



# THE OSGOODE CERTIFICATE IN WORKPLACE MENTAL HEALTH LAW

**Creating and maintaining a mentally healthy workplace has never been more important.** In this exclusively online interactive program, a multidisciplinary faculty will explain the law and best practices.

**Key areas include:**

- Employers legal duty of care for employees psychological well-being
- How the process of accommodation differs when mental health issues are involved
- Addressing substance abuse problems in the workplace
- Workplace harassment and mental health
- The impact of COVID-19 on workplace mental health
- The effect of racism on mental health
- Designing effective and practical return to work programs
- Creating mindful leaders – practical tips and tools

**Register today at:**

[osgoodepd.ca/work-mhealth](https://osgoodepd.ca/work-mhealth)

## PROGRAM DIRECTORS

Lauren Bernardi  
Bernardi Human Resource Law LLP

Brian Gottheil  
Bernardi Human Resource Law LLP

## REGISTRATION DETAILS

November 9, 10, 16 & 17, 2021:  
Online, Live

*Registration includes 120-day  
unlimited, online access to  
the recorded program.*





## Topics Include:

- How employers duty of care regarding employees psychological wellbeing is undergoing transformation
- How to recognize signs and symptoms of common workplace mental health problems
- How to have the conversation when you are concerned about an employee's mental health
- Privilege, privacy and confidentiality requirements
- Claims for traumatic stress: how to minimize the risks
- How to repair a toxic workplace
- The scope of duties imposed by the Ontario Human Rights Code in the area of mental health
- How the process of accommodation differs when mental health issues are involved
- Effective and legally-compliant approaches to addressing employee substance abuse problems
- The impact of racism on mental health
- Crafting return-to-work plans after mental-health-related absences

## Who Should Attend:

- Human Resources Professionals
- Occupational Health & Safety Professionals
- Disability and Return-to-Work Managers
- Trade Union Representatives
- Employment and Labour Relations Consultants
- Workplace Mediators and Arbitrators
- Workplace Mental Health Professionals/Advocates

## Can't make a date?

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Drawing on the expertise and experience of a distinguished interdisciplinary faculty, including:

## Program Directors



**Lauren Bernardi**

Bernardi Human Resource Law LLP



**Brian Gottheil**

Bernardi Human Resource Law LLP

## Advisory Board

**Donna Hardaker**

Principal, Hardaker Consulting

**Sapna Mahajan, MPH, PMP, CHE**

Director, Genomics & Society,  
Genome Canada

**Sari Sairanen**

National Director, Health and Safety,  
UNIFOR

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## Program Faculty

**Dr. Nadia Aleem**

Psychiatrist & Lecturer, Brain & Therapeutics, Work Stress and Health Clinic, Centre For Addiction and Mental Health (CAMH)

**Dr. Ash Bender, MD, FRCP(C)**

Occupational Psychiatrist and Assistant Professor, Faculty of Medicine, University of Toronto; Staff Psychiatrist, Centre for Addiction and Mental Health (CAMH)

**Lauren Bernardi**

Bernardi Human Resource Law LLP

**Mandi J. Buckner**

Mandi J. Buckner Consulting;  
Facilitator at Sheridan College Faculty of Continuing and Professional Studies

**Daniel Chodos**

Whitten & Lublin Employment  
Lawyers

**Laura Freitag**

Filion Wakely Thorup Angeletti LLP

**Dr. Kenneth Fung**

Clinical Director, Asian Initiative in Mental Health, University Health Network; Associate Professor, University of Toronto

**Maria Gergin Phillips**

Borden Ladner Gervais LLP

**Brian Gottheil**

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**Addie Greco-Sanchez,  
RRP, RVP, CVRP**

President, AGS Rehab Solutions Inc.

**Sarah Jenner**

Executive Director, Mindful Employer  
Canada

**Krista Kais-Prial**

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**Linden King**

Board Member, Canadian Mental  
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**Sapna Mahajan, MPH, PMP, CHE**

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Genome Canada

**Christine O'Donohue**

Miller Thomson LLP

**Jeffrey S. Percival**

Pallett Valo LLP

**Asha Rampersad**

Bernardi Human Resource Law LLP

**Mitchell Rose**

Mediator and Settlement Counsel,  
Rose Dispute Resolution, Toronto

**Drew Sousa, RN, COHN (C)**

Executive Director,  
Ontario Occupational Health  
Nurses Association

**Jill Thompson, R.N.**

Manager – Occupational Health  
Safety & Wellness, Human  
Resources, North Bay Regional  
Health Centre

**Dana Wesley**

Senior Human Rights Officer  
(Indigenous Issues), CUPE

# The Osgoode Certificate in Workplace Mental Health Law

Register today at:

[osgoodepd.ca/  
work-mhealth](https://osgoodepd.ca/work-mhealth)

Deepen your understanding of employers' rights and obligations in this challenging and increasingly high-stakes area!

