



A HUMAN RIGHTS GUIDE FOR EMPLOYEES AND EMPLOYERS

COVID-19 and mental health in the workplace



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commission

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as represented by the Canadian Human Rights
Commission, 2020
Cat. No. HR4-54/2020E-PDF
ISBN : 978-0-660-36707-1

This publication is available on the
CHRC's website at: www.chrc-ccdp.gc.ca

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A photograph of a man with short dark hair and a beard, wearing a white button-down shirt. He is sitting in a chair, leaning back with his eyes closed and a peaceful expression. He is positioned in front of a large window with white frames. The room has white brick walls. A small potted plant is on the windowsill to the left, and another is to the right. The lighting is soft and natural, coming from the window. A white text box is overlaid on the bottom left of the image.

Purpose

The purpose of this guide is to provide practical knowledge and suggestions for employers and employees who are looking for guidance on how to approach mental health in the workplace in the era of COVID-19.

Context

COVID-19 has changed everyday life across the world, including in Canada. From schools and businesses, to recreation centres and workplaces, everyone has had to adjust quickly to an unprecedented set of circumstances.

At levels previously unseen, the workplace has been extended to people's homes. While this has certain advantages for some employees, for others it brings up feelings of isolation, blurred boundaries between professional and personal lives, and competing responsibilities that can cause employees to feel overwhelmed during an already stressful period.

Naturally, federally regulated employers and employees have many questions and concerns about how to approach these challenges. Chief among them is the issue of **mental health challenges**. For many, COVID-19 has caused or worsened fear, anxiety and social isolation. The uncertainty of how long the pandemic will continue is also a significant factor in how we address mental health concerns in our professional and personal lives.

While some employers have been able to adapt their operations to create a work-from-home environment for the longer term, other employers will be obligated to restore operations to a pre-pandemic state. In either case, balancing the mental health needs of employees and the operational needs of employers raises some important challenges:

- ▶ Managing people's fear or anxiety about returning to the workplace.
- ▶ Dealing with fatigue and burnout from the ongoing demands of balancing professional and personal responsibilities.
- ▶ Balancing employees' need for flexible schedules with employers' need to meet operational objectives.
- ▶ Promoting social connections and team morale while maintaining physical distancing.
- ▶ Monitoring employee mental health through limited virtual communications.
- ▶ Providing adequate mental health accommodation.
- ▶ Promoting healthy work-life balance
- ▶ Managing overall performance and productivity.



Why is this a human rights issue?

Everyone in Canada has a right to work in an environment that does not discriminate against them based on their disability. This is a human right.

Under the *Canadian Human Rights Act* (CHRA), people in Canada who live with mental health conditions are protected from workplace discrimination or harassment when they are employed by a federally regulated organization.

Mental health in the workplace is a human rights issue. COVID-19 is making existing barriers to equality worse for many people across Canada, and creating new barriers for others.

The pandemic also implicates other laws in Canada aimed at proactively reducing barriers for people with mental health related disabilities. For example, the *Accessible Canada Act* requires employers to create and maintain accessible workplaces for employees. Under this law, employers are responsible for ensuring barrier-free access to healthy workplaces for all employees living with physical or mental health disabilities.

Recent statistics

Studies from around the world have found that overall mental health has worsened during the pandemic and that individuals are experiencing an increase in such feelings as depression, anxiety, and psychological distress.

Here in Canada, an online Statistics Canada survey was conducted between April 24 and May 11, 2020. Around 46,000 Canadians participated in the survey. The results show that Canadians have experienced higher levels of mental distress since COVID-19 was declared a global pandemic.

A link to a summary of the results can be found here:

[Canadians' mental health during the COVID-19 pandemic.](#)

Some key findings:

- ▶ **Almost one quarter** (24%) of Canadians rate their mental health since COVID-19 as fair or poor, as compared to a 2018 survey that found 8% of participants reported fair or poor mental health;
- ▶ **Over half** of Canadians report that their mental health has worsened since the start of physical distancing measures;
- ▶ **The majority** (88%) of Canadians have experienced at least one symptom of anxiety since COVID-19;
- ▶ Among the participants who reported worsening mental health, **41%** reported the kinds of symptoms that are consistent with moderate or severe anxiety;
- ▶ Higher anxiety is reported among those who have been financially affected by COVID-19;
- ▶ Participants who reported that their mental health has worsened also reported higher stress levels.

