Executive Summary - Workplace Mental Health Summit
Tuesday, June 18, 2013 at Deutsche Bank – 60 Wall Street, NY, NY

The June 18th Workplace Mental Health Summit at Deutsche Bank brought together nearly 40 corporate and workplace mental health leaders to engage in an open and dynamic discussion about how businesses manage and support mental health in the workplace.

Advancing Mental Health in the Workplace: Legal Issues

The summit began with a presentation by Robert Holtzman, a partner at the law firm of Kramer Levin. Mr. Holtzman discussed legal challenges faced by employers seeking to implement mental health initiatives that involve employee disclosure to management. He described applicable legal provisions, including non-discrimination obligations under the Americans with Disabilities Act (ADA) and similar state and local laws. He also described obligations to accommodate individuals with disabilities pursuant to those same laws, as well as obligations to provide leave under the Family and Medical Leave Act (FMLA).

Mr. Holtzman emphasized that employer obligations under these laws are triggered by receipt of notice when the employee requires an accommodation or leave. Accordingly, disclosure to a mentor, advisor, or a “champion” would likely be construed as notice to the employer, which would trigger the employer’s obligations under the laws. These provisions would impact a manager’s ability to promise confidentiality to participants.

Mr. Holtzman cautioned that merely receiving notice of a disability increases potential litigation risk, as an employer who is not aware of a disability cannot reasonably be said to have discriminated against an individual on the basis of that disability.

He offered suggestions an employer implementing a mental health initiative might consider to help ameliorate potential risks:

- Develop a participation agreement signed by the employee confirming that he or she is not requesting an accommodation or leave through the program
- Develop documentation and policies clearly identifying the limits of confidentiality (confidentiality can never be assured, however, disclosure should be limited as much as possible)
- Train participant-advisors so that they understand and accurately communicate confidentiality limits
- Advise employees that opportunities for accommodation and/or leave may be available under the ADA, the FMLA, and other employer policies, and direct to additional information
- Advocate for legislative or regulatory changes to existing laws/regulations to establish programs like Mental Health Champions without significantly increasing litigation profile

Mr. Holtzman believes that taking these steps would be pushing the current boundaries of the law, and that a careful legal analysis should be undertaken before proceeding with any such program.

There are mental health initiatives involving peers that have proven to be effective. Kevin Bulger, EAP Director for the Office of Labor Relations, City of New York, mentioned the NYC Police Department’s (NYPD) peer outreach suicide prevention program, which was implemented after 9/11. The program addresses the issue of police suicide and has reduced suicide rates among the NYC police force. Glenn Miller (NYPD retired) who heads the program may come to speak at a future summit meeting.

A Mental Health Program Tailored to an Organization’s Culture: ICU Mental Health

DuPont has developed a program called ICU Mental Health (ICU is short for Identify. Connect. Understand) that aims to change the way mental health is viewed at the workplace. DuPont’s innovative model encourages employees to reach out to coworkers who appear to be in emotional distress, offer their help, and understand a way forward together. DuPont’s culture recognizes that as long as corporations involve people, attention must be paid to the emotional environment in which they work. The workgroup agreed that in order to effectively manage mental health in the workplace, an organization’s mental health programs must be tailored to the culture of the organization. The workgroup agreed to reach
out to Paul Heck, DuPont’s Global Manager of Employee Assistance and Work/Life Serves, to speak at the next summit in the fall.

**Advancing Mental Health Benefits and Attitudes: Case Study**

Following Mr. Holtzman’s presentation, nationally recognized health literacy expert Dr. Christina Zarcadoolas, a professor at Hunter College School of Public Health, provided background for a recent study conducted by NAMI-NYC Metro, Hunter College School of Public Health, and 1199 Benefits Fund to determine 1199 healthcare union members’ understanding of their mental health benefits and attitudes about using these services. The research identified major barriers to accessing care such as poor mental health literacy, cultural issues, privacy concerns, and stigma. The study found that 72.9% of those surveyed were too embarrassed to discuss their mental health symptoms with their primary care doctors.

Mitra Behroozi, Executive Director of the 1199 SEIU Benefit and Pension Fund, spoke about the Fund’s efforts to respond to these barriers. The Fund worked to develop outreach and communications designed to increase mental health awareness and encourage access to mental health services when needed.

**National Anti-Stigma Campaign: “I Will Listen”**

Continuing the conversation regarding the prevalence of stigma and mental health, Drew Train, Business Director of JWT Ethos, spoke briefly about an anti-stigma campaign that NAMI-NYC is set to launch in the fall. This social media-based campaign called ‘I Will Listen’ is designed to combat mental health stigma by enlisting the public to make videos letting their social networks know that they will listen and support them through their struggles. NAMI-NYC hopes to encourage employees at all levels across an array of professions to pledge that they will listen, sparking a vigorous conversation around mental health.

**Workgroup Charter**

At the end of discussion, participants discussed the workgroup’s goals going forward:

- Identify barriers to successful mental health management in the workplace across a range of sectors
- Share workplace mental health issues, best practices, and successful community-based initiatives in New York City, the U.S., and globally
- Develop an informed and progressive collective agenda to educate on continuing issues and barriers
- Tailor programs to support both employees and their families impacted by mental illness
- Integrate mental health into overall corporate well-being initiatives
- Establish a forum to disseminate lessons learned to the broader business community
- Invite other companies to join the workgroup and discuss issues they collectively face and strategies to overcome obstacles
- Address issues related to high deductible plans (i.e. – they may act as a deterrent to seeking care)
- Recognize that there is still a long way to go in managing mental health in the workplace
• Promote the ‘I Will Listen’ campaign to your organizations highlighting the importance of being on the forefront of mental health in the workplace and supporting a nationwide anti-stigma initiative

• Solicit your company's President/CEO to make an ‘I Will Listen” video

• Encourage your company to publicly support the campaign by pledging to listen and exploring further partnership opportunities with the “I Will Listen” campaign

The group consensus was to meet again. Charles Lattarulo, Director of Employee Assistance Program at American Express, offered to host the next summit at American Express. NAMI-NYC Metro and NEBGH will contact participants regarding the next meeting date in the fall.