*“Fantastic program with so many great take-aways! The presenters were all extremely knowledgeable, sharing their perspectives and expertise in a very engaging manner!”*

Marcy Macdonald, Manager of Human Resources, City of Woodstock

The management of employee mental health issues has emerged as one of the most difficult and widespread challenges confronting today's workplaces, **and this has been magnified by the impact of COVID-19.**

As the Mental Health Commission of Canada notes:

- 500,000 Canadians in any given week are unable to work owing to mental health problems
- 1 in 3 workplace disability claims are related to mental illness
- 70% of disability costs are attributed to mental illness.

A complex network of laws presents a potential minefield of difficulties for employers. Navigating these successfully and keeping the workplace healthy and productive is, in the Commission's words, 'simply smart business'.

This Certificate program from *OsgoodePD* unites up-to-date explanations of the relevant law with the latest clinical insights and realistic best practices. Taught by an interdisciplinary faculty of experts, it provides you with a unique opportunity to drill down into the key issues that are likely to come across your desk, and to formulate strategies for handling them successfully. You'll also receive printed materials (including toolkits and precedents) – a resource of ongoing practical value.

# Agenda

Across four intensive, one-day modules, the components of workplace mental health law will be explored by a multi-disciplinary faculty with many years of experience in a broad variety of workplaces. Classes will include interactive discussions and case studies. Practical approaches and solutions will be emphasized throughout.

## DAY 1

November 9, 2021  
9:00am - 4:00pm

### **Mental Illness: Recognizing the Signs at Work**

Fulfilling the legal duties applicable to workplace mental health law first requires an appropriate awareness of mental illness and disability. This area is notoriously beset by fear and stigma, with the result that employers often assume that managing mental health issues will be more costly and difficult than it actually is. Mental health awareness dispels the stigma and provides a realistic basis for supporting and accommodating employees with mental health concerns.

- Recognizing signs and symptoms of common workplace mental health problems
- How to have the conversation with the employee
- What to do if you believe the employee is not aware that he or she has a mental health issue.

In this essential context-setting session, two distinguished psychiatrists will explore how mental health issues manifest themselves in the workplace from an early stage, with discussion of clinically appropriate responses on the part of HR professionals.

### **Addressing Substance Abuse Issues in the Workplace**

- Can you require an employee living with an addiction to undergo testing and/or counselling?
- Are last chance agreements discriminatory?
- Undue hardship and safety issues

## DAY 2

November 10, 2021  
9:00 a.m. - 4:00 p.m.

### **Employers' Legal Duty to Create a Psychologically Safe Workplace**

- The interplay between various employment and labour laws and workplace mental health
- Is there an implied term in all employment agreements for psychological protection?
- Do employers have a duty to prevent harm under occupational health and safety laws?
- Does the existence of the voluntary National Standard for Psychological Health and Safety in the Workplace create a default standard by which the courts will measure employers?

- Steps employers are advised to take to prevent "reasonably foreseeable" mental injuries to their employees
- Understanding the indicia of the dividing line separating "reasonably foreseeable" harm from reckless or intentional harm

### **WSIB and Mental Disability Claims**

- A WSIB policy limiting mental stress entitlements to those who have experienced traumatic stress at work has been found unconstitutional.
- Does this open the floodgates to more such claims?
  - How can and should employers protect themselves from claims related to chronic workplace stress?

### **Workplace Harassment and Mental Health**

- Harassment negatively impacts the mental health not only of the harassed individuals, but of everyone around them. Moreover, those who live with mental illness and disability are often particular targets of workplace abuse. This session explores
- Employers' legal duties relating to harassment allegations
  - The interplay between harassment and mental health
  - The impact of toxic workplaces on employee mental health
  - How to prevent or repair a toxic workplace

## The Impact of Racism on Mental Health

Day 2 of the program concludes with expert panel exploring the adverse effects of racism on mental health.

