2nd Quarter 2023 | VOL. 53 NO. 2

The magazine of the Employee Assistance Professionals Association

The Journal of Employee Assistance

Repository for the Ages: 10th Anniversary for the International Employee Assistance Digital Archive

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EAPA International Employee Assistance Professionals Association

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Cannabis Makes Maintaining a Drug-Free Workplace a Challenge
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October 20-22, 2023

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Hilton Portland, Oregon

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EAPA Mission Statement

To promote the highest standards of practice and the continuing development of employee assistance professionals and programs.

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Staying Ahead of the Curve: Responding to Changing Workplace Environments

By Bernie McCann, PhD, CEAP

As we move into the second quarter of 2023, our current issue of the Journal seeks to illuminate some significant facets of contemporary EA practice, as well as tools and resources to continuously improve our service and value to those we serve. As enshrined in our *Standards and Professional Guidelines for Employee Assistance Programs,* this is accomplished by a dual (and equal) focus on assisting both work organizations and employee clients. In addition, to remain relevant in a dynamic global work environment includes casting a critical eye on diversity, equity and inclusion aspects, recognizing changing work environments, and tracking best practices to evolving trends.

Our cover article, *Repository for the Ages,* recognizes the tenth anniversary of a significant resource available as a public open-source platform: the International Employee Assistance digital archive, hosted by the University of Maryland, written by its founders, Drs. Patricia Herlihy and Jodi Frey, along with Adishree Nayak. The Archive provides a plethora of topical and research articles, historical documents, digital video recordings and even back issues of the *Journal*. In its ten-year lifespan, it has become invaluable to EA practitioners, researchers and students.

Three contributions in this issue by EAPA members describe important workplace trends – the (unequal) status of women by Nancy Board, the growing complexity of workplace cannabis policies by Dr. Tamara Cagney, and emerging best practices in workplace mental health supports in Portugal by Dr. Manuel Sommer, and colleague Mariana Silva is featured in *Eurotrends*.

A research article by Dr. Marc Milot documents his original study on *Assessing the Therapeutic Alliance in EAPS for Evaluation and Service Delivery* providing valuable insights on the benefit and utility of standardized tests to assess the client-counselor relationship and outcomes.

In our regular feature, *Legal Lines*, workplace attorney experts Heather Mogden and Claire Bailey discuss the evolving issue of *Employee Safety and Wellness: Workplace Violence and the Remote Workplace*, revealing how changes in demographic and occupational patterns again allow EAPs to provide value-added organizational consultation and services.

In Service to Our Profession… is the title of former EACC Chair Dr. Ian Quamina's Spotlight on EACC column. He describes how CEAPs can offer their unique energy and expertise towards ensuring the CEAP© credential maintains the highest professional standards and that the EACC continues in its goal of accurately reflecting the global diversity of EAPs.

Finally, Julie Rochester, EAPA's Director of Education, asks and answers the questions "How does EAPA decide where to hold its Annual Institute and Expo?" and "What can members do to make these events successful?"

We hope you are enlightened, challenged and inspired by this issue of the Journal. Have an idea or an article that you would like to be considered for the Journal? We are always looking for and would welcome your submission. Stay healthy and relevant, my friends!

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In Service to Our Profession…

By Ian B. Quamina, Ph.D., CEAP

In reflecting on what the title of this article should be, the first thing that came to mind was the word 'service.' Many of us have heard the historic words from the 1961 inaugural address by John Fitzgerald Kennedy, President of the United States, *"Ask not what your country can do for you – ask what you can do for your country,"* which speaks to the importance of civic action and public service. Likewise, most universities' standard requirements for tenure in academia are scholarship, teaching, and "service" to the institution and the profession. Be it public service or academia, the value of service cannot be understated. Taking it literally and bringing it home, 'service' is essential to the proper functioning and future well-being of the Employee Assistance Professional Association (EAPA) and our profession.

So what exactly constitutes service to our EA profession and EAPA? Service to our profession and EAPA involves activities that help generate new or sustain/promote existing endeavors. There are many service activities such as research, journal submission/publications, guest lecturing, association leadership/governance, mentorship, supervision, conference participation and committee involvement etc.

I want to spotlight service of the Employee Assistance Certification Commission (EACC) as each year; the Commission recruits willing and able volunteers to serve and replace outgoing commissioners. By now, many have seen that the 2023 nominations are open for two new commissioners to serve a three-year term on the EACC.

The EACC, made up of eight (8) commissioners, is the policy-making body for all professional certification activities of EAPA. Its primary focus is developing and maintaining the Certified Employee Assistance Professional (CEAP®) certification program and reviewing appeals and complaints against certification holders.

With our new CEAP® certification program (CEAP® and CEAP® Global), the Commission endeavors to ensure that the CEAP® credential accurately reflects the diverse global field of employee assistance, delivers a quality certification program and provides a fair, equitable and inclusive process for achieving and maintaining certification.

We are therefore looking for persons to serve on the Commission as we continue to play a crucial role in compiling standards, processes and content to not only create learning modules that expand knowledge and skills by providing candidates with new and updated industry information, techniques and best practices; but also to sustain our newly minted process that allows for a less burdensome path to certification without diluting the value of the CEAP® credentials.

Our commissioners, who represent the length and breadth of EA practice globally, are all actively working in the EA field and therefore volunteer their time, energy and expertise on the Commission by serving in the following functions:

- Provide CEAP® training content and knowledge question development and revision by providing subject-matter expertise.
- Support CEAP® certification program policy development to maintain credential standards.
- Attend all EACC virtual and in-person commission/committee meetings.
- Review and vote on appeals and complaints against CEAP® certification holders.
- Maintain confidentiality regarding the CEAP® knowledge question items, applicant information, ethics complaints, appeal requests and results, and all other issues deemed confidential by EACC.
- Speak at workshops, meetings, and similar venues regarding certification, EACC, and related topics.
- Represent the Commission, its standards and principles, to the public and the profession to promote the value of the CEAP® credential.
- Review and vote on PDH or policy waiver requests.
- Provide timely review of CEAP® policies, publications, and related materials.

Commissioners serve staggered three-year terms, and a commissioner's term of service begins at the end of our annual EAPA World Conference and Expo and runs through the end of the annual world conference and expo three years hence.

As a Commission, we continue to forge ahead and look forward to welcoming you on this journey of 'Service' with us!

Please click here for more information and to submit your application. Remember, nomination closes on April 30th, 2023, and you must be a current EAPA member and a CEAP® in good standing.

Ian B. Quamina, Ph.D., CEAP, *is the immediate past Chair of the Employee Assistance Certification Commission (EACC) and the current Chair of the EACC Education Committee, which is responsible for oversight and development of the CEAP® Certification. Ian is a 2020 EAPA President's Award of Service recipient and an EA Digital Archive Ambassador who holds a Ph.D. in Organizational Leadership with a specialization in Human Resource Development and a Master of Social Work (MSW) degree with a specialization in Employee Assistance Program (EAP). Though physically based in South Florida, Ian is the designated External Mental Health Professional for UN Agencies in Trinidad. In addition, he is Head of Clinical Services for Families In Action, an external EAP provider.*

volunteeringwithEAPA

| By Roslyn Chao

In recognition and gratitude to the hundreds of volunteers that contribute their time, expertise, and joy to the Employees Assistance Professionals Association (EAPA), we are excited to announce the celebration of EAPA's outstanding volunteers. We will begin highlighting their work and interests in monthly Volunteer Spotlights and throughout Volunteer Awareness Week – April 16 -22, 2023.

Volunteers are essential for EAPA as well as for most nonprofit organizations. According to research by the Urban Institute, more than 80 percent of nonprofits rely on some level of volunteerism. It is estimated that over 1 billion people volunteer worldwide volunteer. Nonprofit organizations are limited in staffing as most funding is directed towards programs, constituents, and the communities they serve, so a team of volunteers is essential for helping in operations.

> *Even the word itself, volunteer, comes from a context of "a willing from within" without any expectations of external reward. Instead, EAPA encourages our members to give of themselves, outside of their professional services, for the betterment of all. We take pride in being the Global Voice of Employee Assistance and in our members representing the very best the EA field has to offer*. – Dan Boissonneault, President

At EAPA, volunteers not only help EAPA expand its reach, but they also bring a diversity of skills, expertise, and problem-solving perspectives to the organization. Volunteers provide skills and knowledge vital to managing a well-run nonprofit organization, from law, marketing, communications, and human resources to finance taxes and fundraising. Moreover, such experts' work and advisory skills may otherwise come at great expense, so securing volunteers with various expertise is critical to ensuring lawful policies, practices and regulations and limiting liabilities.

> *"We are so thankful for the work volunteers do every day at EAPA! From the Board of Directors to the EACC to serving on committees and task forces, volunteers are a crucial part of the EAPA engine. I am grateful for their hard work and positive attitudes."* -Julie Fabsik-Swarts, CEO

Every month, EAPA will recognize outstanding volunteers. Today, we recognize **Patricia A. Herlihy, Ph.D., RN**. Everyone knows Pat due to her friendliness, dedication and hard work, steadfast support of EAPA at various events, but also for her deep expertise in the EAP field. She volunteers in multiple capacities for EAPA, assisting with reviewing content for the new website, managing the International Employee Assistance Digital Archive, EAPA committees, and so much more. We are grateful to Pat for the extraordinary work that she does!

Volunteers like Pat are also our biggest champions, advocating the mission, boosting the organization's visibility, and providing a significant source of donations. The Global Trends in Giving Report indicates that 85% of volunteers donate to the nonprofits they volunteer for at an estimated value of nearly 26 USD an hour. By extending a nonprofit's awareness and work to their personal networks, volunteers also help build awareness of an organization's mission, extend its reach, and increase donations and in-kind gifts from a broader donor base.

As volunteers provide invaluable assistance, EAPA wants to recognize and thank our volunteers for their contributions. Sending a handwritten thank you note or a small gift, making a phone call, or hosting a volunteer appreciation event are different ways that EAPA recognizes and thanks volunteers for their outstanding efforts. Starting this month, EAPA will also highlight the work of selected volunteers in profiles on social media and in newsletters to celebrate our invaluable volunteers.

Roslyn Chao *is the Membership and Association Administrator for EAPA. For over fifteen years, Roslyn has worked and volunteered at various nonprofit organizations and as a consultant to build multi-stakeholder engagements. Roslyn is a parent to two boys, and holds a JD from the Case Western Reserve University School of Law as well as an EMBA from the Weatherhead School of Business.*

Resources Tailored for Men

Man Therapy - Men represent 78% of all suicides in the US and are four times more likely to die by suicide than women. And yet, men are less likely to reach out for help. Man Therapy was developed by experts in mental health and suicide prevention working along with marketing experts to craft a website with tools that would attract and engage men. So far over a million men have visited the site and research shows that the site and tools are making a meaningful impact in the lives of the visitors. Check out the site to view the tools and how to partner with Man Therapy to bring resources to your clients.

Man Morning Newsletter – This short newsletter is aimed at growth-minded men to facilitate personal and professional development. Topics like Small Vices, Big Consequences, Staying at Peace in a World of Chaos and How Connecting with Men Can Change Your Life are easy to read with direct advice on positive growth.

Addressing Counselor Shortages and Caring for Ourselves

Strategies to address behavioral workforce shortages - Counselors across the world are in high demand and short supply. This article summarizes results from a survey of state Medicaid programs regarding strategies to address the behavioral health counselor shortage. Efforts described here could be helpful for those seeking resources to provide EA services. Broad strategies included increasing rates, reducing administrative burden, incentivizing participation and extending the workforce. Of particular interest to EA professionals is that the ideas shared for growing counselor resources include allowing payment to peer/family recovery specialists and license-eligible counselors.

