



Mental Health Rights in the Workplace

What to do and what you need to disclose

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LEADS SERVICES

- **LEADS** Employment Services is a not for profit employment and skills development agency.
- Since 1986, we have been providing specialized services for people with disabilities and/or employment-related barriers throughout Southwestern Ontario. At **LEADS**, Employment Specialists work with clients who need varying levels of assistance developing skills and accessing employment opportunities, and/or post-employment supports.
- In Oxford County, Stratford, Strathroy, Owen Sound, St. Thomas and Sarnia, we have the Youth Leadership Development program which is open to all youth who would like to gain additional skills/certifications and volunteer in the community.
- www.Instagram.com/yldwoodstock www.Instagram.com/yldstthomas

Goals of this presentation

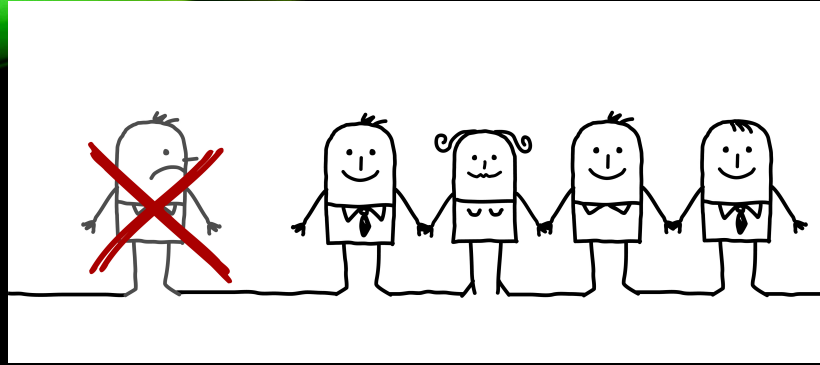
- Overview of mental health rights in the workplace, interviews and accommodations.
- What to disclose and mental health definitions.

Disclaimer: this information is current as of the Week of September 21, 2020. Employment rights info is provided as general information only and is not intended to replace legal counsel. For official info, please consult Government of Ontario and Ministry of Labour websites.

SOME STATS TO BEGIN

- **1 in 5** Canadians will experience a mental health problem each year.
- **1 in 3** will experience a mental health concern in their lifetime.
- **Every week, 500,000 Canadians will miss work due to a mental health concern.** The costs to both business and society are also enormous. 30% of all disability claims are related to mental health / addictions.
- \$51 Billion dollars are annually lost from the Canadian Economy due to mental illnesses.





- A 2012 Ipsos-Reid poll found that 22% of Canadian workers' experience depression. **Mental illness accounted for 30% of short term disability and long term disability claims in 2010 and 47% of all approved disability claims in federal civil service, double the percentage of 20 years earlier,** according to the Mental Health Commission of Canada.
- **Social Stigma:** Only 36% of employees would discuss a mental health concern with a manager. As a result, mental health concerns often go unrecognized and unaddressed until much later. This means that things don't get better. Issues can be easily addressed through a minor change in routine, or the work environment. Ignoring them can make things worse.
- Employee well-being is a responsibility of Leadership.

MENTAL HEALTH CONCERN OR MENTAL ILLNESS?

- A **Mental Illness** is a diagnosed disorder of thought, mood, or behaviour that has been present for an extended period of time (is not transient) and causes significant distress to the individual
- A **mental health concern** is a concern held by the individual due to a perceived deficit in mood or thought that is distressing, but has not necessarily been present for an extended period.

MENTAL HEALTH CONCERN OR MENTAL ILLNESS?

- **Some common mental illnesses are:**
 - 1. Anxiety Disorders, such as Generalized Anxiety or Agoraphobia;
 - 2. Major Depressive Disorder;
 - 3. Bipolar Disorder;
 - 4. Schizophrenia;
 - 5. Eating Disorders, such as Anorexia and Bulimia Nervosa
- Our mental health is based on **physical, social, and mental factors; they all contribute to the state of our mental health.**
- It's important to note that someone can have a mental illness, but have excellent mental health.
- Likewise, someone may not have a mental illness, but have poor mental health.
- **Intermittent or situational stress** is not a mental illness, but it certainly is not conducive towards good mental health.



