

# Opioid addiction and the *Ontario Human Rights Code*

The *Ontario Human Rights Code*—a provincial law that gives all Ontarians equal rights and opportunities without discrimination—protects all Ontarians from workplace discrimination. Under the Code, discrimination based on mental health disability (e.g., addiction) is against the law.

Given that addiction is a mental health disability under Ontario law, workplaces must do everything they can to ensure that workers who are struggling with addiction are treated equally and fairly at work. Discrimination happens when someone is treated negatively, excluded, or mistreated based solely on their addiction.

At a workplace, discrimination could include unfair treatment, teasing or bullying, exclusion, or denied opportunities based on someone's addiction.

The Ontario Human Rights Commission says the following about addiction and mental health issues:

- People with addictions should have access to the same opportunities and benefits as everyone else in a workplace.
- All people with disabilities have the same rights to equal opportunities under the Code, regardless of whether their disabilities are visible.
- Addiction and mental health issues are very common, but discrimination against who are addicted to substances is often linked to undue prejudice, stereotypes, and stigma.
- Fear of discrimination can stop people from admitting they have an addiction or from seeking help at work. They may worry about being fired or experiencing unequal treatment.
- Addictions are often “invisible” to others and can involve periods of stability.
- Discrimination based on a mental health disability or addiction can further complicate a person's experience when it intersects with discrimination based on other Code grounds, such as race, sex, sexual orientation, age, or another type of disability.
- People with addictions form a diverse group and experience disability, impairment, and societal barriers in many different ways.

## What are employers' legal duties?

According to the Ontario Human Rights Commission, employers must make sure their workplace is free from discrimination and harassment. This means creating a work environment where “human rights are respected and employees afforded equal opportunities” and “responding to allegations of human rights violations in a timely and effective manner.” This means that if an employer becomes aware that a worker is being discriminated against based on their addiction, they must take action—even if the employee does not file a human rights claim.

Ontario employers are legally obligated to prevent any workplace behaviour that violates the *Ontario Human Rights Code* at their workplace. These behaviours include harassing, bullying, or excluding a worker because of their addiction or mental health issues. Workers should not be dismissed or mistreated for having open and honest discussions about mental health and addiction at work.

## Workplace impairment policies

If worker's misuse opioids, they might come to work impaired or “high”. Depending on the degree of their impairment, the worker might not be able to complete their work tasks safely. To handle workplace impairment in a way that keeps all workers safe while respecting human rights, workplaces should have a workplace impairment policy. These policies should take the Code and worker's right to accommodation into

The Canadian Centre for Occupational Health and Safety recommends that impairment policies include the following elements:

- Statements of the purpose and objectives of the program and who is covered
- Definition of impairment
- How and when workers should report impairment
- Employee education and training on addiction and mental health
- How employees can confidentially report when they have been prescribed an opioid medication that may cause impairment or when they might be otherwise impaired.

### Other resources

- Register for mental health-related training, such as IHSA's *The Working Mind for the Trades - Worker (Virtual)* or *Occupational Mental Health*. Both courses are available at [IHSA.ca/training](https://www.ihsa.ca/training).
- Review IHSA's mental health safety talks—such as “Work Stress and Burnout” or “Opioids in the Trades”—with your staff, and promote an open dialogue about mental health and addiction.
- Visit educational platforms such as the Canadian Addiction Recovery Network, Addiction Recovery Guide (Canada), and the Canadian Centre on Substance Use and Addiction (CCSA).