Self-care strategies for counselors – Those doing EAP work face high stress from the increased demand for services coupled with constant change and uncertainty in the workplace. The Thriving Therapist describes strategies for therapist self-care that are specific to counseling work, easy to practice and self-sustaining.

Therapeutic Alliance

Understand and utilize therapeutic alliance to improve outcomes – The article on therapeutic alliance in this issue of the Journal of Employee Assistance highlights the importance of this factor to counseling outcomes. A key fact is that building a healthy alliance is a skill that can be learned and improved. The Therapeutic Alliance: An Evidence-Based Guide to Practice provides training on building and maintaining a strong and beneficial connection with clients.

Tools to help you build your TA skills - The Center for Alliance-Focused Training has free online resources and tools for maximizing therapeutic alliance. The tools feature video vignettes covering various common challenge points that occur during the course of therapy. Check out the tools here.

Repository for the Ages: 10th Anniversary for the International Employee Assistance Digital Archive

By Patricia Herlihy, Ph.D., RN, CEO
Jodi J. Frey, Ph.D., LCSW-C, CEAP
Adishree Nayak, B.S.

Beginnings

Sarah Meade, a young professional, was asked by her clinical manager to pack a bag and join her for a trip to Norfolk. Her boss was asking her to go to the EAPA Institute and EXPO Sarah confessed that she was unaware of EAPA and didn't know much about the EA field, but she packed her bags and left the next morning, headed for Norfolk.

Sarah was fascinated by the presentations she heard in Norfolk but needed some background to understand their context. She kept hearing about an "archive," so she hopped onto the International Employee Assistance Digital Archive (EA Archive) website and found a wonderful article: *A Roadmap for Thriving as a Newcomer to the Employee Assistance Profession*: http://hdl.handle.net/10713/20032. It was like this article was written just for her. It perfectly spoke to her interest in pursuing a Masters's Degree to become a clinical counselor and an EA professional. Her new mission was to kick-start a new generation into the EAP field. She felt empowered by the multitude of resources in this newfound repository that she could use in service of this mission.

Entering the mental health field seems almost as intriguing and terrifying as climbing Mount Everest. Yet, mental health professionals are desperately needed, and I feel honored to take on this responsibility. Without the aid of the International Employee Assistance Digital Archive's resources, I would not feel as equipped to accept and overcome the challenges of being a mental health professional as I do now.

Learning about this free resource allowed me to maximize our success by rebuilding our practice's service model. The Archive gave me the resources I needed to educate myself and my colleagues and strengthen my approach to being a mental health professional.

Sarah Meade, BS
Practice Manager
Ballad Health EAP

Professionals find the EA Archive useful not only for themselves but also for colleagues and trainees they work with on a daily basis.

Both new EA professionals like Sarah and those who have been working in the field for years have stumbled into the EA Archive in various ways, all equally pleased to find a plethora of information to support their challenges and tasks. Professionals find the EA Archive useful not only for themselves but also for colleagues and trainees they work with on a daily basis. Below, a more experienced professional in the field adds a slightly different perspective on how he found this repository useful in his practice.

The Archive has been a source of information I have used many times when researching presentations or articles for our profession. It is a deep and rich resource for new entrants to the EAP field and veterans practicing for 30 years or more. As the Employee Assistance Certification Chairperson, we regularly direct candidates for EAP certification to the EA Archive as a well-rounded source of information from EAP research, practice and core technology. The EA Archive has helped many candidates succeed in their pursuit of certification and a career in the EAP field.

Bryan Hutchinson, MS
United Machinist Union
EACC Chair

History

The EA Archive was created in 2013 by Drs. Jodi Frey and Patricia Herlihy to address a gap in preserving and making accessible materials in the employee assistance field. Created in collaboration with the University of Maryland, Baltimore, Health Sciences and Human Services Library, the EA Archive is a free, online, publicly accessible global repository for practitioners, researchers, and students. All have free open access to historical documents, current papers, presentations, and media relevant to the multidisciplinary field of workplace behavioral health.

Since its inception, the EA Archive has grown tremendously and garnered significant support. To date, the platform has had over 26,000 visits, over 180,000 downloads from more than ten countries, and original works from nearly 1,000 authors worldwide. Additionally, the EA Archive boasts 54 ambassadors and 22 promotional partners who continually promote, support, and contribute to this critical resource and foster its growth and impact.

The following is an example of an active EA Archive ambassador who continually educates professionals about this resource to various groups in the field.

Congratulations to Jodi, Pat and the EA Archive staff for diligently driving this resource forward. As a leader in the National Behavioral Consortium, I am grateful to have our articles in the Archive so they can take on a life of their own. I appreciate the occasional social media post as we try to change the narrative about mental health and promote top-tier EAP in the era of disruption. The EA Archive is easy to use, but I am thankful to

Pat for helping me along the way!

Kathleen Greer, MSW
Founder of KGA

Archive Growth

Although the image of an archive is often that of dusty old books hidden away in a library basement, the EA Archive is far from that. It has embraced the digital era to prepare current and emerging leaders and scholars in the EA field. The EA Archive was created and continues to grow thanks to the passionate and dedicated staff who work tirelessly to curate content on best practices about how to support employees, employers, families, and communities surrounding workplaces. In particular, the onset of the COVID-19 pandemic ushered in a newfound necessity for increased global access to resources. The pandemic also led to quick transitions in how EA training services were offered. The virtual shift provided an opportunity to record new content through webinars, interviews, podcasts, and more. In response to this technological shift, the EA Archive quickly moved to increase capacity for more multimedia content. The new cloud-based platform was further developed to integrate a private YouTube channel to save large files such as MP4 recordings of presentations permanently. The world of Zoom also allowed the Archive staff to work more closely with EAPA chapters, EA collaboratives and other higher education associations and professional organizations to gain access to some of their content. Meetings were held via Zoom to provide unique presentations about the EA Archive, each targeted with a customized virtual field trip to educate about its use. In response to this increased relationship building, we have increased our number of promo-

tional partners, and we are grateful for their work to help us continue to grow and share the message.

An important focus since the inception of this resource has been access to research. EA Archive staff and students are always on the lookout for relevant research and regularly update the EA Archive with new materials. The following ambassador has been incredibly generous in submitting his research materials.

The beauty of the EA Archive is that anyone, anywhere in the world, can submit their materials to this platform.

> *Congratulations to my friends, Drs. Jodi Jacobson Frey and Patricia Herlihy for their founding vision and ongoing commitment to the success of this project. This resource is unique in providing no-cost online access to a wide variety of papers, reports, slides, pictures, and videos on everything EAP. Being an applied field with a nine-decade history, the majority of our collective research has not been published in the peer-review literature databases, which makes the role of the EA Archive so important. It is the only place to find thousands of works produced by professionals that form the foundation of the best practices and evidence supporting employee assistance programs.*
>
> Mark Attridge, PhD
> Attridge Consulting

Dr. Attridge has over 160 of his works included in the EA Archive and continues to add more as he publishes and presents research in the field. He notes that having the EA Archive cross-referenced within Google Scholar and other online search programs greatly helps to increase the global audience and impact for applied research.

Future Goal

The beauty of the EA Archive is that anyone, anywhere in the world, can submit their materials to this platform. It accepts EA-focused original manuscripts, publications, presentations, and multimedia materials. We strongly encourage EA professionals to visit the website to explore further information on how to submit and to learn how you can become involved as an EA Archive ambassador or promotional partner. One ambassador from the Latin American region had an interesting initial introduction to this repository:

> *I discovered the EA Archive in 2019 after the Journal of Employee Assistance (JEA) published my article Breastfeeding and Work in Latin America. Is there a role for EAPs? Dr. Patricia Herlihy read it and contacted me to ask if I was interested in uploading it into the EA Archive. I did not know about the existence of this vast library with so many valuable articles related to our field. This discovery allowed us to share extremely useful information with our Latin American professional colleagues, who cannot easily access this type of specific EA material for free. Another advantage of having this information available is having a broad vision of the historical world trends in our field. In Latin America, EAPs are much younger than in the United States, and we still have to explain frequently what an EAP is.*
>
> Andrea Lardani
> Director
> Grupo Wellness Latina

As the EA Archive continues to grow and utilize its technological aspects, we strongly encourage professionals to follow our LinkedIn, Twitter, and Facebook social media pages, where we update members with weekly posts highlighting pertinent and timely submissions. In celebration of the EA Archive's 10th anniversary this year, we will post monthly announcements and ways for members to get involved and celebrate. Please join us on our LinkedIn page for updates on recent submissions and fun activities during these celebrations: https://linkedin.com/groups/8682252/

Future Survival Needs

The EA Archive receives in-kind funding support from its host institution, the University of Maryland, Baltimore School of Social Work (UMSSW) located in Baltimore, Maryland and the UMB Health Sciences and Human Services Library. UMSSW is a leader in EA education and research as the oldest and largest Master's in Social Work program in the world that has a continued focus on the intersection of social work, EA, and workplace behavioral health. Faculty and staff at the University donate their time to work on the EA Archive, but this donated time can only take us so far. As the EA Archive continues to grow and has now become a critical foundation of the EA field, there is a need to raise dedicated funding to support the work by UMSSW graduate students, Dr. Herlihy's contributions to building and promoting the EA Archive, and support for conference attendance, as well as administrative support to scan and curate materials and promote the EA Archive through online and in-person marketing. To keep this global repository growing and meeting the needs of the field, we are asking you to consider donating to the University of Maryland, Baltimore Foundation, Social Work in the Workplace and Employee Assistance Fund to help us meet our goal of raising $25,000 during this anniversary year. If you have questions about donating, please contact Dr. Frey directly.

Promise for the Future

As we enter 2023 and celebrate the EA Archive's milestone 10th anniversary, we encourage everyone to join us as partners to help grow this resource's breadth and reach. As mentioned earlier, in the coming months, the EA Archive team will engage our partners with specific suggestions and games via social media (LinkedIn, Facebook and Twitter) to help increase the awareness and use of these materials.

We could not have reached this important milestone without you! Whether through financial support, promotion at your chapter and professional networks, or submitting original works, all contributions are valued. We look forward to new and continued partnerships with you through this celebratory year and into the next decade of the EA Archive!

In closing, here are some words from one of our initial collaborators from the Cornell Labor Studies Center. He connected us with the Kheele Center, which houses his and Dr. Harrison Trice's work.

The EA Archive provides scholars and practitioners with an invaluable resource for understanding EAP's past and present and formulating a vision for effective future workplace programs for helping employees.