Several studies have also found an increase in use of, and dependency on alcohol and drugs (recreational, prescription and illegal). An April 2020 poll conducted by the Canadian Centre for Substance Abuse and Addiction found that 25% of Canadians aged 35-54 and 21% of those aged 18-34 have increased their alcohol consumption since social distancing and self-isolation due to COVID-19.



Mental health and COVID-19 in the workplace

Employer to-do list

1) Communicate

Uncertainty is a primary source of anxiety. In times of uncertainty, people need clear communication. Clearly communicate to your staff about your COVID-19 workplace plans, and your openness to hearing their questions and concerns. Doing so will give your employees confidence in how you are handling the situation, and will promote feelings of safety and security.

Maintain an ongoing two-way dialogue, even if there is nothing new to share. It will keep your employees connected and sustain their feelings of confidence, while addressing uncertainty. Sometimes it is nice to hear, "nothing new to report! Just wanted to say hello!"

Ensure your managers have all the information they need to effectively answer questions and to create safe spaces for conversation – free of judgment. In turn, managers should establish clear expectations and reassure employees that as the employer, they are open to hearing their concerns and acting upon them.

2) Listen and Reassure

Be ready to listen, and create an atmosphere where employees know they will be heard.

Establish clear procedures for employees to ask questions and express concerns. This could mean managers are available and prepared to answer questions, or it could mean a dedicated phone number or e-mail address for inquiries related to how COVID-19 will affect work.

You might also consider virtual Town Halls where groups of 20 or so employees at a time can go online to talk directly with senior management about their questions or concerns.

Most importantly, listen with empathy. Reassure employees that the organization understands this is not a normal situation and has anticipated the resulting effects (decreased productivity, higher stress levels, increased absences) even with the prolonged nature of this crisis. Acknowledge that the situation is stressful and may be causing varying levels of anxiety and discomfort for employees. Letting staff know that "it is okay not to be okay," can go a long way.

But remember, it is not your job to diagnose an employee or to determine if an employee has a disability related to mental health. That is the job of a medical professional.

3) Lead by example and focus on prevention

Being proactive is one of the best things you can do as an employer. Start by establishing some new practices that can help prevent negative mental health outcomes for people in your workplace.

For example, ensure that employees who need to physically report to the workplace are properly equipped with the necessary tools to perform their job functions, including proper personal protective equipment. Help alleviate their stress by ensuring that strict procedures are in place for cleaning, sanitation and general workplace safety.

Do what you can to monitor the well-being of all employees on an ongoing basis and be prepared to address issues as they arise. Be present. Be available. Check in. Keep reminding them of the mental health supports that are available to them, such as an employee assistance hotline. Be prepared to direct them to additional resources as necessary.

Understand that while the phrase “my door is always open” sounds nice, some employees are intimidated to call the boss about mental health matters. Consider establishing peer support networks.

Encourage employees to practice self-care activities throughout the workday, and reassure them that you support activities that help manage their stress.

Lead by example. Send an e-mail to the team at lunch saying you are taking a long walk without your phone. Encourage them to sign-off a little early on a Friday if you are doing the same. Share a recent story about your own caregiving responsibilities. Demonstrate that it is okay to need mental breaks during the workday, to be frustrated, and to need a healthy balance between work and home responsibilities.

Encourage clear boundaries between work-life and home-life at all levels of your organization. With working from home now a new normal for many employees, the lines between work and home have been blurred. Consider establishing a set of off-hours during which colleagues are discouraged from sending work-related emails, and not expected to answer them. Again, lead by example on this.

Employee to-do list

1) Take care of yourself first

Know that it is "okay not to be okay," and remember that you are not alone in feeling the way you feel. Many people are struggling to meet the challenges of this unprecedented disruption to daily life.

Practice self-care activities throughout the day and in your personal time. This will vary based on interests. Include some form of physical activity even if it is simple movements performed in the various places you spend your time throughout the day. Exercising can be a significant factor in lowering stress and anxiety levels. If possible, spend some of that time outdoors.

If working from home, establish a schedule for your personal and work activities, and do your best to stick to it. This will help establish a routine and allow you to achieve small goals throughout the workday. Include breaks away from screens in your routine.

