

# Mental health and addictions are human rights issues

Addiction and mental health are disabilities that are protected under the Human Rights Code of Canada. Employers have a legal duty to accommodate.

## Explain dangers

Consider the following from the Ontario Human Rights Commission:

- People with mental health disabilities or addictions have faced considerable discrimination, stigmatization, and social exclusion in Canada and beyond.
- Despite the prevalence of negative attitudes about people with disabilities, the reality is that many people have a mental health or addiction disability, or will develop one at some point in their lives. The Mental Health Commission of Canada estimates that one in five Canadians experience a mental illness in any given year.
- Because of the extreme stigma around certain types of mental health disabilities and addictions, people may be afraid to disclose their condition to others. They may worry about being labelled, experiencing negative attitudes from others, losing their jobs or housing, or experiencing unequal treatment in services after disclosing a mental health issue or addiction.
- Fear of discrimination can also deter someone from seeking support for a mental health issue or addiction, including from their workplace.
- A person's experience may be complicated further when discrimination based on a mental health disability or addiction intersects with discrimination based on other Code grounds, such as race, sex, sexual orientation, age or another type of disability, etc.
- All people with disabilities have the same rights to equal opportunities under the Code, whether their disabilities are visible or not.

## Identify controls

- Organizations and institutions operating in Ontario have a legal duty to take steps to prevent and respond to breaches of the Code. Employers must ensure they maintain accessible, and inclusive, environments free from discrimination and harassment.
- It is not acceptable to choose to stay unaware of discrimination or harassment of a person with a mental health disability or addiction, whether or not a human rights claim has been made.
- Employer processes should support, not dismiss, people with substance use disorders, like an opioid use disorder. Workplace impairment policies are critical. Programs and policies must take human rights, accommodation, and support into account. These policies must result in a workplace free of discrimination and harassment and respect the rights of people with addictions.

## Demonstrate

- Implement and review workplace impairment policies that support individuals with substance use disorders (SUDs) and take human rights, accommodation, and support into account.
- Review programs and policies that result in a workplace free of discrimination and harassment, respecting the rights of people with addictions.
- Consider how your organization prevents and responds to discrimination and harassment, ensuring a safe and inclusive environment for all employees.
- Encourage open and honest conversations about mental health, substance use, and addiction in the workplace.