William Sonnenstuhl, PhD
Professor Emeritus
Cornell University

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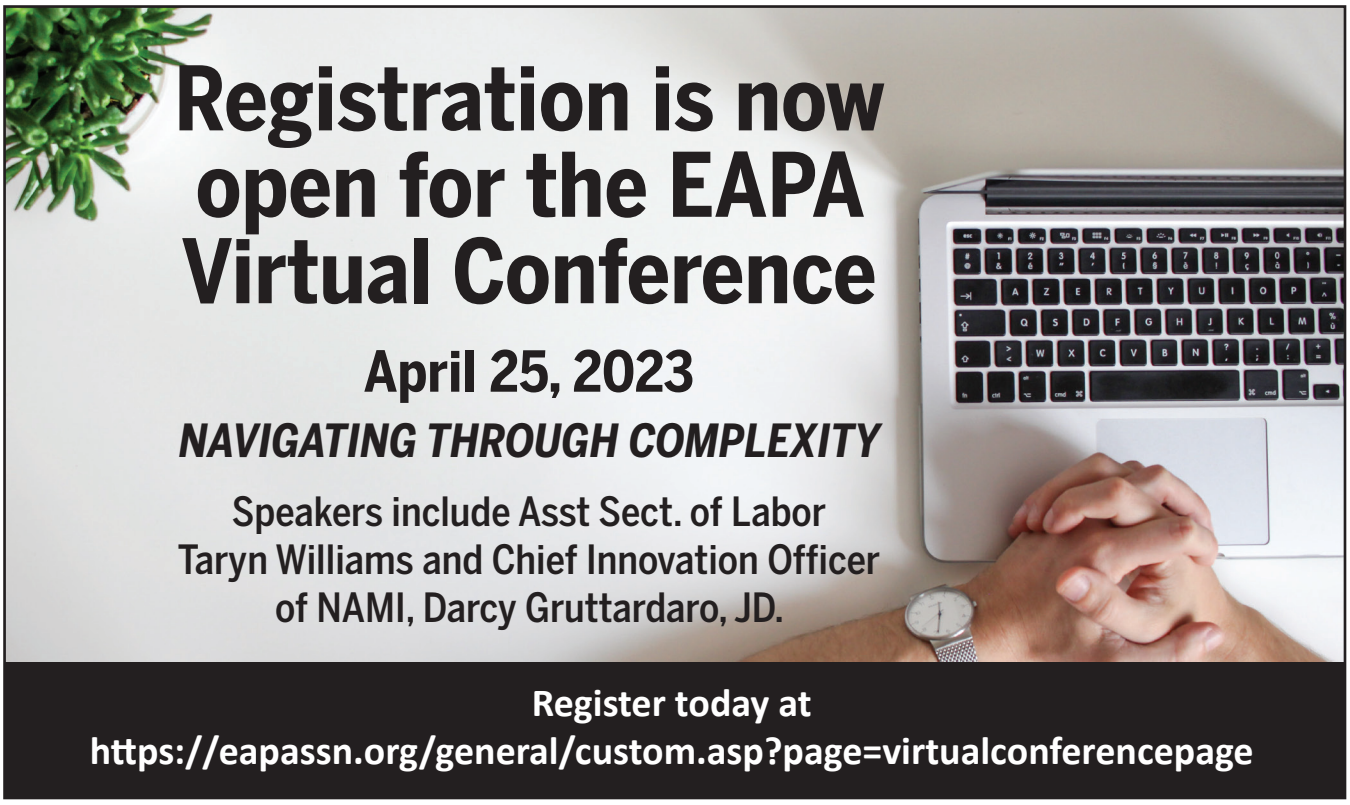
International Employee Assistance Digital Archive Website: www.EAArchive.org

***Dr. Patricia Herlihy**, Ph.D., RN, CEO of Rocky Mountain Research; Co-Founder, EA Archive. Dr. Herlihy's research and consulting centers on delivery benefits models around the integration of EAP, work/life and wellness programs. She may be contacted at pherlihy@rockymountainresearch.us.*

***Dr. Jodi J. Frey**, Ph.D., LCSW-C, CEAP, Professor and Associate Dean for Research, University of Maryland, Baltimore, School of Social Work; Co-Founder, EA Archive. Dr. Frey's research focused on adult and emerging adult behavioral health and well-being with a focus on mental health, substance use, suicide prevention and the workplace. She can be contacted at jfrey@ssw.umaryland.edu*

***Adishree Nayak**, B.S. is a first-year dual-degree MSW/MPH student at the University of Maryland School of Social Work and Johns Hopkins Bloomberg School of Public Health. She is also a Research Assistant Scholar and works closely on the EA Archive.*



Mental Health in the Workplace – Emerging Best Practices in Portugal

By Manuel Sommer Ph.D. and Mariana Silva

The GRACE association, a Portuguese umbrella organization for Corporate Social Responsibility (CSR) activities in Portugal and a member of the broader European association CSR EUROPE, has been one of the leading organizations supporting mental health in the workplace.

One of the core activities is the promotion of several working groups, named Clusters, where members gather to promote experiences, share best practices within their organizations and work on synergies. These groups have developed programs in line with the United Nations 2030 and 2050 Millennium Goals agendas and help organizations promote Environmental, Social and Governance (ESG).

In 2021, the Health Cluster, composed of 17 members, including PULSO PORTUGAL, worked on promoting well-being in the workplace. One of the aims was for all members of the Cluster to collaborate. The collaboration was successful in creating relationships and impact. Below are some examples of the developments of the Clusters:

- A Mental Health toolkit was developed with steps, orientations, and best practices for managers at all levels of the organization, from supervisor to CEO. The toolkit provides resources to train managers to understand and support their employees' well-being and mental health and to limit the impact of poor employee mental health on their organizations. Guidelines and concrete action plans are outlined, and examples of best practices are shared. The toolkit was publicly presented in March of 2022.
- A schedule of regular public events was developed and promoted to shine a light on mental health in the workplace. Members with effective workplace policies to support well-being have been invited to share their company's experiences to facilitate learning and growth. Several of these events have occurred around the country and across Cluster sectors.
- Dedicated mental health workshops based on the toolkit guidelines to enhance best practices and strategies to address common challenges related to workplace mental health. The workshops functioned to positively involve employees and other relevant stakeholders to focus on the goal of a healthier organization.

As we saw in the previous article published in the January 2023 issue of the *JEA*, EAPs are a valuable tool to achieve overall success for organizations in line with emerging governmental mandates and initiatives. Currently, EAP services can be integrated within 3 of the Big Millennium goals:

- The 3rd goal of achieving "Good Health and Well-Being."
- the 8th goal of "decent work and economic growth" and
- the 17th goal of "partnerships for the goals."

The impact of activities involving EAPs is still being measured and evaluated. However, from the general feedback received thus far, the effort has clearly been worthwhile. As work continues, more specific outcomes will be gathered. This is an exciting alignment of governmental support for the work that EA professionals do. It bodes for a bright future for the profession and mental health in the workplace.

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By Heather Mogden and Claire Bailey

Employee Safety and Wellness: Workplace Violence and the Remote Workforce

Issues surrounding employee mental health and workplace violence are getting lots of attention lately, driven by employers' internal initiatives, current events in the news, and, in the U.S., federal agency reporting.

Late last year, the Centers for Medicare and Medicaid Services (CMS) released a memorandum that focused on the rise in workplace violence in the healthcare profession.[1] According to the Bureau of Labor Statistics, "health-care workers accounted for 73 percent of all nonfatal workplace injuries and illnesses due to violence in 2018."[2] Incidents have been steadily rising since 2011 when tracking of those specific events began. CMS's memo was directed to State survey agency directors responsible for enforcing regulations that support a safe environment for healthcare workers and patients. The memo emphasized the importance of implementing "appropriate controls" to address workplace violence hazards.[3] This article will explore some of those controls, who may be responsible for implementing them, and where.

[1] U.S. Dept. Health & Human Services, CMS Memorandum on Workplace Violence – Hospitals, Ref. No. QSO-23-04-Hospitals (Nov. 28,2022) *available at* https://www.cms.gov/files/document/qso-23-04-hospitals.pdf.
[2] *Id.* at 1.
[3] *Id.*

Job- and Employee-Specific Risk Indicators

The Occupational Safety and Health Administration (OSHA) in the U.S. has reported that employees at the highest risk of experiencing workplace violence are typically those who deal with the public, including not only healthcare providers but also cashiers and retail employees and people who work within the community like delivery drivers and utility workers.[4] But workplace violence can happen anywhere and to anyone.

In addition to job-specific risk factors, OSHA has identified a variety of organizational risk factors that can increase the likelihood of workplace violence, including, for example, a lack of training and policies for recognizing and managing hostile behavior, lack of adequate reporting methods available to observant or affected employees, and inadequate security for the nature of the workplace.[5]

In its own employee protocols, the U.S. Department of Labor (DOL) (under which OSHA operates) lists early warning signs of individuals who could either be perpetrators of violence or potential victims of workplace or domestic violence.[6] Some signs to look out for include frequent attendance issues, decreased productivity, inconsistent work patterns, abnormal health and hygiene issues, and otherwise unusual or changed behavior. The DOL protocol recognizes, however, that these signs could alternatively—and additionally—signify that the individual is suffering from a physical or mental health condition. Unsurprisingly, mental health issues and workplace violence are often linked.

Addressing the Connection Between Mental Health and Violence

Poor mental health can be a significant indicator in predicting future workplace violence. Therefore, in addition to establishing committees and critical response teams focused on responding to workplace violence after an event, having a general emphasis on improving the mental health of employees and their eligible household members—through robust EAP offerings—can be a way for employers to strengthen their violence prevention programs on the front end.

The focus on employee mental well-being is still fairly limited in the United States, but other countries are leading the way. For example, the European Parliament has delivered a number of resolutions dedicated to addressing mental health in the workplace and creating strategies to reduce workplace-related illnesses.[7]

In response to the COVID-19 pandemic, a July 2020 EU Parliament resolution recognized mental health as a fundamental human right and called for the Commission to the EU Parliament to create an action plan setting standards for mental health and wellness support for workers across the EU. Then, in 2021, the EU Parliament asked the Commission to create what's been dubbed the 'right to disconnect' law (which was already in existence in France, Italy, Spain and Ireland), allowing workers to ignore after-hours communications without fear of retribution. Some Canadian provinces also have enacted or are considering similar right-to-disconnect legislation. This was followed by a resolution in March 2022 that set out an EU strategy to address work health and safety in a post-pandemic environment.

Last summer, the EU Parliament adopted another resolution addressing mental health in the remote/digital workplace. While the resolution recognizes the benefits of remote work in terms of flexibility and autonomy, it also highlights "health risks deriving from over-connection, an increasing connection between work and private life, and higher work intensity and stress linked to work-related technology use."[8] Again, it will be up to member states and institutions to implement concrete prevention and protection actions.[9]

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[4] U.S. Dept. Labor, Occupational Safety & Health Admin. OSHA Fact Sheet, Workplace Violence (2002), *available at* https://www.osha.gov/sites/default/files/publications/factsheet-workplace-violence.pdf

[5] U.S. Dept. Labor, Occupational Safety & Health Admin., *Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers*, OSHA 3148-06R (2016), at 4-5, *available at* https://www.osha.gov/sites/default/files/publications/osha3148.pdf.

[6] DOL Workplace Violence Program, Department of Labor, https://www.dol.gov/agencies/oasam/centers-offices/human-resources-center/policies/workplace-violence-program (Last accessed Jan. 26, 2023).

[7] European Parliament: New resolution on mental health in the digital world of work, Industrial Relation and Labor Law, https://industrialrelationsnews.ioe-emp.org/news/article/european-parliament-new-resolution-on-mental-health-in-the-digital-world-of-work (Feb. 2022).

[8] *Id.*

[9] *Id.*

Onsite and Remote Workplace Violence Prevention

The increase in work-life stress due to remote work is reflected in the rising number of domestic violence incidents in the U.S. and across the globe. For example, in 2021, the National Commission on COVID-19 and Criminal Justice released a report showing that domestic violence incidents in the U.S. increased by 8.1% due to the 2020 pandemic.[10] Of course, there are a number of factors at play here. But with the rise in the number of remote workers, it is important for governments and employers to rethink how workplace violence is defined and addressed. Additionally, when employers suspect that substance abuse may be a component of remote workers' safety, they can remind employees about existing policies on drug and alcohol use during the workday, encourage honesty and transparency in disclosing mental health and substance abuse struggles experienced by the employee (or a family member), refer affected individuals to the EAP, and inform them of leave options available for treatment or rehabilitation under the FMLA.

Violence prevention protocols should not only include the office but potentially extend to the home as well. Committing to preventing violence and prioritizing employee mental health could go a long way in decreasing workplace violence incidents in the office and at home. Some traditional violence prevention tactics can easily translate to remote work, while others may take some critical thinking and adaptation.

