



Top of mind – an update on human rights and mental health

Gearing up for the consultation report release

We've spent the past several months looking at the findings from our province-wide policy consultation on the human rights issues experienced by people with mental health disabilities and addictions.

The report is scheduled for release in September 2012. It will:

- describe the human rights issues we heard about from more than 1,500 individuals and organizations across Ontario
- recommend action for government, public and private sector organizations to eliminate discrimination in housing, employment and services
- include OHRC commitments for action.

This report will also help guide our next project: a policy on human rights, mental health and addictions. This policy will outline the rights of people with mental health disabilities and addictions to be free from discrimination, organizations' responsibilities under the *Code*, and examples of how health care, service and housing providers, employers and other organizations can act to respect those rights.

Over the past few months, we have also:

- monitored emerging human rights issues and Human Rights Tribunal cases for possible interventions and legal actions
- held public education sessions
- worked with other organizations in the mental health/addictions field to promote awareness of how the *Code* protects against discrimination based on mental health and promotes inclusive practices for landlords, employers, service providers and others.

Legal action at the Human Rights Tribunal of Ontario

During our consultation, many people talked about the challenges they faced in employment, services and housing. People told us that there seemed to be different standards for dealing with mental health-related disabilities compared with physical disabilities at work. We also heard how people's experience of discrimination was unique or distinct when they had multiple disabilities or identified with additional *Code* grounds like race or ancestry.

We intervened in *Seberras v. the Workplace Safety and Insurance Board*. This case involves looking at whether the WSIB's Traumatic Mental Stress policy and related provisions of the *Workplace Safety and Insurance Act* are discriminatory because they

have extra requirements for mental health claims that are not needed for other kinds of workplace injuries.

We are also exploring how mental health disabilities and addictions intersect with other *Code* grounds such as ethnicity, creed (religion) and race. We plan to intervene in a case at the Tribunal that links discrimination based on race, use of restraints and care for racialized people within the mental health system.

Zoning in on NIMBYism

In February, we published [In the zone](#), a guide to housing, human rights and municipal planning. The guide describes the barriers created when municipalities pass bylaws that restrict the location of housing for people identified by *Code* grounds, including people with mental health disabilities and addictions. *In the zone* offers “best practices” to promote housing and zoning that is free from discrimination. Copies of *In the zone* were sent to every municipality in Ontario. We also sent copies to planning schools and organizations across the province and to many others working on municipal housing issues.

We continue to take part in cases that challenge zoning rules that limit options for affordable and supportive housing for people with mental health or other disabilities. For example, we are intervening at the Human Rights Tribunal of Ontario in an application against the City of Toronto. Other parties in this case are [The Dream Team](#) (an organization led by psychiatric consumer/survivors), the Advocacy Centre for Tenants Ontario (ACTO) and the Human Rights Legal Support Centre. We are also intervening with the same partners in Tribunal cases against the cities of Smiths Falls and Kitchener.

Each case involves complaints about minimum separation distances and other zoning issues, and raises concerns that municipal bylaws create barriers for group homes for people with mental health issues and intellectual disabilities.

We’re also monitoring a situation in Hamilton where a minimum separation distance rule has kept the Lynwood Charlton group home for eight teenaged girls with mental illness from moving to a better location. The home needs extensive structural repairs that it cannot afford to make. The Lynwood Charlton Centre owns another suitable building a few blocks away.

Hamilton Council turned down their zoning application to move the residents, saying there were too many residential care facilities in the area. Chief Commissioner Barbara Hall has written [two letters](#) to the City of Hamilton asking the city to carefully consider the human rights impacts on the vulnerable people who already live and use services in that community.



Chief Commissioner Hall has also [raised human rights questions with the City of London](#) on proposed amendments to their Official Plan and Zoning By-Law that would treat methadone clinics differently than other medical clinics. She commended the City for making effective service delivery to people who need methadone treatment a central goal in its work, but said that elements of the proposed amendments “may actually work against [that] goal, and against the human rights of persons with disabilities who require methadone treatment.” We are looking further into zoning practices that affect methadone clinics, including minimum separation distances and gross floor area requirements.

Exchanging knowledge and expertise

Public education is an important way for us to address and try to prevent mental health and addiction-related discrimination. We have worked with several organizations to deliver training and make presentations on the *Human Rights Code*, mental health, discrimination, and the duty to accommodate.

In October 2011, we met with human rights commissions from across Canada and the [Great West Life Centre for Mental Health](#), to talk about human rights issues in the workplace for people with mental health issues and addictions. These organizations plan to develop tools that will help human rights commissions and employers address human rights and accommodation issues at work for people with mental health disabilities.

In April, we provided training for adjudicators at [Environment and Land Tribunals of Ontario](#) on the duty to accommodate people with invisible disabilities, including mental health.

In May, we attended and presented at “Mad-Positive in the Academy: An International Dialogue on Practice” with the [Ryerson School of Disability Studies](#). Activists and academics from four different countries discussed “mad” theory and practice, including how to bring the knowledge of consumer/survivor researchers into academia. We are exploring new opportunities with the Ryerson School of Disability Studies.

In June, we presented at a one-day workshop, at Sunnybrook Hospital, on Managing Hoarding in the Community. We spoke about human rights and responsibilities in housing, and how the Ontario *Human Rights Code* applies to hoarding.

Plans are underway to train staff at the [Schizophrenia Society of Ontario](#) (SSO) on rights and responsibilities under the Ontario *Human Rights Code*. The SSO helps people affected by schizophrenia and psychotic illnesses. They also deliver educational training to professionals and the larger community.

We are also working with the [Canadian Mental Health Association](#) (CMHA), Toronto Branch on their “[Opening Doors project](#).” This train-the-trainer program focuses on the



Human Rights Code and supports CMHA Toronto's human rights education program for Canadian newcomers with mental health challenges.

Real talk about human rights, mental health and addictions

Chief Commissioner Barbara Hall continues to meet and speak with organizations and groups to share the OHRC's activities and commitment to removing barriers for people with mental health or addictions disabilities.

She has recently spoken about discrimination and mental health and addictions issues to several groups, including:

- Canadian Association for the Prevention of Discrimination and Harassment in Higher Education (CAPDHHE)
- Rotary Club North Bay-Nipissing
- Workplace Safety Symposium: Protecting Your Bottom Line: Creative Solutions on Disability and Accommodation
- Antiracist Multicultural Education Network of Ontario (AMENO) – Equity and inclusive education.

