

SELF-ADVOCACY IN THE WORKPLACE

Self-advocacy in the workplace is important for people who live with mental illness. Strong awareness of rights and resources can help you find and/or maintain fulfilling employment.

ARE THERE LEGAL PROTECTIONS FOR PEOPLE WITH MENTAL ILLNESS IN THE WORKPLACE? Yes. Any person with a disability is protected under the Americans with Disabilities Act (ADA) and the Wisconsin Fair Employment Act. In these laws, a disability is defined as a “physical or mental impairment that substantially limits a major life activity” (e.g. sleeping, learning, concentrating, thinking, communicating).

This includes illnesses that are episodic or in “remission” but may return (such is the case with many mental illnesses). The following illnesses are always considered covered by the ADA: major depression, bipolar disorder, post-traumatic stress disorder (PTSD), obsessive compulsive disorder (OCD) and schizophrenia.

IF I CURRENTLY RECEIVE TREATMENT AND USUALLY FEEL WELL, AM I STILL PROTECTED BY THE LAW? Yes. When determining whether someone has a disability, the positive effects of treatment cannot be taken into consideration. The law looks at what things were like before treatment or how they would be if treatment stopped.

WHAT IS A “REASONABLE ACCOMMODATION?” A reasonable accommodation is any adjustment to a job or the work environment that will enable a qualified applicant or

employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodations are not charity; they are the rightful expectation of people with disabilities.

WHAT PROTECTIONS DOES THE LAW PROVIDE? Your employer cannot:

Deny a request for accommodation of a known disability (unless it imposes undue hardship on the employer/company) • Deny job opportunities because you have a disability and/or need an accommodation • Retaliate following requests for accommodation

DO I HAVE TO TELL MY EMPLOYER ABOUT MY MENTAL ILLNESS BY A CERTAIN TIME IN ORDER TO BE PROTECTED UNDER THE LAW? No. You are not required to disclose your mental illness before being hired or upon starting the job in order to be protected under the law. You may request an accommodation at any time.



DO I HAVE TO REQUEST AN ACCOMMODATION IN WRITING?

No. You also do not have to use the words “reasonable accommodation.” However, it is highly recommended that you do put the request into writing, including the date and your signature.



HOW CAN I PREPARE FOR TALKING TO MY EMPLOYER ABOUT AN ACCOMMODATION?

It is best to bring clear ideas about what would help you be more successful at work, rather than expect the employer to have the answers. You can prepare these ideas by connecting with the Job Accommodation Network (JAN). JAN provides free, expert, and confidential guidance on workplace accommodations and disability employment issues. JAN is a service of the U.S. Department of Labor that provides:

Ideas for reasonable accommodations • Templates for accommodation request letters • Free consultation regarding individual cases • Free consultation regarding disclosing your illness to an employer • Help is available online at askjan.org or over the phone (800) 526-7234

I MAY HAVE EXPERIENCED DISCRIMINATION. WHAT SHOULD I DO? Disability Rights Wisconsin (DRW) may be able to assist you. DRW advocates for people with any type of disability, including mental illness. You or a family member can reach them at (800) 928-8778; disabilityrightswi.org. You could also file a complaint with the Wisconsin Equal Rights Division: 608-266-6860; dwd.wisconsin.gov/er



Tips FOR FINDING A JOB OR MANAGING ILLNESS ON THE JOB

THE WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT offers vocational rehabilitation (support for people with disabilities in preparing for and getting jobs). Call (800) 442-3477 to reach your county’s Division of Vocational Rehabilitation (DVR).

IF YOU RECEIVE DVR SERVICES in Dane, Dodge, Marquette, Sauk, Jefferson or Columbia counties, you can also receive peer support services. Contact Grassroots Empowerment Project to learn more: (608) 515-6907

YOUR COUNTY MAY OFFER A PROGRAM CALLED INDIVIDUAL PLACEMENT AND SUPPORT (IPS)

supported employment. As an integrated part of mental health treatment, IPS programs support people in finding and maintaining competitive employment. Contact your county human services department for more info (pg. 73-81).

VISIT A JOB CENTER IN YOUR AREA.

These agencies help people find jobs and enhance their employment skills. To locate an Job Center near you, visit wisconsinjobcenter.org/directory.