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WHAT TO DISCLOSE AT A JOB INTERVIEW

JOB INTERVIEWS

- **Can employers ask someone whether they have a mental illness during a job interview?**
- Employers may not ask whether a person has any type of disability. They CAN ask if someone is able to perform all the essential duties of the job. In doing this, a person may disclose that they have a disability that requires an accommodation.
- All job ads require a support disclosure for people with a disability or barrier to employment as per the Accessible Employment Standards Act.
- Safety is one of the criteria that can be used to refuse to hire someone based on a disability, provided that it is directly related to a bona-fide occupational requirement and there is clear evidence that the individual cannot do the job in a safe manner. *Basing the decision upon stereotypes of mental illness, rather than on the actual and probable safety risk would be considered discrimination.*

DISCLOSURE CAN SOMETIMES BE IMPORTANT

- Sometimes it can be very important to disclose this information.
- An employer may follow normal disciplinary processes, if there is no request for accommodation.
- **An employer is not entitled to know a diagnosis or details of a health condition.**
- All employers should have an accommodation policy.

PERFORMANCE AND MENTAL HEALTH

- An employer may, as part of a **performance evaluation** discussion, ask an employee if there are any problems that are interfering with their work.
- Without asking if the employee has a mental health concern, managers/employers can refer to their insurance provider or **Employment Assistance Program**, through which many accommodations are provided through (especially larger employers).
- Employees **are not required to disclose specific diagnoses or even the category of disability**, but are required to provide enough information to enable the employer to provide the accommodation.
- This can include a note from a medical doctor stating that there is a valid disability requiring accommodation, what the work-related limitations are, and what the prognosis for recovery is.

- **Start the Conversation**

- Sometimes, even the most astute manager won't notice when something is wrong. Start the conversation by asking for a meeting in private. Don't feel like you need to disclose everything, but let them know you may need an accommodation.

- **Focus on Effects**

- Accommodations should be effects based. Its not about treating disabilities but accommodating a symptom of them. Focus on what would make your workplace more conducive to your wellbeing.

WORKPLACE ACCOMMODATIONS



- **Be Honest**

- If it is safe to do so, give as much context as possible to your supervisor so that they can aid you in crafting an appropriate accommodation. Sometimes it takes a few attempts. It is important to let your supervisor know if the plan needs to be updated

- **Participate in Check-Ins**

- Let your manager know on a regular basis how things are going. Participating in check-ins, even if informal, is a great way to manage the accommodation plan.



- Accommodations can help employees be more effective by overcoming limitations caused by disabilities or mental health barrier
- Usually, accommodations are easy to implement, inexpensive (less than \$500), and demonstrate a commitment to a healthier, more equitable workplace.
- We often think of physical barrier accommodations, but there are many applicable to mental health conditions as well.