By statute, all employers in the U.S. have a duty to provide employees "employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm" to employees.[11] However, this so-called "General Duty Clause" in the Occupational Health & Safety Act of 1970 is open-ended and captures situations with no established standards, such as workplace violence.

To help employers satisfy this duty, OSHA has created workplace violence prevention guidelines that revolve around five elements:

(1) management commitment and worker participation,

(2) worksite analysis and hazard identification,

[10] Council on Criminal Justice, "New Analysis Shows 8% Increase in U.S. Domestic Violence Incidents Following Pandemic Stay-At-Home Orders," *available at* https://council-oncj.org/new-analysis-shows-8-increase-in-u-s-domestic-violence-incidents-following-pandemic-stay-at-home-orders/ (Last accessed Jan. 26, 2023).

[11] 29 U.S.C. § 654(5)(a)(1).

(3) hazard prevention and control,

(4) safety and health training and,

(5) record keeping and program evaluation.[12]

First, creating a culture dedicated to preventing workplace violence starts with a commitment from management and workers, supported by organizational structures to keep individuals accountable. For example, managers and workers should be given authority aligned with their particular expertise and appropriate resources, including not only financial resources but also "access to information, personnel, time, training, tools, or equipment," to maximize their effectiveness.[13] For remote workers, check-in meetings could be scheduled with managers trained to identify at-risk behaviors and connect such employees with EAP resources. To facilitate these conversations, managers may need to connect with EA professionals ahead of time in order to develop the soft skills necessary to connect with and understand their employees, such as empathy, effective listening, and clear communication. In addition, any at-risk employee (or family member) should be referred to the EAP. EA professionals can then assist in assessing risk and engaging the party with supportive resources and protection.

Second, a workplace analysis to identify hazards could also be extended to the home office (or other remote worksite). EA professionals might be tasked with proactively conducting confidential surveys with remote employees or clients to identify potential hazards and possible solutions to those hazards as a routine part of remote work arrangements.[14]

Third, hazard prevention and control principles can be applied to remote workplaces, including substitution, engineering controls, and administrative controls.[15] If a workplace hazard cannot be replaced or eliminated through substitution (*e.g.*, a more ergonomic desk chair), then engineering controls such as door locks, better lighting, and more accessible exits might be considered. For example, an employee experiencing domestic violence might be counseled on the option to change their locks, install security cameras, or petition for a change in their apartment complex security measures, to make their home office safer. Administrative controls—altering the way a job or task is performed—are another option to address certain hazards. Engineering and administrative controls should be site-specific and align with the workplace analysis conducted in the previous step. Whether an employee has experienced mental health challenges or on-site or remote workplace violence, post-incident investigation protocols can help identify relevant control options.[16] These employees should be referred to the EAP as well in order to be connected with the resources they need.

Training, the fourth element, is a major part of creating effective safety protocols. It can "help raise overall safety and health knowledge across the workforce, provide employees with the tools needed to identify workplace safety and security hazards, and address potential problems before they arise."[17] EA professionals are well-positioned to provide training to support workplace safety, relevant skill development, and compliance with policies and procedures. Training specific to preventing and reporting workplace violence should be provided to all employees regardless of their remote worker status. Ideally, it would be tailored for those employees to include remote-work-specific hazards relating to mental well-being and potential violence.

Finally, record keeping should be accurate and include work-related injuries (physical and psychological), medical and incident reports documenting any assault or harassment event, recording of employees' violent and other red-flag behaviors, and tracking of all safety meetings and training sessions.[18] Keeping these records up to date will make it much easier to evaluate the effectiveness of safety protocols and make any necessary changes.

[12] *Guidelines for Preventing Workplace Violence*, *supra* n.5 at 5.
[13] *Id*. at 6.
[14] *Id*. at 9.
[15] *Id*. at 13.
[16] *Id*. at 17.
[17] *Id*. at 25.
[18] *Id*. at 28-29.

Employer Liability for Workplace Violence Incidents

Violent actors can be charged criminally for their conduct, and their victims can bring civil actions seeking damages for battery, assault, and intentional infliction of emotional distress. Additionally, employers can be cited by regulatory agencies for violations that result in incidents of workplace violence. Finally, employers can even be held civilly responsible for monetary damages (like medical bills and pain and suffering) incurred by victims of workplace violence in certain circumstances.

In the U.S., state statutes and common law principles may impose liability on employers who fail to keep employees safe from workplace hazards. For example, most U.S. states have premises liability laws that say an employer's duty to maintain a safe workplace extends to visitors and customers at the premises. But in some states, that duty decidedly does not extend to remote workplaces not controlled by the employer. For example, a California court of appeals recently held that an employer did not violate its duty to provide a safe workplace when two business associates were shot by an employee's son during an offsite business dinner at the employee's house.[19]

Additionally, most state laws governing employer liability for others' conduct take into account various factors depending on the cause of action asserted. For instance, many states find an employer liable for its employee's negligence only if the outcome of the negligent act was a foreseeable consequence. For instance, a Georgia court of appeals recently found that an employer was not liable under theories of premises liability, negligent security, or vicarious liability for employee negligence when security guards failed to de-escalate a road-rage incident outside the mall, where one woman struck another woman with her car after security attempted to intervene.[20]

When the bad actor is an employee committing an intentional act of violence, most state laws will find that the employee was acting outside the scope of their job duties, so the employer is not found to be responsible for the employee's conduct. However, the employer may be liable for its own failures in hiring and supervising the employee. For instance, an employer may be held responsible if they hired an employee despite awareness of their violent history, failed to investigate reports that an employee was at-risk or posed a threat, or failed to discipline or terminate an employee as appropriate after such an investigation. Finally, employers should be aware that discrimination and harassment claims can arise when workplace violence is motivated by a protected characteristics such as race or religion.[21]

Practical Takeaways

Although incidents of workplace violence will continue to occur, and the definition of a workplace is expanding, employers' resources are also growing to meet these modern needs. EAPs are uniquely positioned to collaborate with and support employers at every stage, from assessing individual employees' violence risk and creating safety policies to providing critical incident response training and post-incident mental health counseling. These services will be critical as employers worldwide face a new legal landscape focused on accountability for employee mental health and workplace violence prevention.

This article is educational in nature and is not intended as legal advice. Always consult your legal counsel with specific legal matters.

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19 *Colonial Van & Storage, Inc. v. Superior Court of Fresno County*, 76 Cal. App. 5th 487 (2022).
20 *Retail Property Trust v. McPhaul*, 857 S.E. 2d 521 (Ga. Ct. App. 2021).
21 29 C.F.R. § 1904.36

Website
National Institute for Occupational Safety and Health (NIOSH)
https://www.cdc.gov/niosh/twh/wellbq/default.html#anchor_1593621151123

NIOSH has created a Worker Well-Being Questionnaire (WellBQ) that measures worker well-being at work and home and includes an assessment of both physical and mental health. The goal of the instrument is to facilitate understanding of the whole spectrum of well-being to allow for the design of targeted public, employer and practitioner interventions and support. The instrument is free to use but is still in its early development. Full details on the questionnaire and other resources for supporting worker well-being are on the website.

Article
Visier Workplace Trends 2023
https://explore.visier.com/workplace-trends-2023/

As we look at the post-pandemic workplace to determine how best to help our employer and employee clients, it is helpful to read about trends. The Visier report is downloadable and includes detail on the top 10 trends in the 2023 workplace landscape.

Podcast
House Calls
https://www.hhs.gov/surgeongeneral/priorities/house-calls/index.html

US Surgeon General Vivek Murthy hosts a podcast on well-being where he interviews experts on how to find joy and meaning in life. These are great podcasts for us as providers and for our clients.

Movie
Stutz
https://www.netflix.com/title/81387962?source=35

There is much attention on finding effective therapeutic alternatives for people struggling with mental health challenges. This documentary highlights tools people can use in therapy or on their own to enhance their well-being. From Netflix:

> *"Phil Stutz is one of the world's leading psychiatrists. Directed by his friend and patient, Jonah Hill, the film explores Stutz's life and walks the viewer through his signature visualization exercises, The Tools. As Hill sits down with Stutz for an unorthodox session that flips their typical doctor-patient dynamic, they bring The Tools to life in a humorous, vulnerable and ultimately therapeutic experience. The film beautifully frames The Tools and the journey toward mental health in a manner accessible to anyone -- whether or not they are actively seeking help".*

Podcast
Employee Assistance Programs: An Important and Underutilized Benefit with Dr. Mark Attridge
https://thegrowthcollective.libsyn.com/employee-assistance-programs-an-important-underutilized-benefit-a-conversation-with-mark-attridge-phd

This podcast features Dr. Mark Attridge, who describes the proven value of EAPs and how employers can increase the utilization of services and enhance return on investment. This is a great show to highlight EAPs, and The Growth Collective is a podcast on organizational culture and well-being that is well worth following.

Website Resources
The Dinah Cohen Learning Center
https://askearn.org/page/dinah-cohen-learning-center

The Employer Assistance and Resource Network on Disability Inclusion organization supports people with disabilities in the workplace. Their Dinah Cohen Learning Center has self-paced training and a webinar archive on a host of topics related to disability inclusion. The site features new training on creating a mentally healthy workplace as well as webinars on topics like coaching for performance and supporting neurodivergent workers.

Website
Framework for Workplace Mental Health and Well-Being
https://www.hhs.gov/surgeongeneral/priorities/workplace-well-being/index.html

Governments worldwide are beginning to respond to the mental health crisis. For example, in Europe and Canada, legislative efforts are taking shape to set guidelines and mandates for employers to support employees' mental health as part of overall environmental, social, and governance (ESG) initiatives. While OSHA has not yet adopted any mental health mandates, the US surgeon general's office has created a Framework for Workplace Mental Health and Well-Being as part of its current priorities. The framework is well worth a read and provides education and specific recommendations to support the well-being of employees, leaders and HR professionals.

Cannabis Makes Maintaining a Drug-Free Workplace a Challenge

By Tamara Cagney, EdD, MA, BSN

Cannabis is the most widely used drug worldwide, aside from alcohol and nicotine. The potency of cannabis products worldwide has steadily increased over the years, sparking concerns over potential new health and workplace complications.

Legalization varies from country to country. For example, recreational cannabis remains illegal in the United Kingdom. In contrast, Canada legalized cannabis nationally in 2018. In addition, the United States has seen cannabis legalization become more widespread in recent years, with high-potency cannabis readily available for recreational use across many states entering 2023.

Today US legalization varies from state to state. Medical cannabis is legal in 38 states. In 21 states and the District of Columbia, recreational cannabis is legal, and at least nine more states have ballot initiatives that would legalize cannabis use to some degree. This patchwork of laws has created many issues for employers and their EA professionals, especially those with employees in many states.

Legal cannabis sales in the US increased 67% in 2020 and another 40% in 2021, reaching a hefty $26.5 billion. In 2022, these sales were estimated to have exceeded $32 billion. According to Gallup, the percentage of adults in the country who have tried cannabis at least once is 49%. According to a 2021 Pew Research Center study, 91% of adults in the US support legalization.

Reduction in Employer Testing

As potency, sales and use increase, a diminishing number of private sector employers are testing their workers

for the use of controlled substances, according to survey data provided by the US Bureau of Labor Statistics. Researchers reported that the percentage of private worksites engaged in drug testing has fallen by nearly half since 1996. Industries related to transportation, utilities, construction, and manufacturing are among those most likely to engage in drug testing.

Employers are least likely to drug test if they are in a state that has legalized the adult use of cannabis. However, several states limit certain employers' ability to drug test prospective or current employees for cannabis.

