

# Mental Health, Employment, and the Americans with Disabilities Act (ADA)

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In 2021, there were an estimated 57.8 million adults aged 18 or older in the United States with Mental Illness. This number represented 22.8% of all U.S. adults.

-National Institute on Mental Health.

The Americans with Disabilities Act is a civil rights law that protects Americans with Disabilities in many areas of public life, including employment! The ADA defines disability as a physical or mental impairment that substantially limits one or more major life activities. **When job applicants or employees have a mental health condition that meets these criteria, they have workplace rights under the ADA.**

**Review these myths about Mental Health published by the Equal Employment Opportunity Commission:**

- **Is my employer allowed to fire me because I have a mental health condition?**  
No. It is illegal for an employer to discriminate against you simply because you have a mental health condition. This includes firing you, rejecting you for a job or promotion, or forcing you to take leave.
- **Am I allowed to keep my condition private?** In most situations, you can keep your condition private. BUT an employer is allowed to ask medical questions if you ask for a reasonable accommodation.
- **What if my mental health condition could affect my job performance?**  
You may have a legal right to a reasonable accommodation that would help you do your job. A reasonable accommodation is some type of change in the way things are normally done at work.
- **What if there's no way I can do my regular job, even with an accommodation?**  
If you can't perform all the essential functions of your job to normal standards and have no paid leave available, you still may be entitled to unpaid leave as a reasonable accommodation if that leave will help you get to a point where you can perform those functions. You may also qualify for leave under the Family and Medical Leave Act. If you are permanently unable to do your regular job, you may ask your employer to reassign you to a job that you can do as a reasonable accommodation, if one is available.

**Additional Resources :**

- Equal Employment Opportunity Commission [Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](https://www.eeoc.gov/press-releases/2018/08/2018-08-20-mental-health-workplace)
- ADA National Network [Mental Health Conditions in the Workplace and the ADA | ADA National Network \(adata.org\)](https://adata.org/mental-health-conditions-workplace)
- Job Accommodation Network (JAN) [Mental Health Conditions \(askjan.org\)](https://askjan.org/mental-health-conditions)