



Mental Health in Employment and COVID-19: Employees' Guide

The COVID-19 pandemic and the public health measures provided to contain its spread are causing many organizations and employers to make rapid and unprecedented changes to their businesses and operations. In challenging and unusual times like these, it is important to protect the rights of employees with mental illness. While employers are obliged to accommodate employees with physical and mental disabilities, as an employee, you are still expected to report to work or fulfil your job duties so far as your employer complies with prescribed health guidelines.

Since the pandemic started, there has been an increase in the number of Canadians reporting mental health challenges. In particular, employees are experiencing a high level of uncertainty, stress, and anxiety due to work and non-work related issues. Work related issues may include organizational changes, employment security, reduced or loss of income, changes in work location, and how employees do their jobs.

Employees are also grappling with other life issues caused by the pandemic, including their health and the health of their loved ones, taking care of children or elderly or sick relatives, self-isolation, and adjusting to working from home.

Your Rights and Responsibilities as an Employee

The *Saskatchewan Human Rights Code* (the “Code”) protects everyone from discrimination and harassment based on

any of the 15 prescribed prohibited grounds. One of the prohibited grounds of discrimination is disability. Under the Code, mental disorder is considered a form of disability. The Code prohibits employers from terminating an employee, refusing to employ anyone or denying anyone promotion they deserve on the basis of a mental health disability. While employers have the responsibility to accommodate employees with mental illness to the point of undue hardship, employees must also fulfill their responsibilities and cooperate with the employer.

- As an employee, you are still responsible to fulfill your job duties and comply with your employer’s instructions during the COVID-19 pandemic in a safe working environment.



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- It is your responsibility to comply with workplace health procedures put in place because of the COVID-19 pandemic.
 - If you can, speak to your supervisor or someone in charge about your mental health challenges and request for an accommodation.
 - Cooperate with the employer in deciding an appropriate accommodation for you.
 - You have a right to keep your confidential medical information private. However, if requested, you must provide your employer with adequate information in order for your employer to provide you with appropriate accommodation.
 - You should identify workplace or work related issues that may negatively impact your mental health and inform your employer of these issues.
 - You should access support from professionals.
- Once the employer provides you with the required accommodation, it is your responsibility to perform your job responsibilities and continue to work with your employer to ensure the effectiveness of your accommodation.

While your employer has a duty to accommodate your mental health disability during the COVID-19, you have a responsibility to cooperate with the employer in developing an appropriate accommodation. If possible, you should inform your employer of any circumstance in the workplace that affects your mental health and cooperate with your employer in developing a strategy to address the issues. The employer cannot diagnose an employee with mental illness.

If an employee does not inform the employer of their mental health challenges and the employer does not have an inclination of the employee's mental health challenges, the duty to accommodate is not triggered. You are encouraged to inform your employer of your mental illness as soon as you can and seek accommodation.

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