

Dealing With Mental Health And Addiction – A New Ontario Human Rights Commission Policy



On the heels of its recently updated policy on Gender Identity/Gender Expression, the Ontario Human Rights Commission (OHRC) has now released a new policy to provide guidance on how to define, assess, handle and resolve human rights issues related to mental health and addiction disabilities. The full Policy can be found at:

<http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions>

The OHRC's new Policy builds on its Policy and Guidelines on Disability and the Duty to Accommodate, applying the same principles to people with mental health issues or addictions. The new Policy recognizes that people with mental health disabilities are entitled to the same level of protection as people with physical disabilities, and is reflective of the prevalence of mental illness and addiction in Canada today. The OHRC cites research estimating that one in five Canadians will experience a mental illness or addiction.

Given these statistics, most employers *will* need to provide assistance or accommodation to an employee dealing with mental illness or addiction. A full review of the OHRC's new Policy is therefore recommended. The Policy provides insight into recognizing mental health and addiction issues and provides examples of appropriate accommodation in such circumstances.

Also important for employers to note is the emphasis placed on employer responsibility for the overall work environment. The new Policy makes clear that the obligations of employers do not end with their own accommodation efforts, but rather extend to maintaining a workplace that is free from discrimination and harassment of individuals with a mental health disability or addiction. There is also a clear duty on employers not to condone or further a discriminatory act that has taken place, and to properly respond when others engage in discriminatory behavior.

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