

Congress of the United States
Washington, DC 20515

The Honorable Martin J. Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Charlotte A. Burrows
Chair
U.S. Equal Employment
Opportunity Commission
131 M St. NE
Washington, DC 20507

July 31, 2022

Dear Secretary Walsh and Chair Burrows,

Thank you for the work you do to ensure that employees are treated fairly and have access to job opportunities for all. As the employment sector continues to contend with the difficulties faced by COVID-19 and the stressors the pandemic has highlighted, we urge you to increase investment and outreach to employers highlighting their obligations regarding the mental health of their employees.

The pandemic has had a profound impact on our collective mental health. A recent brief from the World Health Organization (WHO) found that the incidence of anxiety and depression increased by 25%, or hundreds of millions of additional people, in the first year of the pandemic. The impact has been most pronounced on communities of color and essential workers, whose jobs required them to be put in harm's way through exposure to the virus. Essential workers have had higher reported rates than nonessential workers of anxiety, depression, and suicidal thoughts during the pandemic.

Employee mental and behavioral health issues have persisted beyond these acute, diagnosable symptoms. Employee burnout has been categorized as an 'occupational phenomenon' by the WHO rather than a mental health condition, but the past few years have demonstrated the significant toll that it can take on employees. A 2021 survey conducted by Mental Health America found that an overwhelming 83 percent of respondents were emotionally drained from their work, and nearly one quarter of all employees were experiencing reduced productivity and apathy towards coworkers and clients. This bodes poorly both for employee health and company cultures.

Protection of workplace rights is critical for workers with acute mental health needs. As you are aware, the past year has seen an increase in claims of disability discrimination brought about by everything from wrongful termination to failure to grant leave for employees to address mental health needs ranging from PTSD to anxiety. Thirty percent of ADA claims against employers in 2021 were mental health-related, a 50 percent increase from a decade prior.

It is important that companies are aware of and responsive to the needs of all their employees, as well as the potential benefits of creating a healthy, empathetic workplace. Workers have increasingly been taking days off to protect their mental health – one recent survey showed that 63% of workers had taken at least one mental health day in the past year. Over three quarters of those workers reported increased productivity when they returned to work, a telling demonstration of the symbiotic relationship between employee and company welfare.

The pandemic and constricted labor market has spurred employer discussions and awareness of mental health issues among the workforce. There are positive steps which employers can take to create a more accessible and comprehensive positive workplace environment. Mental Health America has found that supervisor support is a critical element of workplace mental health; open communication between managers and their employees was highly correlated with healthier workplaces, resulting in less turnover and happier employees. In addition, management leading by example on acknowledging the importance of mental health has been shown to have a positive effect on employee outcomes.

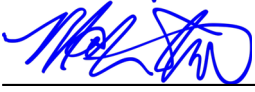
Unfortunately, employer attitudes have not yet evolved to view mental health as the critical employee issue it is, and many workers still experience stigma around it. Of those who have taken time off for mental health, nearly half said they lied to their employer about why they were taking the day off because they feared negative consequences or reprisals. Only 41 percent of employers added mental health days to paid time off portfolios as a result of the pandemic. Even for those who did enact a policy change, it must be coupled with adjustments in attitude and transparency around the importance of mental health so that employees understand they will not be retaliated against for taking advantage of these benefits.

In communicating with employers, we suggest recommending actions including, but not limited to, the following interventions which have been found to be effective or address known concerns:

- Include material highlighting the importance of mental health in the workplace while onboarding new employees.
- Encourage company management to lead by example by using mental health days for themselves.
- Develop clear rules around what constitutes making accommodations for employees who are contending with mental health challenges, including both recognized conditions (such as PTSD and depression) and conditions about which we are still learning (such as employees at risk of burnout).
- Encourage managers to actively encourage employees to look out for their mental health, not just note that they are permitted to do so.
- Encourage Human Resources managers to make available resources which employees can use when looking for relief from mental health issues.

Thank you again for leading efforts to address this critical and increasingly prominent issue. We stand ready to partner with you in whatever way you need to protect and improve the mental health of America's workforce.

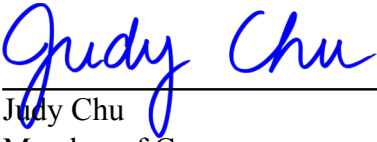
Sincerely,



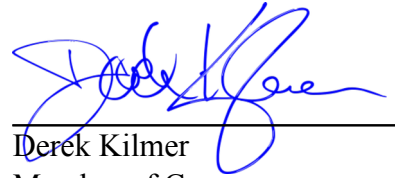
Marilyn Strickland
Member of Congress



Grace F. Napolitano
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Judy Chu
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Derek Kilmer
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