

DATE: May 25, 2023
TO: Phylmar Regulatory Roundtable
FROM: Helen Cleary
RE: **FedOSHA's Mental Health at Work Initiative - Memo**

The month of May is Mental Health Awareness month and the U.S. Department of Labor (DOL) and the Occupational Safety and Health Administration (FedOSHA) are actively focused on mental health at work. The Agency and its representatives have recently published statements, literature, and new guidance for employers that PRR members need to be aware of.

Executive Summary

FedOSHA and DOL have published an abundant amount of guidance on how employers can "make work better" by fostering a safe workplace and "good headspace." In alliance with Mental Health Awareness month DOL officially launched its Mental Health at Work initiative and a dedicated landing page, "[Mental Health at Work](#)," that includes tools and resources for employers and workers. There is also an online [Workplace Stress Toolkit](#) published by FedOSHA.

Following is the icon/logo being used by FedOSHA and below is a high-level overview with links to published information and downloadable guidance documents.



Background

Last year, DOL launched a Public Service Announcement (PSA) campaign: [Mental Health at Work: What can I Do?](#) and FedOSHA launched its [Workplace Stress](#) webpage and specific icon/logo. More recently, on March 8, 2023, at the American Bar Association, ABA, Section of Labor and Employment Law Workplace OSH Law Committee meeting, FedOSHA's Assistant Secretary, Doug Parker talked about the significance of mental health and stated that a broad

view of health and safety was necessary. He highlighted that there have been a high number of drug overdoses and suicides among steelworkers and deaths related to mental health is higher in construction. He also shared that FedOSHA was acting by working on guides for stress in the workplace, partnering with associations on mental health support and training, and developing train the trainer programs so employees know how to get help.

In addition, the following have been recently published:

- May 1, 2023 – DOL blog, “[Mental Health at Work: Raising Awareness of Current Resources](#),” by Tanya Goldman, counselor to the Secretary of Labor
- May 4, 2023 – DOL blog, “[Good Headspace Helps Make a Safe Workplace](#),” by Assistant Secretary of OSHA, Doug Parker
- May 18, 2023 – FedOSHA’s daily email Workplace Safety Reminder was: “Support mental health awareness in the workplace.”
- May 24, 2023 – DOL PSA Video published on [YouTube: Mental Health at Work](#)

Overview of DOL’s Mental Health At Work Initiative

Following are highlights and details from the initiative and recent publications.

A. DOL Blog “Mental Health at Work: Raising Awareness of Current Resources

The purpose of DOL’s Mental Health at Work initiative is to “advance wellness in the workforce by reducing stigma and increasing awareness of mental health and wellbeing within workplaces; promoting best practices and compliance by employers; and promoting mental health equity and access, especially for marginalized and vulnerable populations.” There are two critical factors of mental health in the workplace:

1. Creating a positive work environment that meets the needs of workers. Examples include high-quality jobs that are safe, paid leave and fair pay, opportunities, and benefits.
2. Supporting workers and colleagues who need care for a substance abuse disorder or a mental health condition.

B. DOL Blog “Good Headspace Helps Make a Safe Workplace”

Assistant Secretary Doug Parker states that “...it’s time to recognize mental health hazards as occupational hazards.” The cause of 120,000 deaths each year is attributed to work-related

stress and 83% of workers report suffering from work-related stress. “For every \$1 spent on ordinary mental health concerns, employers see a \$4 return in productivity.”

The Agency wants to work together to protect workers from mental health issues and raise awareness. The goal is for employers to consider the role workplace stress has in their businesses and “gain confidence in talking to workers about workplace stress, mental health, and substance abuse.” Doug Parker acknowledges in the blog that not all stress can be eliminated, and stress will always be a part of work.

The blog also highlights that labor issues and concerns over unsafe workplaces contribute to worker stress and reminds employers to be proactive in their safety and health programs, including involving employees in the process.

“Our vision at OSHA is to see safety and health established as a core value in every workplace in America – a vision that includes mental health, too.”

C. [DOL’s Mental Health At Work Webpage](#)

This dedicated landing page will “**help employers follow the law and create workplaces that prioritize mental health.**” The page include links to resources for [workers](#), videos and the PSA campaign. It also includes a list of *requirements* employers need to follow and tools and tips to guide employers in how to support workers’ mental health.

