

Workers' Mental Health & Why You Need an Accommodations Policy



Accommodating workers' mental health disabilities is a legal, moral and business imperative.

In any given week, at least 500,000 Canadians are unable to work due to mental health problems. And those numbers were from a study performed **before** the pandemic. Chances are, some of your own workers are struggling with mental health issues. Because mental illness is considered a disability under human rights laws, you must make reasonable accommodations for these workers. Implementing a mental illness accommodations policy and procedure can go a long way in helping you meet that challenge. Here are the 6 things to include in that policy, along with a template policy.

1. Policy Statement

Start with a statement of the organization's recognition of and commitment to help workers overcome the debilitating effects of mental illnesses and make reasonable accommodations for disabilities in accordance with human rights laws (Policy, Sec. 1).

2. Key Definitions

Human Rights Law, 101

*You must make **reasonable accommodations**, to the point of **undue hardship**, necessary to give workers with **disabilities** equal opportunity to carry out the **essential functions** of the job.*

To achieve this objective, the policy must include definitions of key terms, including 'reasonable accommodations,' 'undue hardship,' 'disabilities' and 'essential functions' (Policy, Sec. 3).

3. Roles & Responsibilities

Define the roles and responsibilities of all key participants in the accommodations process, including:

- **Management:** Establishing, overseeing and monitoring the process;
- **Supervisors:** Fielding accommodations requests and serving as liaison between the organization and requestor; and
- **Workers:** Properly requesting accommodations, disclosing their disabilities, providing information necessary to process requests and cooperating in the accommodations process (Policy, Sec. 4).

4. The Accommodations Process

Now comes the heart of the policy, the actual steps of the accommodations process, including:

- The methods workers should use to make accommodations requests;
- The information they should include in their requests, including an indication that they need an accommodation for a mental disability;
- The methods you'll follow to respond to the request;
- Your right to require the workers to provide medical information documenting their need for an accommodation and describing their functional abilities and needs for performing the essential functions of the job so you can determine how best to accommodate them; and
- How workers can appeal if they disagree with your determinations (Policy, Sec. 5).

5. Assurances of Confidentiality

Many workers are reluctant to request accommodations because of the stigma associated with mental illness. So, it's important to assure workers of your commitment to keep requests confidential and not disclose their medical information except as necessary to process the request (Policy, Sec. 6).

6. Assurances of Non-Retaliation

Workers may be scared to ask for accommodations because they don't want to 'get into trouble' or be seen as a 'troublemaker.' So, it's important to include policy language that reassures workers that they won't suffer any discipline or other unfavorable treatment in retaliation for requesting or receiving reasonable accommodations (Policy, Sec. 7).