Ontario Human Rights Commission Releases New Policy On Mental Health Disabilities And Addictions



On April 16th, we reported on a new policy published by the Ontario Human Rights Commission (the Commission) entitledPolicy on Preventing Discrimination Because of Gender Identity and Gender Expression. Last week, the Commission published a new policy entitled the Policy on preventing discrimination based on mental health disabilities and addictions.

This new policy was created out of recognition that persons with mental health and disabilities "*have faced considerable and longstanding discrimination, stigmatization and social exclusion in Canada and across the world*". For Ontario employers, this is an important policy as the Ontario *Human Rights Code* (the Code), under the protected ground of "disability", prohibits discrimination in employment on the basis of mental health disabilities and addictions.

Employers would be wise to remember as well that candidates for employment receive protection under the Code, before an employment relationship is even established. Also, as the Commission mentions in the new policy "*disabilities are often invisible*" and the duty to accommodate regularly involves the duty of the employer to inquire about accommodation needs.

The new policy contains detailed sections on recognizing mental health disabilities and addictions, stereotypes and stigma, forms of discrimination, the duty to accommodate, and undue hardship. We recommend that human resources personnel review the new policy as it appears to be an excellent resource in understanding an employer's obligations with respect to interaction with persons with mental health disabilities and addictions. We had also previously reported last year on the arrival of the DSM-5, which is an authoritative source for diagnosing mental disorders.

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