



Bowles Rice

# VIEWS & VISIONS

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FALL/WINTER 2022



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Attorney Jennifer Hagedorn represents businesses in all aspects of employment and workplace issues. She works with her employer clients to provide comprehensive preventative services to minimize potential risk of litigation, and with business clients to develop defense strategies when litigation cannot be avoided. Hagedorn also serves as general counsel to small businesses, advising clients on all aspects of the law and other business matters, including contract negotiation and drafting, real estate transactions, and statutory and regulatory compliance. She is admitted to practice in Pennsylvania, Ohio and West Virginia.

## Welcoming Wellness

Now more than ever, the concept of “wellness” consumes the minds of many Pennsylvanians, as well as the rest of the population in the United States. Entering into what is hopefully a post-COVID-19 environment, many people are questioning life decisions and taking stock of what is important.

In the employment world, one result of this inward focus may be what is being called the “Great Resignation.” According to the United States Bureau of Labor Statistics, from July of 2021 through July of 2022, the rate of job quitting in the United States had reached higher levels than has been previously experienced since the start of the U.S. Bureau of Labor Statistics Job Openings and Labor Turnover survey program in December of 2000.<sup>1</sup> In this environment, it is imperative for employers to recognize and encourage wellness, generally as a concept and specifically

definitions of “wellness” or “well-being,” depending on the source. The Global Wellness Institute defines “wellness” as “the active pursuit of activities, choices and lifestyles that lead to a state of holistic health.”<sup>2</sup>

The Center for Disease Control and Prevention has an entire division focused on “well-being concepts” through its Health-Related Quality of Life (“HRQOL”) program. This program, which is housed in the CDC’s Division of Population Health, was created to carry out surveillance and dissemination of information related to well-being outcomes in the United States. There is no consensus around a single definition of well-being, according to the CDC but, in simple terms, it can be described as judging life positively and feeling good.<sup>3</sup> The United States Department of Health and Human Services recognizes the importance of wellness to promote better behavioral

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as an approach to motivate employees to invest in themselves, leading to happier and healthier employees. There are many benefits to employers who encourage employee wellness: a happier and more productive workforce, lower health costs, employee retention, and reduced absenteeism, to name a few.

The idea of being well means different things to different people, and there are many different

and physical health. According to materials found on the Substance Abuse and Mental Health Services Administration (“SAMHSA”), wellness is “... a holistic approach to health that is vital for improving outcomes among people with behavioral health conditions.”<sup>4</sup>

From a review of the materials and guidance in the resources outlined above, it is clear that the concept of wellness embodies physical and



emotional wellbeing, and these two different areas of wellbeing are equally important. Generally speaking, workplace wellness programs result in emotional and physical well-being as well as lower healthcare costs. However, there are at least three (3) areas of federal law that apply to wellness programs: The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); The Americans with Disabilities Act (“ADA”); and The Genetic Information Nondiscrimination Act (“GINA”). Examples of certain workplace wellness programs that can be implemented by employers include:

- Exercise programs and activities
- Health risk assessments
- Health screenings
- Nutrition education
- Smoking cessation programs
- Stress reduction programs
- Vaccination clinics
- Weight loss programs

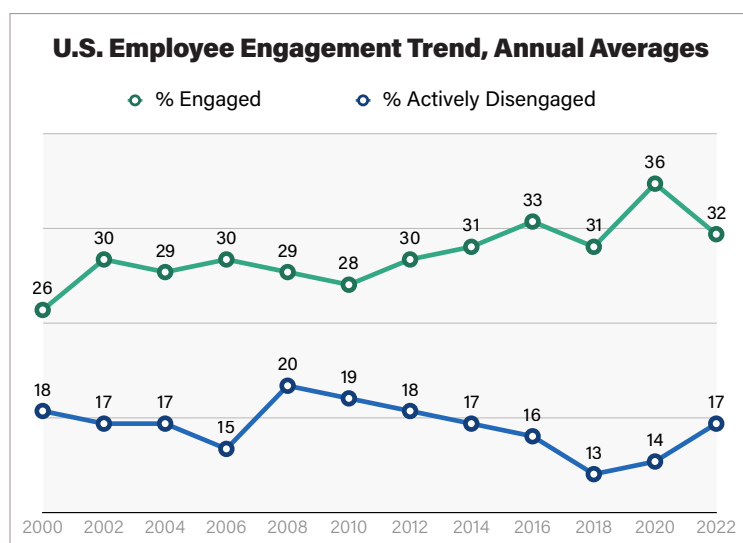
While formal workplace wellness programs such as these are helpful to employees, there are initiatives that employers can take that can increase employees’ emotional health, which do not require formal implementation of plans or procedures.

