Helping a Loved One

Employer Disclosure

Long gone are the days when you could be committed to a mental institution on the say-so of your spouse or your employer. That's a good thing. But you still have to be careful about who you tell, and when, about your psychological disorders. On the one hand, your illness can worsen if you don't reach out for help and tell your closest friends and family. On the other hand, anything you say can legally be used against you, and some of what you disclose might jeopardize your ability to attain and keep health insurance, employment and, in the cases of separation or divorce, the custody of your children.

In terms of work, few things are more frightening than the inability to find a job—or losing the one that you have. Not only does being jobless threaten your ability to survive financially, but it also informs how you think about yourself—and how others view you. Unemployment can lead to feeling of low self-worth and self-esteem. And, understandably, job insecurity and the financial woes it brings can be particularly intense for people already suffering from a mental illness.

Federal law says an employer can't discriminate against you simply because of your history of mental illness, but you should still proceed with caution. You might want to consult with employment law experts before telling an employer or asking for accommodation.

Family law varies a great deal from state to state, but mental illness is one of the top reasons that parents lose custody of their children. The duration and severity of the illness, combined with other factors, should be taken into account by the court, as well as whether or not there will be another adult present in the house who does not have a mental illness.

Companies that sell health insurance, disability insurance and life insurance can refuse to offer you a policy and can charge much higher rates if you have a history of mental illness. In some cases, they can even exclude coverage for your illness in your policy. Though the recently enacted health care reform law will ultimately change these practices in regards to health insurance, the law will have no effect on disability and life insurance policies.

None of these factors should keep you from seeking help if you are ill—the risks to your well-being and your ability to live a full and happy life are too high—but they do mean you should work with your mental health care provider and possibly reach out to other experts to help you navigate how and when to disclose your illness to others.

Distress Versus Disability

How do you know when you are legally disabled by mental illness? The answer to this question can

mean the difference between getting disability benefits, or not. Your doctor will have to make this determination, but your disability company or the state disability administrators won't just take your doctor's word for it. You'll have to meet certain criteria. In short, these include:

- Restriction of your daily activities, like showering or getting groceries, to the point that you cannot work.

- Reduction in social functioning to the point where you have difficulty interacting with others in order to do your job.

- Impairment in your ability to concentrate and stick with a task to such a degree that you would not be able to complete work assignments.

- Repeated episodes in which your symptoms flare up to a degree that deteriorates your ability to function.

Mental Health on the Job

When it comes to mental health and your job it's important to know your rights. A federal law known as the Americans With Disabilities Act (ADA) provides protection from employment discrimination for people with mental and physical illnesses. In general, the ADA says your employer is not allowed to discriminate against you based on your psychological history or any other medical disability. The ADA applies to employees and prospective employees of businesses with at least 15 people on staff. The law doesn't say that a company has to hire you or keep you on no matter the degree of your disability, but it does say that you can't be denied a job or be fired simply because of your mental health history—unless it has a direct bearing on your job responsibilities. Some basic information about your rights includes:

- You do not have to disclose your mental health status on your job application or in an interview.

- Your prospective employer can ask that you complete a medical examination once a job offer has been made, but before you've actually been hired. However, the employer must have the same policy for all applicants.

- If you are denied the job as a result of your medical exam, the employer must state why the

results diminish your ability to do the job you've applied for.

- If you have a job and inform your employer of a legitimate disability, the company must do what it can—within reason—to accommodate your disability.

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