the Internet, by its very nature as AI, there are and will continue to be some gaps in ChatGPT's knowledge base.

The most obvious example of such a gap is that the current version of ChatGPT was only trained on data sets available through 2021. On top of that, one needs to keep in mind that not everything that appears on the Internet is true and so there will be some built-in accuracy problems with information provided by ChatGPT given the data on which it was trained. Thus, with respect to legal risk for employers, if employees are relying on ChatGPT for information in connection with work and not independently fact-checking that information for accuracy, obvious problems can arise depending on how the employee uses the information and to whom the information is provided. Thus, it would make sense for employers to have policies that put guardrails on when and to what extent it is permissible for employees to obtain information from ChatGPT in connection with their work.

There is also the question of inherent bias in AI. The EEOC is focused on this issue as it relates to the employment discrimination laws it enforces and state and local legislators are proposing, and in some jurisdictions already passed, legislation that places restrictions on the use of AI by employers. As described above, the information AI provides is necessarily dependent on the information upon which it is trained (and those who make decisions about what information the AI receives).

This bias could manifest itself in the types of information ChatGPT offers in response to questions presented in "conversation" with it. Also, if ChatGPT is consulted with regarding to decision-making in employment, this could lead to claims of discrimination, as well as compliance issues based on state and local laws that require notice of the use of AI in certain employment decisions and/or audits of AI before using it in certain employment contexts. Because of the risks of bias in AI, employers should include in their policies a general prohibition on the use of AI in connection with employment decisions absent approval from the legal department.

The other big concern for employers when thinking about how employees might use ChatGPT in connection with work is confidentiality and data privacy. Employers are naturally concerned that employees will share proprietary, confidential and/or trade secret information when having "conversations" with ChatGPT. Although ChatGPT represents that it does not retain information provided in conversations, it does "learn" from every conversation. And of course, users are entering information into the conversations with ChatGPT over the Internet and there is no guarantee of security such communications. Thus, while the details of how exactly confidential employer information could be impacted if revealed by an employee to ChatGPT, prudent employers will include in employee confidentiality agreements and policies prohibitions on employees referring to or entering confidential, proprietary or trade secret information into AI chatbots or language models, such as ChatGPT.

A good argument could be made that it is not consistent with treating information as a "trade secret" if it is given to a chatbot on the Internet. On the flip side, given how ChatGPT was trained on wide swaths of information from the Internet, it is conceivable that employees could receive and use information from ChatGPT that is trademarked, copyrighted and/or the intellectual property of another person or entity, creating legal risk for the employer.

Other Employer Concerns

In addition to these legal concerns, employers also should also consider to what extent they want to allow employees to use ChatGPT in connection with their jobs. Employers are at important crossroads in terms of determining whether and to what extent to embrace or restrict the usage of ChatGPT in their workplaces.

Employers will need to weigh the efficiency and economy that could be achieved by employees using ChatGPT to perform such tasks as writing routine letters and emails, generating simple reports, and creating presentations, for example, against the potential loss in developmental opportunities for employees in performing such tasks themselves. ChatGPT is not going away, and in fact, a new and improved version should be out within the year.

Employers will ultimately need to address the issue of its use in their workplaces the next iteration is going to be even better. For all of the risks ChatGPT can present for employers, it can also be leveraged by employers. The discussion has just started. Employers - like ChatGPT - will likely be learning and beta testing on this for a bit.

<https://www.mondaq.com/unitedstates/discrimination-disability--sexual-harassment/1285830/chatgpt--what-employers-should-be-worried-about-now>

EEOC targeting discriminatory use of artificial intelligence

Along with states and cities beginning to legislate the use of artificial intelligence (AI) in employment decision-making, the Equal Employment Opportunity Commission has reaffirmed its position of ensuring legally compliant use of AI in this area. In fact, the EEOC expressly identified its intention to prioritize regulating the use of AI systems in employment decision-making when it published its draft Strategic Enforcement Plan (“SEP”) for 2023-2027.

In the Draft SEP, which was published on January 10, 2023, the EEOC outlined the agency’s strategic priorities, including monitoring employment discrimination stemming from employers’ use of AI. More specifically, “eliminating barriers in recruitment and hiring” is a subject matter priority identified in the Draft SEP, which states that the “EEOC will focus on recruitment and hiring practices and policies that discriminate against racial, ethnic, and religious groups, older workers, women, pregnant workers and those with pregnancy-related medical conditions, LGBTQI+ individuals, and people with disabilities.” The Draft SEP specifically identifies the following “practices” as those that the EEOC will monitor:

The use of automated systems, including artificial intelligence or machine learning, to target job advertisements, recruit applicants, or make or assist in hiring decisions where such systems intentionally exclude or adversely impact protected groups.

Screening tools or requirements that disproportionately impact workers based on their protected status, including those facilitated by artificial intelligence or other automated systems, pre-employment tests, and background checks.

The Draft SEP also addressed AI technology when discussing technology-related employment discrimination.

Although the final version of the SEP is forthcoming, as the public meeting on the Draft SEP took place on January 31, 2023, and the public comment deadline of February 9, 2023 has passed, the EEOC’s focus is clear: enforce anti-discrimination laws, whether the alleged violations are committed by a human or artificial intelligence.

The EEOC’s increased focus on the use of AI in employment decision-making comes as no surprise, as the agency has consistently addressed this topic after launching its Initiative on Artificial Intelligence and Algorithmic Fairness in 2021. Not only has the EEOC provided guidance on ADA compliance when using AI for employment decision-making, but in May 2022, the EEOC filed a lawsuit against three integrated companies providing English-language tutoring services, alleging that the companies violated federal law by programming their recruitment software to automatically reject older applicants because of their age. *E.E.O.C. v. iTutorGroup, Inc. et al.*, 1:22-cv-02565-PKC-PK is currently pending in the U.S. District Court for the Eastern District of New York.

As the EEOC continues to focus on AI in employment decision-making, including by pursuing adjudication from courts on application of anti-discrimination laws to the use of this technology, employers should carefully monitor their use of AI to ensure it promotes neutral hiring and decision-making practices.

<https://www.jdsupra.com/legalnews/eec-targeting-discriminatory-use-of-6231393/>