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## BLOGS

Archives;Discrimination

# EEOC Issues New Publications Regarding Mental Health Conditions in the Workplace

As our readers know, the Americans with Disabilities Act (ADA) addresses both physical and mental health disabilities of employees. Under the ADA, employers with 15 or more employees may not discriminate against an employee or applicant on the basis of a qualifying disability. In addition, in certain circumstances, the ADA requires employers to provide a reasonable accommodation to enable the employee or applicant to do the essential functions of the job.

Recently, the Equal Opportunity Commission (EEOC) issued two new publications relating to mental health conditions under the ADA. The publications are set up in a question and answer format. The first publication is aimed at employees and is titled Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights. While aimed at employees, employers will find the publication helpful as a general overview of the ADA issues involved. In addition, employers may find the publication to be a helpful tool when needing to talk with employees about potential accommodation issues.

The second EEOC publication is aimed at mental health providers and is titled The Mental Health Providers Role in a Clients Request for a Reasonable Accommodation at Work. This new publication could be very helpful for employers as they engage in the interactive accommodation process required by the ADA to address an employees accommodation request. As part of that process, the employer needs to understand how the disability at issue affects the employees ability to do the job. Because understanding the employees limitations in the mental health context can be difficult, employers often need to seek input from the employees mental health provider. To make this information gathering process effective, it is critical that mental health providers understand their role in assisting with the interactive process. Employers might consider providing this publication to an employees mental health provider at the beginning of the interactive process.

The two publications can be found online at the following links:

[https://www.eeoc.gov/eeoc/publications/mental\\_health.cfm](https://www.eeoc.gov/eeoc/publications/mental_health.cfm)

[https://www.eeoc.gov/eeoc/publications/ada\\_mental\\_health\\_provider.cfm](https://www.eeoc.gov/eeoc/publications/ada_mental_health_provider.cfm)