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PERSPECTIVE

Navigating mental health and trauma issues in employment mediations

By Angela Reddock-Wright

Mental Health Awareness Month is a good time for all of us to take stock of how we and those around us – especially our co-workers – are doing. Two years into the COVID pandemic, statistics show that workers overall are not faring well. Given the large number of workers who were isolated, quarantined, and – physically, emotionally and financially – buffeted by the pandemic, it shouldn't be a surprise that mental health issues are impacting workers at workplaces of all sizes.

Stress is pervasive

Statistics are telling. According to the 2022 Mind the Workplace report by Mental Health America (MHA), 71% of employees find it difficult to concentrate at work. Maven Clinic reports that nearly half of employees – 48% – say they experienced high-to-extreme stress over the past year, and just the thought of returning to the office brings some level of anxiety to 100% of employees.

Employers are paying attention. A report cited by The Society of Human Resource Managers (SHRM) shows that employers take this seriously, with 86% stating that mental health, stress and burnout remain top priorities. Among the employers, 26% of those surveyed had adopted a well-being strategy for their workforce.

The MHA article suggests that this low number could be the result of a lack of communication between employers and employees. It reports that two-thirds of employees say they're uncomfortable providing feedback to managers about their performance and more than half feel they can't



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talk with management about their workload or other stressors. One third of respondents said their company leaders had talked openly about mental health.

Strategies for well-being

Both employers and employees can be part of the move to improve well-being within their companies and among workers. With well-known athletes and artists – from Michael Phelps to Demi Lovato – sharing their own mental health stories, this is a perfect time for employers and employees alike to embrace this issue.

First, we must foster and create safe spaces for employees who may be dealing with mental health issues, giving them permission to seek treatment and accommodation without fear of publicity or retaliation. Coworkers concerned

about their colleagues should be provided a space to submit anonymous reports of potential mental health issues. Workers have been taught that personal problems shouldn't clock-in with them, but mental health issues can't always be neatly compartmentalized. Successful companies understand that a healthy bottom line requires a healthy workforce – both physically and mentally – and many have adopted strategies to help workers successfully deal with mental health challenges.

These strategies include programs focused on stress management and burnout mitigation, as well as workshops educating workers about how to seek help for their own mental health issues and how to recognize and respond to issues they observe in others. Proactive measures such as

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increasing the focus on inclusion and diversity and embracing greater flexibility in scheduling and job assignments can also go a long way toward improving emotional well-being in the workplace.

Finally, employers might consider adding or expanding coverage for Employee Assistance Programs (EAPs) and other mental health support services and encourage managers and team leaders to share their own experiences with mental health issues.

Mental health and mediation

When I handle a mediation involving a party who claims to have experienced substantial emotional distress or trauma, whether asso-

ciated with the alleged incident(s) or otherwise, I focus on using a “trauma-informed” approach.

Borrowed from the field of psychology, this approach acknowledges that each party or claimant in a mediation comes to the table with a unique set of experiences. Often there has been a traumatic event or long-term condition that has impacted their lives and continues to impact their emotions. It may shape how they see the world and what happens to them in their world, including in the workplace.

The trauma-informed mediator recognizes this and approaches the mediation and negotiation process from a place of empathy, sensitive to the underlying issues influencing how the claimant sees

the world and the circumstances that brought them to the mediation. Being trauma-informed means that, while I may not have the same background or experiences as the claimant or other party in front of me, I can be sensitive to that person’s experiences.

Getting to the heart of those experiences is a critical part of the mediation process. Beyond the dollar settlement itself, a trauma-informed mediation will include the opportunity for both employer and employee to experience a moment of transparency and transformation that begins to erode some of the underlying issues of the case. At the heart of the trauma-informed approach is the ability to listen with a level of empathy,

care and acknowledgment of the person’s feelings. This helps me build trust with the impacted party during the mediation, to lean into that trust as a way to help both parties reach resolution.

Conclusion

There isn’t a one-size-fits-all solution for mental health challenges in the workplace, or for addressing such issues in the context of mediation or other ADR processes. However, an effort by us all to lean in, to listen, and to show kindness, empathy and care for our fellow human beings can go a long way toward making the ever-evolving workplace, as well as the world beyond it, much better. Let’s all strive to be more kind.