Separate survey data provided in 2021 by the Manpower Group reported that employers have recently "eliminated job drug tests" to either attract or keep their employees. For example, last year, representatives of the Amazon corporation announced that the company would no longer engage in pre-employment cannabis testing for its new hires, except for those in federally regulated positions (that mandate drug testing). The Amazon corporation is the second-largest employer in the United States.

Federally Regulated and Safety-Sensitive Employees

Although many employers have changed their drug testing policies in response to a tight labor market and state legalization, employees in federally regulated and safety-sensitive positions continue to be tested for cannabis. In January 2020, the Department of Transportation started an online database that gives employers and government agencies real-time access to information about CDL driver drug and alcohol program violations. From January 2020 to November 2022, 162,000 urine drug tests administered under the mandatory federal program for CDL drivers came back positive. More than half of those tests found cannabis. Eighty-nine thousand of those employees have not even started the return to duty process and remain ineligible to drive.

Adding CBD to the Picture

CBD, an extract of industrial hemp plants and a federally legal cousin to cannabis, has emerged as a popular treatment for everything from chronic pain to anxiety and sleep disorders. CBD products are found everywhere, sold in gas stations, CVS, Rite Aid, and Walgreens stores.

Each state can determine how it samples and tests hemp plants for THC content, which is required to have 0.3 percent THC or lower for CBD. When sampling the hemp plant, the closer you get to the flower, the higher the THC content. So, some states collect the top 6 inches of the plant, while others do it differently and measure the THC in the whole plant. There is no uniformity.

And once CBD is turned into a "finished" product, such as an oil, a lotion, a tincture, a pill, or a vape liquid, few states dictate how those should be tested for THC, except for Oregon and Vermont. As a result, there are no potency standards, dosage standards, or regulated quality control for CBD products. In some studies, over 70% of CBD-labeled products contained more THC than expected.

Despite the warming national attitudes toward CBD, one unexpected "side effect" is failing an employer's drug test and losing a job as a result. Even small amounts of THC contained in CBD products build up as it is stored in the fat. Therefore, safety-sensitive employees should approach any form of CBD with extreme caution.

There is an increase in *Delta-8* and *Delta-10 THC,* concentrated THC derived from fully legal hemp plants. These products exploit the federal loophole that deems industrial hemp byproducts legal but plants grown for THC illegal. While these products remain legal in most states, they too can cause a failed drug test since the Delta-8 and Delta-10 compounds produce the same metabolites as Delta-9, THC-bearing cannabis, the kind that's federally illegal.

Big Changes Coming in Employer Testing

Urinalysis, the primary form of workplace drug testing, detects the presence of non-psychoactive cannabis byproducts that may be present for as many as 100 days post-abstinence. The detection of these products only indicates that a particular substance is present in the body and does not indicate impairment or even how long ago a person used cannabis.

States, such as California, are planning to prohibit employers from taking any employment action, such as refusing to hire or firing employees, if the test result is based upon non-psychoactive cannabis metabolites in their hair, blood, urine or other bodily fluids.

Currently, oral fluid testing is the only technology used by employers that tests for the actual parent THC molecule. However, more state legislation prohibiting employment actions based on non-psychoactive metabolites will result in employers needing to change their testing methodology or stop testing when that is an option.

Employment Protection for the Use of Cannabis

The rapid proliferation of state cannabis laws, especially the workplace protections provided by some, makes maintaining legally compliant drug policies a major task for most employers. Some states, like Nevada, New Jersey, and New York, prohibit employers from refusing to hire people who test positive for cannabis on pre-employment drug tests. California, the largest state, will join that group in January 2024.

Even some cities have enacted drug testing laws. For example, New York City and Philadelphia prohibit pre-employment drug testing. Many of these states also prohibit employers from taking adverse action against current employees based solely upon testing positive for cannabis.

For an employer to lawfully take disciplinary action in New Jersey, for example, the employer must have independent evidence of conduct or behavior that demonstrates the employee was impaired or under the influence of cannabis while on the job. As opposed to alcohol impairment, however, there is not yet a scientifically valid test that can demonstrate a certain level of cannabis metabolites in a person's system confirms cannabis-caused impairment at the time the test is administered, which leaves employers without a testing process for detecting impairment.

Employment Protections and Accommodation for the Use of Medical Cannabis

Several states that permit the use of medical cannabis require employers to reasonably accommodate employees who use medical cannabis. However, Federal ADA does not require accommodation for cannabis use. Although the underlying condition may qualify for federal ADA accommodation.

This means that an employer may not fire an employee simply for being a medical cannabis user, simply using medical cannabis, or testing positive for cannabis. An employer may even be required to modify an employee's job in some (reasonable) way.

However, no state requires that an employer permit the use of medical cannabis while working or in the workplace. Employers may also prohibit the presence of medical cannabis on their premises.

In an interesting example, *Freeman Expositions, LLC v. Eighth Judicial District Court,* the plaintiff accepted a journeyman position with the employer, dispatched through a union. After an incident occurred on the worksite, the employee was required to take a drug test and tested positive for cannabis. The employer terminated his employment, consistent with a collective bargaining agreement with a zero-tolerance provision for drug use, and also sent the union a letter stating that the employee was no longer eligible for dispatch to the employer's worksites. At the time of the termination, however, the employee held a valid medical cannabis identification card issued by the state of Nevada.

The Nevada Supreme Court ruled that the statute requires employers to attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of cannabis if the employee holds a valid registry identification card, provided that such reasonable accommodation would not: (a) Pose a threat of harm or danger to persons or property or impose an undue hardship on the employer, or (b) Prohibit the employee from fulfilling any and all of their job responsibilities.

More employers should be prepared to engage in the interactive process if an employee discloses medical cannabis use outside of the workplace or tests positive for cannabis use, absent cause to discipline the employee for other reasons.

Another amazing change is that six states, Connecticut, Minnesota, New Hampshire, New Jersey, New Mexico and New York are on record as requiring workers' comp insurers, by implication employers, to reimburse employees for medical marijuana.

Protection for Off-Duty Use

An increasing number of states have adopted laws that protect employees' lawful, off-duty conduct. States passed these laws to prevent employers from disciplining employees for political beliefs or actions or other activities an employer may disagree with or even conduct the employer may find offensive but did not have a major impact on the workplace.

Colorado is one state that has an off-duty conduct law on the books. Even though medical and recreational cannabis use is legal under Colorado law, the Colorado Supreme Court ruled that the state's off-duty conduct law does not protect employees who use cannabis while off duty and subsequently test positive on a workplace drug test. In addition, the court held that because cannabis is illegal under federal law, an employee's off-duty cannabis use cannot be protected as *lawful* conduct.

Unlike Colorado, eight states, Nevada, New York, New Jersey, Connecticut, Montana, Rhode Island, California and Missouri have passed laws protecting employment rights of **recreational** cannabis use off duty. California's law takes effect on 1/1/2024, and Nevada's law protects only pre-employment drug testing.

In addition, the cities of Atlanta, New York City, Philadelphia, Washington DC, Baltimore, Rochester, Richmond, Isle MN, Kansas City, Missouri and St Louis have protected off-duty cannabis use to some degree. There are city protections in states where cannabis is not even legal. All laws have some exemptions for federally mandated drug testing and sometimes for safety-sensitive positions.

Maintaining a Drug-Free Workplace

These are just a few examples of how widely cannabis laws vary and how they impact the workplace, especially for employers with employees in many different states. Maintaining a drug-free workplace increasingly poses a challenge for employers as more and more states relax their prohibition against cannabis use and grant workplace protections for both medical and recreational use. In addition, employers' ongoing difficulty in finding qualified applicants in numerous industries over the past few years, combined with the inability of many potential applicants in states with legal recreational cannabis to pass pre-employment drug tests, has prompted many to stop pre-employment drug testing for cannabis.

Most employers facing this dilemma have kept pre-employment drug testing but dropped cannabis from the test panel. Instead, these employers rely solely upon their "post-accident" and "for cause/reasonable suspicion" testing to identify any employee impairment in the workplace stemming from cannabis use.

No matter what drug testing policies and practices an employer chooses to follow, they can only be defended successfully if the policies are well-known to employees and consistently enforced. One key to achieving consistency is to ensure managers and supervisors receive effective training on identifying possible impairment in the workplace and how to follow up. Again, this is a great opportunity for EA professionals to provide an increasingly valuable service. EAPA offers a course related to marijuana in the workplace several times yearly. Go to www.eapassn.org for more information.

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EAPA Conference Planning

By Julie Rochester, Director of Education and
Julie Fabsik-Swarts, MS, CFRE, CAP, CEO, Employee Assistance Professionals Association

Have you ever asked yourself, "How did EAPA decide to hold the annual Institute & EXPO here?" Well, we are here to answer that question and hopefully explain a little bit about what it takes to hold the Institute & EXPO.

The first order of business is to decide on a location. Believe it or not, this is a hard decision. EAPA tries to vary the geographic regions where we hold events to make them accessible to everyone. If you remember, before Norfolk in 2022, our previous conference was held in St. Louis in 2019. So, when we started looking for a 2022 destination, we knew we needed to go east or west since St. Louis is right around the middle of the country. Next, we looked at where most of our members were located, and those regions were the Northeast, followed by the Southeast. At that point, we knew where to focus our efforts. We compiled a list of cities we needed to investigate up and down the East coast. Then, we started having conversations with our consultant, who submitted all the RFPs (Requests for Proposals) to identify specific cities. We have a tremendous hotel consultant, Nicole Kutchai, who is the president of Global Meeting Sourcing. Her job is to go out and find us meeting sites and help to negotiate the contract for the event. And best of all? The hotels pay her, not EAPA.

Once we decide on a location, Nicole identifies properties that might meet our needs. She also contacts the Visitor's Bureau for that city, as they can be a huge help with sites (both hotel and off-site for activities, if needed). EAPA has unique needs, and she scours the hotels in the area to see which ones meet our needs. For example, EAPA needs space for things like the EXPO floor, the general session, breakout rooms, and a multitude of rooms for other things (quiet room, nursing mothers' room, etc.). Once we have the hotel proposals, we discuss the space, prices, conces-

sions (perks the hotel might offer to gain our business), and dates. Sometimes we can identify properties with whom we would like to start talks, and sometimes we find nothing that will fit our needs, and we need to start again. With our 2024 site (and I am not giving away our destination!), we had to look at many different cities and submitted 45 RFPs. You read that correctly, 45. Sometimes this is a lengthy process, and we must be patient.

When we have a destination chosen and hotels of interest, we do a virtual tour to get our first look at a property. Based on the virtual tour, we decide if we want to move forward with doing an in-person site visit. It is essential to have conversations with the Visitors Bureau for the chosen city. They will often contribute to the cost of coming to their city to do the site visit or even cover it all together. These are also the people who take us on the city tour and help us get a little better acquainted with the area. They also help identify sites for things we would like to do away from the hotel.

The in-person site visits are crucial. Seeing sites and cities online can only do so much. For instance, when we looked at Norfolk, there was another hotel that was initially the front-runner, but when we arrived, they were disorganized and had many excuses for what was lacking. It was clear that some of the space proposed for sessions was meant for social events and would not be suitable for learning sessions.

By contrast, the Hilton hotel staff was ready when we arrived. They had our rooms ready, and the sales manager was instantly downstairs to welcome us to their facility. And what a facility it was! It was specifically designed to function as a conference center, all of the staff was highly knowledgeable, and best of all, they were eager for our business! The attitude was a complete 180-degree shift from the other site, which reinforces that you cannot tell all of this with a virtual tour.