If possible, ensure you have a dedicated space that will serve as your office if working from home. This will help maintain the physical and mental boundaries between home and work life.

Ensure regular meals and healthy snacks are part of your routine. Your brain is part of your body and needs nourishment.

2) Communicate your needs, your boundaries, and your concerns

Your organization will be better able to respond if they have the full information about what you need. Clearly communicate your needs and concerns to your manager.

When working from home, establish clear boundaries between work and personal life. Work with your manager to decide on a schedule that works for you. This may be flexible depending on your comfort level, but the schedule should allow for times and spaces where you will be disconnected from work (e.g. not answering e-mails or work-calls after hours, on weekends, etc.)

If you feel your mental health prevents you from performing your work duties up to your employer's expectations, tell your employer as soon as possible so that they are in a position to respond to your needs. Many employers will be flexible given the current situation. They have an interest in helping you perform to the best of your ability.

In some situations, you may be entitled to accommodation because of disability, and/or based on other factors that intersect with health, such as age and family status. Consult our guide *Accommodation Works!* for more information on how the accommodation process works.

3) Understand your rights

If your employer wants you to return to the workplace before you are comfortable doing so, begin by having an open conversation. Be clear and transparent about your concerns with returning to the workplace, but also come prepared with some possible solutions to suggest (e.g. remote work, leave options, weekly meetings with supervisor or group leader, etc.) Your employer may not have considered every option and may be open to your suggestions.

If you are part of a collective agreement, speak with your union representative and get informed about your rights under the agreement.



Flexibility vs. Duty to Accommodate

Flexible work arrangements

Setting aside the issue of disability or mental health, it is good practice for employers to communicate to all employees that COVID-19 has led to a loosening of expectations, and a general understanding among all staff and management that things cannot necessarily remain “business as usual.” Employers should aim to be flexible in responding to employee needs and requests with regard to working conditions. The majority of employee needs might best be solved with some extra **flexibility** around scheduling, work location, or productivity levels.

Employers are also encouraged to be more flexible in addressing individual needs without requiring employees to go through the typical steps of a formal accommodation process. Communicate with employees about how the company will incorporate flexibility. Obtaining medical notes, specialist assessments, occupational health evaluations, and other formalities, are more challenging than ever because of the pandemic. Employees and employers can avoid unnecessary stress by keeping agreed-upon work-arrangements informal.

The duty to accommodate

In cases where an employee’s needs exceed that which can be addressed through general, adapted working conditions, an employer should engage the employee in discussions and initiate a more formal accommodation process. In other cases, the employee might make a formal accommodation request.

The **duty to accommodate** means that sometimes it is necessary to make formal changes to rules, policies, practices or the physical work environment to remove barriers that might prevent an individual or group from participating fully and meaningfully at work.

Employers have a duty to accommodate an employee’s needs when they are based on any of the grounds listed in the CHRA, including a mental health disability, and when an employee has made a formal accommodation request.

How far does the duty to accommodate have to go?

As an employer, your duty to accommodate ends when you reach the point of **undue hardship**—when the accommodation measures would be prohibitively expensive or would create unreasonable health or safety risks.

It is important to understand that there is no standard formula or precise legal definition of undue hardship. Each situation has to be treated as unique and assessed individually.

A claim of undue hardship must be supported with facts. It is not enough to claim undue hardship based on an assumption or opinion, or because there is some cost. You must provide evidence as to the nature and extent of the hardship. You should also be able to show that all reasonable means of accommodation, short of undue hardship, have been exhausted.

Resources for employees and employers:

These guides and resources contain more detailed information and tips about how the accommodation process should work and may help answer any additional questions about balancing employee mental health and employer expectations as we work together to through these difficult and uncertain times.

Canadian Human Rights Commission:

[Accommodation works!](#)

[Impaired at work – a guide for accommodating substance dependence](#)

[Policy on environmental sensitivities](#)

[A Guide to Balancing Work and Caregiving Obligations](#)

Canadian Mental Health Association:

[COVID-19 and mental health](#)

[6 tips to respond to employee anxiety about COVID-19](#)

Centre for addiction and mental health:

[Mental Health and the COVID-19 Pandemic](#)

Conference Board of Canada:

[COVID-19's impact on mental health and returning to the workplace](#)

Deloitte :

[COVID-19: Practical workforce strategies that put your people first](#)