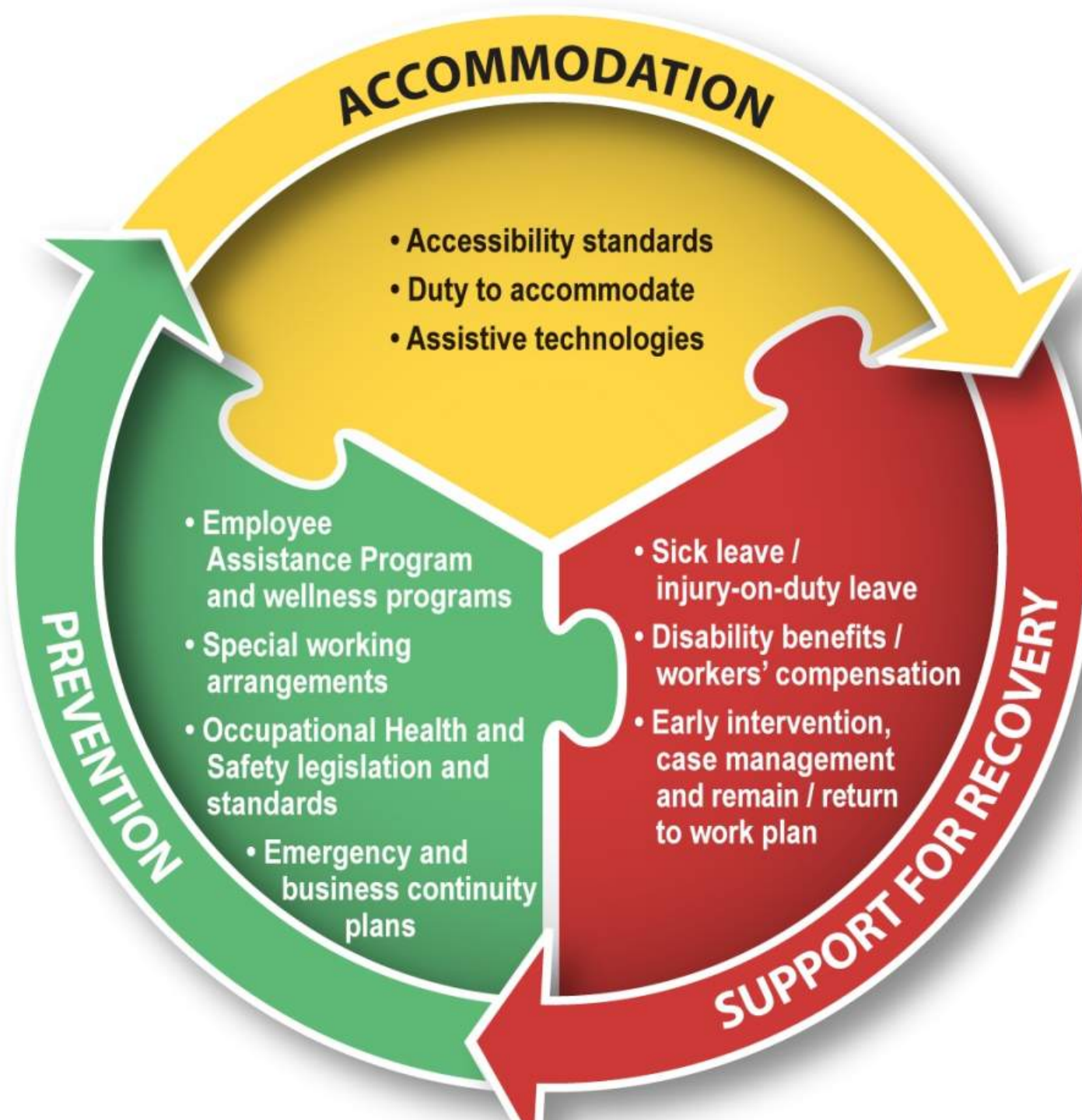
ACCOMMODATIONS

- **Common accommodations for people with mental health problems include:**
- **Flexible scheduling**
- Flexibility in the start or end of working hours to accommodate effects of medication or for medical appointments.
- Part-time shifts (which may be used to return a worker to a full-time position).
- More frequent breaks
- **Changes in supervision**
- Modifying the way instructions and feedback are given. For example, written instructions may help an employee focus on tasks.
- Having weekly meetings between the supervisor and employee may help to deal with problems before they become serious.
- **Changes in training**
- Allowing extra time to learn tasks.
- Allowing the person to attend training courses that are individualized.
- **Modifying job duties**
- Exchanging minor tasks with other employees.
- **Using technology**
- Allowing the person to use a lamp instead of fluorescent lights to eliminate a flicker which may be irritating or cause a reaction.
- Allowing an employee to use head phones to protect them from loud noises.
- **Modifying work space or changing location**
- Allowing an employee to relocate to a quieter area where they will be free from distractions.
- Allowing an employee to work at home.

13 PSYCHOSOCIAL FACTORS

- **The 13 Psychosocial Factors are found in the National Standard developed by the Mental Health Commission of Canada.**
- Organizational Culture
- Psychological and Social Support
- Clear Leadership and Expectations
- Civility and Respect
- Psychological Demands
- Growth and Development
- Recognition and Reward
- Investment and Influence
- Workload Management
- Engagement
- Balance
- Psychological and Physical protections

Workplace Disability Management System



REFERENCES AND ADDITIONAL RESOURCES

- https://ontario.cmha.ca/wp-content/uploads/2018/10/CMHA_Mental-Health-Works-Guidebook-8.5-x11r.pdf
- <http://www.mentalhealthworks.ca/what-is-a-reasonable-accommodation/>
- <https://www.mcinnescooper.com/publications/the-duty-to-accommodate-mental-disability-5-practical-tips-to-help-employers-mentally-prepare/>
- <https://ontario.cmha.ca/documents/mental-illnesses-in-the-workplace/>
- <https://employmentlaw101.ca/when-does-an-employees-mental-illness-trigger-an-employers-duty-to-accommodate/>
- <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/health-wellness-public-servants/disability-management/managing-wellness-disability-management-handbook-managers-federal-public-service.html>