Once the site is decided upon, it is time for us to negotiate the contract. Three extensive parts of the contract are the room block, meeting space and the food & beverage requirement. The room block is the number of rooms we commit to filling for the hotel to guarantee their revenue while we are at their site. The room rate for the hotel is usually determined before we even do the in-person site tour. However, that can sometimes be adjusted depending on other negotiated terms. For example, the room rate for Norfolk was initially $200/night. However, that would be prohibitively expensive for some of our members, so we negotiated a reduction in the per-night rate and instead agreed to increase our food and beverage commitment. That way, it was more affordable for members, and the hotel didn't lose any revenue.

The room block is an ongoing game of chess. First, you have peak nights, which are the nights when we are at maximum capacity. The event may only span two and a half days, but the block lasts almost ten days (seven days for Norfolk because the staff drove to the site). Then you have the shoulder days on either side of the peak days. These days include early arrivals of staff, Board and EACC, and pre-conference session days. Post Institute, we usually offer SAP training for two days.

We are obligated to meet a certain percentage of sold rooms, per the terms of our contract (usually in the neighborhood of 80% of the contracted rooms). If we do not meet the minimum number of rooms needed, EAPA is responsible for paying for all those room nights. That is why it is so important to the organization that attendees stay at the conference hotel. Here's a quick story about our Norfolk room block. EAPA was responsible for hundreds of room nights. We made and then exceeded the numbers needed, and we thought we were set. Until the hotel called because people were canceling their rooms 48 hours before the start of the conference. Suddenly we didn't hit the room minimum, and we were on the hook to pay the hotel for all those rooms, which was tens of thousands of dollars. That is a tough loss on an organization that hadn't had a conference (our main source of operating funds) in three years, and it is not a loss we can continue to offset because it drains our reserves. Therefore, it is vitally important for the conference attendees to stay at the hotel.

Meeting space is also a huge component of the contract. EAPA prefers to do a hotel buyout of the meeting space because that way, we aren't competing with other organizations when we are on-site. We require so much space

and such a variety of space, so it makes sense to do a buy-out. You don't hear much about the cost of the meeting space because that is usually offset or even canceled altogether, depending on the food and beverage fee. We are not a huge group, but we are big enough to get that offset. Sometimes, if the room block is not selling, we can garner some goodwill from the hotel by returning some of the space to them, but that can cause its own issues because then you start having to juggle. That is even more reason to stay on-site.

Another key aspect of the contract negotiation is the food & beverage amount. That is the amount EAPA must spend on food and drink while we have the event at the hotel. In Norfolk, we opted to have a slightly higher food and beverage amount to reduce the sleeping room cost for the attendees. However, we are contractually obligated to spend the designated. If we don't use it, we must still pay that amount to the hotel. In most cases, for an event the size of our Institute and EXPO, that total will be in the low six figures. Therefore, we need a minimum number of attendees to make the conference viable financially.

Another variable that can hugely affect the bottom line is the audio-visual (AV) cost. The cost can be quite reasonable if the hotel has an in-house AV team. Their folks are on staff, have their own equipment, and are usually prepared for anything a typical meeting can throw at them (mics, cameras, stage draping, lighting, high-speed data lines, etc.). However, those costs increase dramatically when the AV is outsourced. As a result, the hotel will often give you a discount for going with their preferred provider, somewhere in the range of 10%. In St. Louis, the AV charges were in the six figures, while in Norfolk, it was less than half of that.

As you can see, it is a tremendously expensive venture to plan and put on our annual EAPA Institute and EXPO. So, what can you do to make the EAPA Conference a success?

- **Attend the conference.** We must meet a minimum number to fill hotel rooms and cover the food and beverage minimums.
- **Stay in the host hotel.** When attendees go to other hotels, even if they save $10 or $20 per night, they are putting the future of EAPA conferences at risk. If we can't cover our room blocks, we will need to stop doing conferences. Until Norfolk, EAPA lost money for the past five years of conferences. We cannot afford to do this. (Glad to report that we broke even in Norfolk despite cancellations and other hotel attendance.)
- **Attend Precons**. If your schedule and budget allow, please consider this. We guarantee a great experience, lots of learning and the opportunity to build great relationships.
- **Purchase the conference recordings.** Watch and listen to amazing speakers that will provide education for many years.

We need our membership to step up and make our conferences unforgettable successes. EAPA does its best during negotiations to make the attendees' costs as reasonable as possible, but we need your help. EAPA needs your support and attendance to keep creating this amazing learning experience. Members get a significant discount, so register early and plan to make it your go-to conference of the year. Save the dates of Oct 19-22nd in Portland, Oregon. EAPA guarantees an amazing conference and relationship experience!

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Assessing the Therapeutic Alliance in EAPs for Evaluation and Service Delivery

| By Marc Milot, Ph.D.

While the clinical and workplace outcomes of Employee Assistance Programs (EAPs) are well-researched, much less is known about the client-counselor relationship. Information on the level of therapeutic alliance (TA) experienced by clients during EAP counseling can help assess the quality of services, demonstrate effectiveness, and optimize delivery.

The Therapeutic Alliance in Counseling

The TA, or the working alliance, refers to the interaction or relationship between clients and their therapist and how they engage with one another during counseling. From the client's perspective, the TA can include the development of a personal bond with their counselor and impressions about approaches used. Developing a meaningful TA requires trust and collaboration in a shared and respectful partnership.

The TA is central to counseling effectiveness. The higher the TA, the better the outcomes, irrespective of diagnosis, setting, and theoretical orientation (Baier et al., 2020; Horvath et al., 2011; Martin et al., 2000). This includes lower dropout rates, greater therapeutic gains with mental health issues, and increased satisfaction with counseling.

Relevance of the TA for EAPs

For EAP vendors, demonstrating successful implementation of EAP counseling through high levels of TA can help bolster claims about the overall quality and effectiveness of services. For EAP counselors, evaluating the TA can inform feedback-informed treatment (FIT) approaches to adjust treatment in ways that can improve outcomes.

A Recent EAP Therapeutic Alliance Study

A recently published study by this author (Milot, 2022) evaluated the level of TA experienced by EAP users during counseling. It also assessed the association between the level of TA reported and changes in measures of mental well-being, depression, and those on the Workplace Outcome Suite (WOS-5; life satisfaction, work presenteeism, and work engagement). The study used the Brief Therapeutic Alliance Scale (BTAS-5), a five-item self-report measure developed to rapidly assess multiple elements of the client-therapist alliance in an EAP setting from the client's perspective, including feelings of support, connection, trust, collaboration, and about approaches used.

The majority (80%) of the EAP users reported high levels of TA during counseling (15% reported medium levels and 5% low levels), providing evidence that the employee counseling services were delivered in ways known to be engaging and effective in improving therapy outcomes.

EAP users reporting higher levels of TA had lower depression symptoms and increased well-being at post-counseling follow-up, as well as improved outcomes on the WOS (lower presenteeism and higher life satisfaction).

The TA for Vendors: Evaluation and Service Delivery

The assessment of the TA is an accessible and inexpensive approach for employee counseling vendors looking to evaluate and promote the quality of their services. Given its association with positive client outcomes on the WOS and other measures of well-being, high levels of TA from the perspective of EAP clients can serve as an indicator of well-implemented and impactful employee counseling services. The TA can be assessed between counseling sessions to track its development or at the end of counseling by asking clients to retrospectively rate the alliance experienced during counseling.

The impact of a service, program, or intervention is just one of many important questions to ask within the scope of an evaluation (Havermans et al., 2016; Kristensen, 2005). The fidelity - the quality with which the treatment is delivered – is also crucial to successful outcomes (Carroll et al., 2007). To gain a better understanding of the functioning of an EAP or other employee counseling service, an implementation fidelity study can assess the degree to which the intervention or program is delivered as intended by the developers, that is, in ways known to be effective at producing positive client outcomes. Increasing the level of TA experienced by clients makes EAPs more effective and improves employer ROI. The EAP vendor evaluated in the study used therapist aptitude metrics (Milot, 2020) to facilitate the maintenance of a high-quality network of affiliate therapists and for the management of cases and counselor assignments. This may explain the relatively high levels of TA observed in their service.

Vendors can increase levels of TA by providing working conditions that promote high-quality service provision by counselors and staff, by improving the client-therapist match, by correcting issues with the TA or client-therapist match early in the care pathway, and by providing guidelines or training to professionals in the network that encourage therapeutic approaches

conducive to increased collaboration and alliance building. While some counselors are inherently better at producing a working alliance, research has shown that it is also a skill that can be improved via training (Summers & Barber, 2003).

The TA and EAP Professionals

Overestimating the level of TA that clients experience during counseling may lead to counselors failing to engage clients with supportive strategies that maintain treatment collaboration. The BTAS-5, or other TA measure, can be administered every few sessions during the course of EAP counseling as part of a FIT approach to track the client-therapist alliance. The total average score, as well as ratings for each of the five items on the BTAS-5, can provide useful information to counselors about the therapeutic relationship as perceived by their clients, flagging potential problem areas in the alliance, i.e., support, connection, trust, approach, collaboration) in subsequent sessions.

Workplace Outcome Suite and the TA

Evaluating the TA supplements the findings of traditional outcomes-based EAP studies reporting on productivity and clinical measures, such as those assessed with the WOS. Implementation fidelity and outcome studies based on the therapeutic alliance and WOS, respectively, provide different types of information that can be useful for EAP vendors. While pre-test and post-test analyses with the WOS can show positive changes in work presenteeism, work engagement, work distress, and life satisfaction, high levels of TA indicate that counseling services are well implemented and delivered.

Most EAP studies do not incorporate a control group, making it difficult to establish the degree to which positive changes are attributable to the counseling. However, showing a relationship between the TA and WOS improvements demonstrates that an EAP is directly associated with those changes, strengthening the business case from an evidence-based perspective. For example, Milot, 2022 showed a statistically significant relationship between TA and clinical and workplace outcomes: the higher the TA, the better the client outcomes. This finding strongly suggested that the EAP counseling was well-implemented and of high quality, helping to produce positive WOS outcomes via increased levels of TA.

TA Questionnaires Used in EAPs

The BTAS-5 requires a license, and a free lifetime license for the pen and paper version is available to individual counselors. In addition, other questionnaires can assess the TA, such as the Working Alliance Inventory and the Helping Alliance Questionnaire, available with and without a license (respectively). The Sessions Rating Scale also assesses the therapeutic relationship as part of FIT approaches; however, whether these questionnaires are associated with WOS outcomes, as with the BTAS-5, is unknown.

Conclusion

As observed in general psychotherapy, the TA is important for EAP effectiveness through its association with improved clinical and workplace outcomes. High levels of TA from clients' perspective can occur in well-implemented EAP counseling services even with set limits on the number of sessions available and can lead to better client outcomes and employer ROI. Therefore, it might be worthwhile for EAPs to evaluate the TA to demonstrate the value of services and optimize delivery.

For more information on:

- The BTAS-5: https://www.workreachlab.com/btas-5
- The TA and other questionnaires: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3198542/

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Resilience: A Key Competency of EAP in the Post-Pandemic Workplace

| By Kaoru Ichikawa, CEAP, Ph.D.

Introduction - The End of the Pandemic

The United States government announced the ending of COVID-19 emergency declarations on May 11, 2023. Coincidentally, the Japanese government announced it would end the isolation and quarantine requirements for COVID-19 cases and the indoor mask-wearing and social distancing policies after May 8, 2023. These two major countries' announcements foreshadow the end of the COVID-19 pandemic. We are entering the post-COVID-19 era. This article explores the types of stress working people suffered during the three years of the pandemic and the key competencies of EA professionals in the post-pandemic workplace. Having lived in the US and Japan during the pandemic, this article is based largely on my personal experiences living and working in these countries. The information contained herein may not apply to other countries.