1. **Mandate respect.** According to a study by the Pew Research Center in February of 2022, the top three reasons that employees switched jobs were low pay, no opportunity to advance, and feeling disrespected at work. There are

many factors that can affect low pay and the opportunity to advance, but controlling respect in the workplace is one that should be easier if managed by employers. One area where employers should focus is how people speak with and treat one another. A respected employee is an engaged employee.

2. **Encourage engagement.** Engagement in the workforce is important to create employee satisfaction. Gallup defines employee engagement as the involvement and enthusiasm of employees in their work duties and in their place of work.<sup>5</sup> Engagement might be encouraged through small social events like staff appreciation lunches or broader initiatives such as a mentoring program for employees.
3. **Facilitate communication.** Employees want to be seen and heard. It is important for employers to train their supervisors to have an open-door policy that encourages employees to communicate concerns or problems.
4. **Emphasize flexibility.** Rigid and inflexible policies may counteract employee satisfaction. Employers do not have to cave to every employee request; however, employers that show flexibility confirm that they value the thoughts and emotions of employees.
5. **Be positive.** A trusted advisor once spoke to me about anxiety and negativity. I will never forget her words:

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<sup>1</sup> Gittleman, Maury, U.S. Bureau of Labor Statistics, *Monthly Labor Review*, “The ‘Great Resignation’ in Perspective,” 2022, <https://www.bls.gov/opub/mlr/2022/article/the-great-resignation-in-perspective.htm>.  
<sup>2</sup> Global Wellness Institute, “What is Wellness?,” 2022, <https://globalwellnessinstitute.org/what-is-wellness/>.  
<sup>3</sup> Center for Disease Control, *Health-Related Quality of Life (HRQOL)*, “Well-Being Concepts,” 2018, <https://www.cdc.gov/hrqol/wellbeing.htm>.  
<sup>4</sup> Kobrin, Mel, Substance Abuse and Mental Health Services Administration, “Promoting Wellness for Better Behavioral and Physical Health,” 2017, [https://mfpc.samhsa.gov/ENewsArticles/Article12b\\_2017.aspx](https://mfpc.samhsa.gov/ENewsArticles/Article12b_2017.aspx).  
<sup>5</sup> Gallup, “What is Employee Engagement and How Do You Improve It?,” 2020, <https://www.gallup.com/workplace/285674/improve-employee-engagement-workplace.aspx>.



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## Welcoming Wellness

“Anxiety is a wasted emotion. You cannot change what has happened in the past. You cannot control what happens in the future. You should strive to live in the present.” I will not lie and say that this has been an easy concept for me to embrace. However, when negative thoughts creep into my mind, I try to remind myself of this advice. Employers can implement this concept by encouraging positivity with employees.

- 6. Mandate respect.** So important that it needed said twice. *“Every human being, of whatever origin, of whatever station, deserves respect. We must each respect others even as we respect ourselves.”* – Ralph Waldo Emerson

Simple initiatives that change employer/employee interaction can lead to long-term employee satisfaction, which in turn results in more productive employees. Through mutual respect, engagement, communication, flexibility and positivity, we can build a better workplace for both employees and employers. Focusing on wellness is a win for everyone. ▼