- How racism fuels poor mental health outcomes
- Racism and trauma
- Exploring systemic solutions

### DAY 3

November 16, 2021  
9:00 a.m. – 4:15 p.m.

## Accommodating Mental Health Disabilities in the Workplace

- The scope of the duty to accommodate and the process of accommodation: different in the mental health context?
- The role and impact of the Ontario Human Rights Code in this area
- The employee's duty to disclose
- Do employers have a duty to inquire?
- Privacy rights and medical information: what can and should you ask for?
- How should the medical information be assessed and by whom?

## Inclusive Job Design and Policies to Protect Psychological Safety and Prevent Legal Liability

- Managing the performance of employees with psychological disorders
- Helping employees with mental health conditions thrive in their jobs
- Inclusive policy language and appropriate functional abilities forms
- Inclusive attendance management policies that appropriately consider mental health
- Communicating appropriately during attendance management meetings

## Early and Successful Return to Work After a Mental Health Related Absence

- How to support an employee on a mental-health-related leave
- How to work with the employee's physician
- How to reduce stigma and resentment from co-workers
- Impact of LTD on an employee's ability to return to work

### DAY 4

November 17, 2021  
9:00 a.m. - 4:30 p.m.

## The National Standard for Psychological Health and Safety in the Workplace: Understanding and Implementing it in Your Workplace

Developed by the Canadian Standards Association and the Bureau de normalisation du Québec, the National Standard is a groundbreaking 'voluntary set of guidelines, tools and resources focused on promoting employee's psychological health and preventing psychological harm due to workplace factors' (Mental Health Commission of Canada). This session – focusing on practical and legally sound approaches – will equip you to fully understand and utilize this powerful risk-reduction tool in your workplace.

Following a solution-oriented session on creating mindful leaders, the day will close with a 'pulling the pieces together' assessment of the legal and HR strategies that are likely to prove most effective and implementable in realizing the goal of a psychologically safe workplace.

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work-mhealth](https://osgoodepd.ca/work-mhealth)

# Registration Details

**Fee per Delegate: \$2,995 + TAX**

**Newly Licensed\* : \$1,497.50 + TAX**

\*This fee applies to newly licensed professionals within the past 2 years.

Fees include online attendance and electronic copies of materials. Participants will have access to the recorded sessions of this program for 120 days from the date of program completion. Group discounts are available. Visit [www.osgoodepd.ca/financial-assistance](http://www.osgoodepd.ca/financial-assistance) for details about financial assistance.

## Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

## Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 21 days prior to the program date. If a cancellation request is made with less than 21 days notice, a \$150 administration fee will apply. No other refund is available.

## For further program-related information, please contact:

David Thomas, Program Lawyer at 416 270 7316 or email [dthomas@osgoode.yorku.ca](mailto:dthomas@osgoode.yorku.ca)

# Certificate of Program Completion

You will receive a certificate upon completion of **The Osgoode Certificate in Workplace Mental Health Law**. Participants must view all program modules and pass the post-program multiple choice assessment to receive a certificate.

# 4 Convenient Ways to Register



Mail



Online



Fax



Call

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[osgoodepd.ca/work-mhealth](http://osgoodepd.ca/work-mhealth)



OsgoodePD has been approved as an Accredited Provider of Professionalism Content by the LSO.

Eligible CPD Hours: LSO (ON): 24h 45m CPD (20h 15m Substantive; 4h 30m EDI)



OsgoodePD programs may be eligible for CPD/MCLE credits in other Canadian and US jurisdictions. To inquire about credit eligibility, please contact [cpd@osgoode.yorku.ca](mailto:cpd@osgoode.yorku.ca).



This program has been approved for 21.25 continuing professional development (CPD) hours under Section A3 of the Continuing Professional Development (CPD) log of the Human Resources Professionals Association (HRPA).

**What past attendees have said about the program:**

*“Such a wonderful program. Even virtually, it was run so seamlessly. It touches upon so many topics that allows one to open their minds and think about how to apply in the workplace.”*

*“Great program! Great Speakers! Pertinent issues about occupational psychiatry.”*

*“Excellent, experienced speakers. Engaging content. Well worth the investment.”*

*“Knowledgeable instructors with proven experience in the field... can't be more impressed.”*

*“More people should be taking this certificate program. I will share what I have learnt with other safety professionals, as it is important.”*