Changes in Working Styles Due to the Pandemic

In the US, the number of people working primarily from home tripled from 5.7% to 17.9% between 2019 and 2021, according to the report by U.S. Census Bureau.[1] In Japan, the number of people working from home or other mobile spaces increased from 14.8% in 2019 to 27% in 2021.[2] Since a hybrid workstyle has proven more effective and convenient, many corporations will continue the system after the pandemic.[3] Working from home has its pros and cons. About 80% of telecommuters report being satisfied working remotely, with 60% claiming to be more productive at home than in the office.[4] However, at the beginning of the pandemic, some workers felt increased anxiety due to the sudden transition to telecommuting, such as "I worry about how my performance will be evaluated;" I cannot get advice from my manager when I need it;" and "I feel lonely and isolated." [4]

Stress Due to the Pandemic

Worker stress has increased during the pandemic. For example, in 2021, 76% of full-time US workers reported experiencing at least one symptom of a mental health condition in the previous year, up 59% from 2019. Symptoms included burnout, depression, and anxiety. The typical workplace stress factors were emotionally draining work, a low sense of connection to colleagues, and poor communication practices. Although connectivity through online meetings, emails, and chats all increased during the pandemic, it is ironic that workers felt more isolated and less connected to co-workers and managers.[5] In Japan, 39.9% of corporations reported that their employees' mental health worsened during the pandemic. The top three stress factors were: changes in communication, increased telework, and changes in interpersonal relationships with co-workers.[6]

Importance of Resilience in the Post-pandemic World

In June 2020, Dr. Myron Scholes, a Nobel Laureate economist, was interviewed by NHK, a Japanese public television network; he stated, "the COVID-19 crisis will change the economy and society in ways we never thought possible. Transformation accelerates [change]…. Resilience is the most important thing in the event of a shock."[7]

In psychology, resilience is the ability to recover from setbacks, adapt well to change, and persevere in the face of adversity. In the workplace, resilience is also the wherewithal to cope with the inexorably accelerating pace of change, the challenges of managing difficult people or office politics, and the stress brought on by overwork. In the post-COVID-19 era, Dr. Scholes's predictions will be as prescient as they were in 2020 – adaptation and resilience will be essential for workers' success and mental health.

Six Elements of Resilience

According to Resilie Laboratory, resilient individuals are less depressed and anxious (Figure 1). Therefore, to best prepare for the post-pandemic era, EA professionals will need to add resilience coaching as a key competency to support employers and employees effectively. According to Positivelives Ltd., which developed a resilience matrix specifically for the working population, there are six elements of resilience (Figure 2).

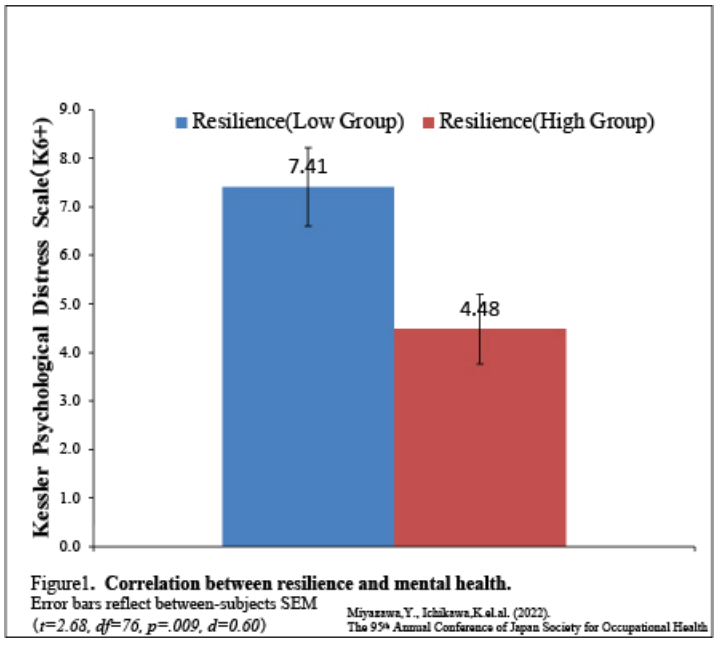

Figure 1

Figure 2: *Six Elements of Resilience – ©Resilie Laboratory / Positivelives Ltd.*

- **Tapping Inner Strength** is the ability to access something positive to stay focused and calm. Inner strength allows one to draw on a set of perceptions, values, and beliefs independently from external factors. For some, their inner strength is the fruit of surviving great difficulty. Having persevered once, they often believe they are better equipped to face new challenges. This self-belief is essential to resilience.
- **Harnessing Thoughts** is the ability to recognize the effect thought has on emotions and actions. When thoughts become distorted or dysfunctional, one may dwell on worst-case scenarios or jump to conclusions before having all the facts. It is important to notice thinking patterns to be able to challenge them. Listening to other people's healthy approaches to solving problems while remaining flexible to adopt these solutions for oneself enables us to adapt more quickly.
- **Applying Yourself** is the ability to identify the core issue in a challenging situation and to apply problem-solving strategies, set goals, and be aware of what is actually under one's control. To achieve this, it is important to step back and look at the circumstances realistically and objectively.

When beginning the resilience coaching process, EA professionals should measure employees' resilience levels to determine their strengths.

- **Nurturing Connections** is the ability to share one's feelings with others when times are difficult. Family members and close friends are often the first choices. However, they may not always know the best advice to give. In addition, availing oneself of workplace support, such as speaking with a manager or finding a coach or a mentor, can be beneficial. Finally, getting support through professional counseling can add perspective, bringing a fresh pair of eyes to a problem or situation, and helping to develop tools and strategies.
- **Cultivating Self-Control** is acquiring the ability to regulate one's emotions, impulses, and behaviors. A self-controlled person is able to reflect on what is happening and think about consequences while taking responsibility for choices. Mindfulness meditation is an effective way to cultivate self-control. Being aware of the need for relaxation and making time for it in our daily lives can help reduce our overall stress levels. Having regular ways of relaxing that do not rely on addictive substances is important. Activities like walking the dog and listening to or playing music can help us switch off the pressures of the day.
- **Choosing Positive Life Habits** is the ability to make informed choices over one's mental and physical health. In times of stress, eating healthily and exercising regularly can become a struggle unto themselves, yet these activities of daily living are within one's control and make one feel better.

The Nuts and Bolts of Resilience Coaching

Resilience coaching is not meant to supplant therapy for employees with mental health issues; they should first explore clinical treatment options before proceeding with resilience coaching, which is designed for employees impacted by workplace transformation caused by the pandemic. When beginning the resilience coaching process, EA professionals should measure employees' resilience levels to determine their strengths. There are a variety of resilience measurement tools. For example, the six elements of resilience can be measured online at https://resilie.co.jp/dia/public/?lang=en. Once we know employees' scores, their identified strengths can be leveraged, as it is important to focus on strengths and not dwell on weaknesses. As these employees typically are not accustomed to seeking assistance, they may see no need for it. It is very hard to motivate those who do not have an urgent need for change, especially since traditional therapy is intended to move people from a negative to a neutral state. However, resilience coaching will help bring employees from a neutral to a positive state. Fortu-

nately, people are willing to try something new if it appeals to their strengths. For example, if a client's strength is to "Nurture Connections," and the person is contending with a new task, suggest s/he request help from knowledgeable colleagues as this is an approach that fits more naturally within their comfort zone.

The outcome of Resilience Coaching and Impact on Work Engagement

Our research shows significant improvement in average resilience scores following coaching (Figure 3). When looking at the data more granularly, average scores improved across all six subscales. Other research points to improvements in employee engagement.[8] All of these results affirm the value of workplace resilience coaching.

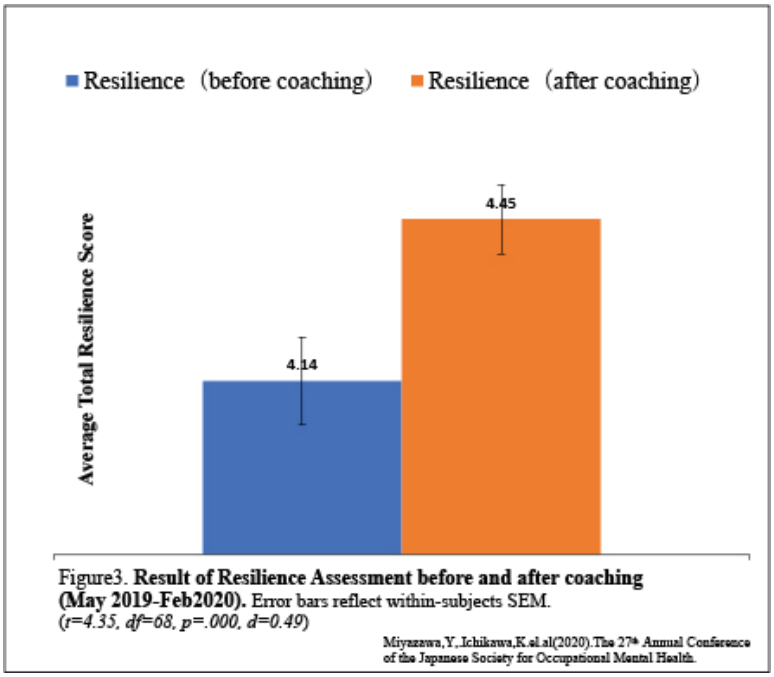

Figure 3

Conclusion

According to Charles Darwin, "It is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is the most adaptable to change." The time has come for EA professionals to shift from only handling troubled employees to coaching all employees and their employers. In this way, all will have the opportunity to build on personal strengths, increase wellness, and become more engaged at work. They will be resilient!

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The State of Women at Work and How EA Professionals Can Help

| By Nancy Board, MSW

The World Economic Forum publishes an annual report on disparities around gender at work titled The Global Gender Gap Report (1). Its findings from 2022 are quite disturbing. Gender parity is not recovering; it's getting worse. According to the report, it will take another 132 years to close the gender gap globally. Workforce outcomes for women run the risk of backsliding even further. This is a real crisis.

You might ask yourself, "How can this be?" Haven't we made progress in this area? Why are we going backward? Sadly, women's representation in the corporate world hasn't improved much over the past few years. Many companies report being highly committed to gender diversity, but that commitment is not translated into meaningful progress. Not only does this hurt women, but it also impacts the company's bottom line. Many studies suggest that more women at the top reflect better bottom-line financial results. McKinsey research has consistently found that companies in the top quartile for women on executive teams were more likely to have above-average profitability. It's one of the top findings of McKinsey's report they co-created with LeanIn.Org.

To offer a grimmer picture, the recent Women in the Workplace (8) report analyzed pipeline and HR data from 279 companies in North America and more than 13 million workers. They noted some glaring facts about the state of women: (5)

- Men hold 62% of manager positions to women's 38%
- Women are less likely to have access to senior leaders
- Women are twice as likely to be mistaken for more junior employees and more likely to deal with discrimination
- 35% of women have experienced sexual harassment at work
- Unlike popular opinion, women negotiate for raises and promotions as often as men

So Why Aren't More Women in Top Leadership?

We've heard some possible reasons, as those stated above. Though some are anecdotal, excuses keep rising to the top - and many of them are simply not true:

- **Likeability Factor -** Colleagues' perceptions can make or break a woman's career. As one executive said, "For women, it kills you if you're not likable."
- **Motherhood Penalty -** Many women leave their jobs after realizing they're paying the "motherhood penalty"— they get fewer opportunities and lower wages than childless women or men (even fathers) because they are presumed to be less committed to work. The stigma surrounding flexibility and family accommodation can derail women's careers.
- **Women Aren't Where Decisions are Made** - Women are not proportionately represented in the boardroom, the back room, the golf course, the after-work dinners, or the business trips. Is this because of the caregiving needs noted above? Are women opting out of business after business to take care of family? Is this impacting their career progression?
- **Pipeline Deficiencies** - "There are just not enough qualified women in the candidate pool," some suggest. Really? What keeps women from being qualified or selected for leadership? Is there a deliberate review of key traits needed in leadership positions? Does the recruitment take into account biased practices?