Below is employer specific guidance from the webpage.

- 1) [What Do I Have to Do? \(Things employers are required to do by law\)](#) – This online list includes information and additional guidance on:
 - Mental Health Parity and Addiction Equity Act (MHPAEA)
 - Mental Health Conditions and the Family and Medical Leave Act (FMLA)
 - Reasonable accommodation and discrimination protections for employees with mental health conditions
 - Questions about mental health conditions and the Americans with Disabilities Act (ADA)

- 2) [What Can I Do to Help? \(Tools and tips to support your workers’ mental health\)](#) – This online list is broken down into the following questions. The webpage includes additional guidance, resources, and checklists to reduce workplace stress and fatigue.

- How can I help create a mentally healthy workplace?
- How can I help reduce workplace stress and fatigue?
- How can I help grieving workers?
- How can I help prevent suicide?

D. FedOSHA's Online Workplace Stress Toolkit

FedOSHA's online Workplace Stress Toolkit is broken down into several topics and includes links to multiple subpages. Each webpage contains guidance and resources intended to help employers, co-workers, and unions alleviate and remove stressors in the workplace, and support worker mental health. The toolkit's goals include "...build[ing] coping and resiliency support and ensure[ing] that people who need help know where to turn."

Below is an overview of webpages dedicated to employers with guidance, including checklists that can be downloaded and survey questions employers can implement.

1) Guidance and Tips for Employers (webpage)

FedOSHA identifies many employer benefits from reducing workplace stress (i.e., such as reduced turnover, improved morale and increased productivity, few workplace injuries, return on investment - \$4 for every \$1 spent) and encourages employers to find ways to alleviate or remove stressors in the workplace; this will contribute to a comprehensive approach to improve mental health in the community.

FedOSHA lists four key things employers can do to help manage stress:

- Be aware – people carry emotional stress unique to their circumstances.
- Identify factors are making it harder for workers to get their jobs done – adjust, if possible
- Show empathy and create a safe and trustworthy space. Ensure workers know they are not alone; their employer understands their stress; there's no shame; ask for help.
- Provide access to coping and resiliency resources, leave, and services.

The following guides and checklists also include detailed information that can be downloaded and implemented:

- Getting Started Guides for Senior Managers and Front-line Supervisors

- Mental Health Checklists for [Senior Managers](#) and [Front-line Supervisors](#)
- [Workplace Stress Sample Survey Questions](#)
- [Myth Busters Fact Sheet](#)
- [Preventing Suicides](#)

2) [Understanding the Problem](#) (webpage)

This webpage provides an overview of stress and its role in a person’s mental health. It also acknowledges that stress is individualized, and workplace stress is one component of this issue that is impacted by community; a comprehensive approach is needed and employers can be part of the solution.

In addition to a section of resources provided by other organizations, this webpage contains two downloadable documents: a fact sheet on [Long-Term Stress Harms Everyone in the Workplace](#) and a [Glossary of Frequently Used Terms](#)

3) [Real World Solutions](#) (webpage)

In addition to information on training resources, and links to outreach materials in the online toolkit there is specific guidance on recommended strategies and approaches that can be applied to different work environments.

- [Any workplace](#)
- [Hybrid workforces](#)
- [Young and new workers](#)
- [Parents and Other Caregivers](#)

E. Additional Resources

FedOSHA also has a webpage dedicated to [Suicide Prevention](#) and DOL has a webpage on [Preventing Substance Use in the Workforce](#).

To help members quickly reference and find the webpages and downloadable guidance documents, we have created a resource document to accompany this memo. (See PRR’s FedOSHA’s Mental Health at Work - Resource Document.)



DOL and FedOSHA have made it clear that work-related stress is a workplace hazard. However, it is not yet clear if and how the Agency will enforce the issue. Any citations specific to the hazard of work-related stress will need to be issued under the general duty clause.

PRR advises members to,

- Review available guidance and resources on mental health in the workplace and work-related stress.
- Partner with internal human resources and people teams to ensure programs address these issues and support workers suffering from mental health conditions and stress experienced in the workplace.