

THE OSGOODE CERTIFICATE IN WORKPLACE MENTAL HEALTH LAW

11th
Anniversary
Edition!

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
- Social discord and impacts on psychological health and safety
- The effect of oppression 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

PROGRAM DIRECTORS

Lauren Bernardi
Bernardi Human Resource Law LLP

Brian Gottheil
Bernardi Human Resource Law LLP

REGISTRATION DETAILS

November 5, 12, 19, 26, 2024:
Online (Live)

*Can't make the date?
Registration includes 120-day
unlimited, online access to
the recorded program.*



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, Former Manager,
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, and the rise of remote work/hybrid work environments.**

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.



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
- 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 oppression and social discord on mental health
- Crafting return-to-work plans after mental-health-related absences
- Recognizing and effectively tackling burnout

Who Should Attend:

- Human Resources Professionals
- Occupational Health & Safety Professionals
- Disability and Return-to-Work Managers
- Trade Union Representatives
- Employment, Labour and Human Rights lawyers
- Workplace Mediators and Arbitrators
- Workplace Mental Health Professionals/Advocates
- Wellness consultants

*“Excellent program! Thank you. **It is clear that passionate people facilitate the content and direct the overall course.** Learning about the legal implications regarding psychological health and safety in the workplace has been excellent.”*

Sarah Salvis, Former Acting Superintendent
Peel Regional Paramedic Services

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

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

Director, Genomics & Society,
Genome Canada

Sari Sairanen

National Director, Health and Safety,
UNIFOR

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Program Faculty

Dr. Nadia Aleem

Assistant Professor, Faculty of
Medicine, University of Toronto;
Medical Head Insight Solutions,
Trillium Health Partners; Staff
Psychiatrist, Centre for Addiction
and Mental Health (CAMH)

Marnie Baizley

SpringLaw

Dr. Ash Bender

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

Lina Di Carlo

Executive Director, Ontario
Occupational Health Nurses
Association (OOHNA)

Laura Freitag

Filion Wakely Thorup Angeletti LLP

Dr. Kenneth Fung

Clinical Director, Asian Initiative in
Mental Health, University Health
Network; Professor and Director of
Global Mental Health, Department of
Psychiatry, University of Toronto

Maria Gergin Phillips

Gergin Phillips Investigations

Doron Gold

The Lawyer Therapist

Brian Gottheil

Bernardi Human Resource Law LLP

Sapna Mahajan

Director, Genomics & Society,
Genome Canada

Athan Makrinos

Whitten & Lublin
Employment Lawyers

Rob Martin

Fire Chief, City of Cambridge

Christine O'Donohue

Miller Thomson LLP

Mitchell Rose

Mitchell Rose Professional
Corporation

Susan Ursel

Ursel Phillips Fellows Hopkinson LLP

Ryan Wozniak

Wozniak Law Professional Corp.

Nana Yanful

Yanful Law

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 5, 2024
9:00 a.m. - 4:00 p.m. ET

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.

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.

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
- Practical case study (and possible solutions from both the employer and employee perspective)

DAY 2

November 12, 2024
9:00 a.m. - 4:00 p.m. ET

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

Dealing with Social Discord and the Link with Harassment

- The statistics
- The impact on victims
- The impact on the workplace - increased absenteeism; decreased productivity; poor morale; increasing tensions among staff
- Accommodations for investigations
- Trauma informed interviewing

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 Oppression and Social Discord on Mental Health

Day 2 of the program concludes with an expert, multi-disciplinary panel exploring the adverse effects of oppression on mental health.

- How oppression and bias fuels poor mental health outcomes
- Exploring systemic solutions

DAY 3

November 19, 2024
9:00 a.m. – 4:00 p.m. ET

Accommodating Mental Health Disabilities in the Workplace

- The scope of the duty to accommodate and the process of accommodation: is it 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
- Practical case study exercise

DAY 4

November 26, 2024
9:00 a.m. - 4:00 p.m. ET

Preventing Burnout - Insights, Tips and Tools

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

Registration Details

Fee per Delegate: \$3,495 + TAX

Newly Licensed* : \$1,747.50 + TAX

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

Fees include online attendance, electronic materials, and technical support.

Financial Assistance

This program is eligible for OSAP funding. Federal and provincial job grants may be available. You may also apply for financial assistance with OsgoodePD. To learn more, visit: www.osgoodepd.ca/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 prior to the start date of the program. 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 start of the program. If a cancellation request is made with less than 21 days notice, a \$250 administrative fee will apply per person. Within 7 days of the program start date, no refund is available. Payment is required to receive access to the program.

For further program-related information, please contact:

David Thomas, Program Lawyer at 416 270 7316 or email 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 by December 31, 2024 to receive a certificate.

Register today at:

osgoodepd.ca/work-mhealth

 **Email:** osgoodepd@osgoode.yorku.ca

 **Phone:** 416 597 9724

 **Mail:** 1 Dundas Street West, 26th Floor, Toronto, ON, M5G 1Z3



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

Eligible CPD Hours: LSO (ON): 23h 30m CPD (19h 30m Substantive; 4h 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.



This program has been approved for 21 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:

“All sessions were engaging and provided great information. I believe I have gained new perspectives that will improve my effectiveness in my role as Disability manager.”

“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.”

“Informative and interesting discussions.”

“Excellent, expert speakers.”