The Pandemic Crisis – Worse for Women and Especially Women of Color

Caroline Kitchener reported on January 10, 2021(6), just how shocking the December 2020 jobs report in America was, even to experts, closely monitoring unemployment during the pandemic. The US economy lost 140,000 jobs in December 2020. Women lost 156,000 jobs, while men gained 16,000 jobs. The impact was greatest on women, and the women affected were overwhelmingly women of color. "When the coronavirus crippled the economy in March, women of color were hit first and hardest. Disproportionately represented in service and hospitality — industries hamstrung by the coronavirus. With many schools and daycares still closed, working in jobs that cannot be done remotely, they are often left with no choice."

December 2020 marked the end of a catastrophic year already, but for working women, it was tragic. And given the murder of George Floyd in May of 2020, not only are physical safety, health, and emotions on overdrive, add to it extreme grief and psychological safety concerns. Women of color are hit especially hard.

- Between January and December 2020, nearly 2.1 million women left the labor force, including 564,000 Black women and 317,000 Latinas.
- More than 1 in 12 Black women ages 20 and over (8.4%) were unemployed in December 2020.
- Women lost more than half (55.0%) of the 9.6 million net jobs lost in 2020.
- Black women's unemployment rate was down from 9.0% in November but was still more than 1.7 times higher than their pre-pandemic unemployment rate (4.9% in February).
- More than 1 in 11 Latinas ages 20 and over (9.1%) were unemployed in December, up nearly a whole percentage point from November's rate (8.2%). This is more than 1.7 times their pre-pandemic unemployment rate (4.9% in February).
- The unemployment rate for white men ages 20 and over was 5.8% in December.
- For every man who lost a job, another found work.

Considerations for Employers to Implement:

- Offer greater flexibility to employees to better manage the demands of work and family
- Implement fair hiring practices that correct for biases
- Continue supportive hybrid or work-from-home practices (where possible)
- Check in regularly with employees and listen to understand
- Start a mentor/sponsorship program and engage senior leaders with appropriate candidates
- Sincerely engage in leading DE&I initiatives, including committing to a truly equitable and anti-racist organization

Case in Point

Several years ago, in my role as COO of Global Women 4 Wellbeing (GW4W), I was asked to consult with a large multinational corporation with about 30,000 employees worldwide. Though a woman CEO currently led this organization, this astute HR Director (male) noticed the lack of gender and other diversity at the leadership tables throughout all global regions. "It was strikingly obvious," he said when he passed the glass conference room filled with corporate executives. Noticing who was not in the room, he asked how they might advance more women and people of color and wondered what factors might be holding them back.

After several meetings with his HR team, we developed a strategy that involved inviting more women and high-potential employees to 'water cooler' conversations, typically attended by mostly men, as informal ways of getting to know each other as colleagues. They also scheduled intentional gatherings, which called upon men to actively engage more as mentors and consider sponsoring female colleagues looking for advancement and global assignments. They were also committed to more intentional Diversity, Equity & Inclusion (DE&I) initiatives, training, and improvements throughout the enterprise.

What Can EA Professionals Do?

EA professionals will note that most of their clientele identify as women, which has been the case for years in

EAP practice work. You, as a provider, have a unique opportunity to dig deeper into the workplace and personal concerns that challenge this group of employees.

Educate yourself about and recognize the barriers and biases that exist for your clients. Ask relevant questions during your assessment related to job function, flexibility, financial stability, personal health, disease prevention, stress, family and caregiving issues, time management, self-care, well-being, satisfaction level at work, and support systems – both at home and at work.

Formulate plans with your clients that consider gender equity and advancement at the forefront and prioritize gender health care equity. Be an active, committed ally and advocate for better equity, diversity, and inclusion. Encourage changes that support innovation and creativity and are empowering for the client. Hold space for women to share their pain and trauma. Create a safe space for exploration and discovery. Take a stand for positive, systemic change. Be an ally.

Make space for those whose voices are missing from the leadership tables, especially those from marginalized communities. You may even take a step back for someone else to step forward. Call out exclusive and biased practices where they exist. Stand for justice and equity for all.

How Can EA Professionals Better Support Women in the Workplaces They Serve?

EA Professionals have a unique opportunity to impact the workplace and the systems that make that workplace what it is. Use your privilege and position as an EAP consultant and workplace expert to help your HR customers and other leaders better recognize the inequities and biases in the workplace. Whether identifying training programs that can help deal with bias and inequities or consulting on change initiatives, policies, or topics of interest that help educate and inspire action.

Many organizations can better support flexible work arrangements and take action to promote fair pay and pay transparency. Having stronger male allyship and sponsorship can have a significant impact on a woman's career progression. Your knowledge and awareness of these tangible issues can shine a light on steps that might otherwise be overlooked.

As EA professionals, we can help chip away at the systems that hold dysfunctional workplaces intact by exploring and assisting with culture change efforts focusing on gender, DE&I, and building anti-racist cultures. We are in the perfect position to assist organizational leaders in positive, forward-looking, and inclusive movements that can benefit ALL employees.

The Big Picture Impact of Women's Wellbeing at Work

Women make up half the global workforce. With women actively at work, economies and businesses will be able to thrive. Keeping women engaged, safe, and healthy at work is good for everyone, including shareholders.

Having diverse experiences and voices at the decision-making table is undoubtedly good for creativity and innovation. Many studies have proven this time and again. It is simply good for business.

Women will invariably face challenges beyond the regular workday related to caregiving and other non-paid work. As such, employers that want to retain top talent, committed to closing the gender leadership gap will adopt more suitable family and parental leave policies that don't penalize but incentivize women at work. They will consider the many health and well-being challenges women face throughout their careers and, instead of stifling the conversation, shine a light on it and normalize it.

Menstruation, maternity/motherhood, caregiving, and menopause are as normal to women's lives as leading, listening, supporting, innovating, guiding, and making multi-million-dollar decisions. To be unconscious of these traits in the workplace is simply not acceptable or realistic.

Normalizing perfectly natural experiences will no doubt ease planning and support provided to more women to lead better, lead healthier, and thrive.

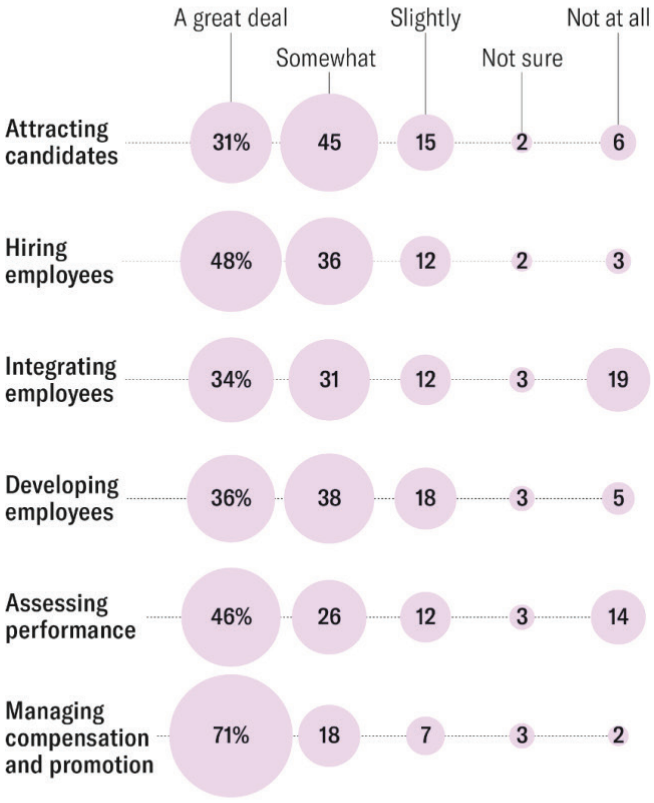
Do Women Still Face Bias and Discrimination?

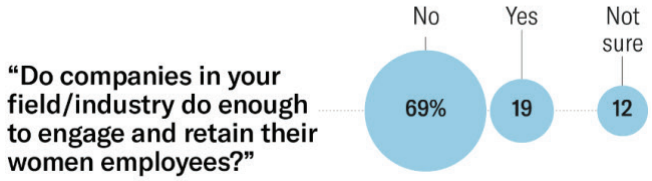
Apparently so. A study published in the Harvard Business Review (HBR) from 2018-2019 illustrates this in the chart below: (3)

Perceptions of Barriers for Working Women

A global, multi-industry survey of female executives found broad agreement that women face bias and discriminatory practices in key areas of talent management.

"How much are women disadvantaged in organizational processes?"





Source: Authors' 2018–2019 survey of more than 150 female executives in North and South America, Europe, Asia, Africa, Australia, and New Zealand

HBR

Many employees report that primary retention factors go beyond a paycheck. Factors such as having greater flexibility in their work and location, strong psychological safety, sufficient time off, and trust in their leadership are key. Employees prefer to work in environments that recognize diversity, celebrate differences, and have functional, healthy, and respectful cultures.

The global work environment will challenge employers to continually adapt to change. Part of that change means removing barriers and expanding workplace practices to be more equitable and inclusive for all.

Summary

Narrowing the gender and diversity leadership gap should be a deliberate and continuous process for any organization. Measuring outcomes - such as turnover, hiring rates, compensation, and promotions, are essential. All managers must commit intentionally to better DE&I and reduce unconscious bias.

Sexual harassment, discrimination, and bullying should never be accepted. Zero tolerance should mean precisely that - zero tolerance, regardless of whether your high performer is engaged in unacceptable workplace behavior. Toxic behavior swept under the rug impacts everyone and depletes the psychological safety necessary for a strong workplace culture. It also conveys that women's well-being is less important than keeping shareholders and stakeholders happy. Evidence shows us that when more women are in positions of power, sexual harassment—a huge drain on retention—also declines. (To be an employer of choice in 2023 and beyond, management must actively be working to build inclusive and respectful cultures.)

Epilogue - Global Impacts

This 2022 report from the World Economic Forum measures gender disparities in 146 countries. It tracks their progress over time, focusing on gaps between women and men across four key dimensions: economic participation and opportunity, educational attainment, health and survival, and political empowerment. The latest edition indicates that it will take 132 years to close the global gender gap, finding that gender parity is not recovering after substantial losses between 2020 and 2021 due to the COVID-19 pandemic. Most of those gaps are noted in economic participation, opportunities, and political empowerment.

This year's report examines the state of gender gaps in the workforce as structural barriers and economic shocks continue to largely – and disproportionately- impact women's workforce outcomes. While women have increasingly moved into paid work, they are still met with societal expectations, limited availability of care, lesser pay, and employer policies that impact their education and career growth. The report provides data and figures for gender gaps in labor force participation, care work, leadership, political representation, wealth accumulation, and more. A summary of key findings, a digital version of the report, shareable infographics, and country profiles accompany the report.

Resources

1. Global Gender Gap Report 2022 | World Economic Forum (weforum.org)
2. WEF_GGGR_2022.pdf (weforum.org)
3. How to Close the Gender Gap (hbr.org)
4. All of the Jobs Lost in December Were Women's Jobs - National Women's Law Center (nwlc.org)
5. 7 Striking Facts About Women in the Workplace | The Muse
6. American Women Lost 140,000 Jobs In December 2020 | Marie Claire
7. How doing better for women means doing better for everyone (trust.org)
8. 2018 Women in the Workplace report - McKinsey & Company and LeanIn.Org
9. What Matters More to Your Workforce Than Money – HBR

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