

# Within Reach

## Fall 2008

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## MESSAGE FROM THE CHAIRPERSON

*Reach Canada Annual Auction sponsored by TD Bank Financial Group*

Thursday, October 30th 2008.

# Sold Out!

We are most grateful to **TD Canada Trust** and look forward to another exciting year. Other sponsors include **Stoneworks Technologies Inc.**, **e18hteen Restaurant**, **Vittoria Trattoria**, and **Nelligan O'Brien Payne LLP**. Our big thank you goes out to over 320 corporate and individuals who have purchased tables and tickets as well as all those who have donated items or volunteered their valuable time to make this event possible.

If anyone is interested in volunteering during the evening or would be willing to help our committee, please contact the Reach office (613.236.6636).

As has become a tradition, the Masters of Ceremonies for the live auction will be **JJ Clarke** and **David Smith**. Our entertainment comes from internationally-known magician **Elliott Smith** who will be performing during the evening!

**Items to be auctioned can be viewed on our website by visiting:**  
<http://www.reach.ca/?action=site.show&lid=26&desc=Events&eid=10>

Thank you for your support!!

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## **SAVE THE DATE!!**

### **Reach Canada Annual Conference: December 3<sup>rd</sup> 2008**

#### ***“Put Our Minds to Work: Re-Thinking Mental Health and Illness in the Workplace”***

**Reach Canada** invites you to attend this year’s Annual Conference entitled ***“Put Our Minds to Work: Re-thinking Mental Health and Illness in the Workplace”*** on **December 3, 2008**, in celebration of the U.N. International Day of Persons with Disabilities. The event will take place at the **Hampton Inn Conference Center** in Ottawa, and will explore mental health issues in the employment context.

Earlier this year, Reach Canada held a seminar on the topic “Mental Illness: Barriers to Employment for People with Invisible Disabilities”. A panel of speakers explored some of the barriers to employment relating to mental health issues, including discrimination.

This event was such a great success that Reach decided to hold a second seminar, also very well received. As a result, it was decided that the upcoming Annual Conference should focus on mental health issues in order to be responsive to a clear need for information.

The workshop topics for the Conference will include:

- The legal framework: The employer’s duty to accommodate; privacy requirements.
- Early signs of an employee’s mental health issue and strategies/resources for addressing the issue; symptoms relating to specific diagnoses; practical accommodation strategies.
- Challenging stigma in the workplace: How employers can build a workplace that supports workers with mental illness.
- The decision to disclose: Dealing with stigma, protecting privacy.
- The return to work from LTD, OW, ODSP; the role of insurance providers and supportive employment programs.

#### **Registration fees:**

-\$250 for lawyers, Government and corporations. (**early bird until November 7, 2008 is \$200**)

-\$135 for non-profit, educational institutions and health professionals. (**early bird until November 7, 2008 is \$110**)

-\$35 for students.

More information will soon be posted on our website [www.reach.ca](http://www.reach.ca), you can call us at 613.236.6636, TTY: 613.236.9478 or email at [reach@reach.ca](mailto:reach@reach.ca)

***Official brochures and order forms will be available soon!***

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## The 27<sup>th</sup> Annual General Meeting Award Winners

Reach held its 27<sup>th</sup> Annual General Meeting on June 6, 2008. As part of the AGM, Reach presented volunteer awards to individuals who have shown outstanding dedication to the organization.

Reach President, Michael Sousa, and Reach Honourary Chairperson, Steven Fletcher, M.P., were on hand to present the following awards:

- *The Ramon J. Hnatyshyn Reach Legal Volunteer of the Year Award* was presented to Lori Harreman of Jewitt McLuckie & Associates
- *The Corporate Sponsor of the Year Award* was presented to two individuals: Jim Turner of “PixelGraph Studio” and Remi Goc of “Ignite Web Solutions”
- *The Volunteer of the Year Award* was presented Joseph G. DuVall, long-time coordinator of the Run for Reach series.

We are very pleased to honour these outstanding individuals. Kudos to all of the winners!



**Jim Turner of PixelGraph Studio**



**Joseph G. DuVall**



**Lori Harreman of Jewitt McLuckie & Associates**



**Remi Goc of “Ignite Web Solutions”**

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## **Out of the Shadows at Last: Developing a national strategy to address one of Canada's most stigmatized disabilities**

- In May 2006, the Standing Senate Committee on Social Affairs, Science and Technology released its report, "Out of the Shadows at Last – Transforming Mental Health, Mental Illness and Addiction Services in Canada. The report underlined the need for a Mental Health Commission to provide an ongoing national focus for mental health issues.
- In its March 2007 budget, the Government of Canada announced funding for the Mental Health Commission of Canada, granting \$10 million for 2007-2008, and guaranteeing \$15 million per year starting in 2009-2010. The Commission, to be chaired by former Senator Michael Kirby, was charged with the task of developing a national mental health strategy.

In July of this year, Michael Kirby announced the Commission's plan to establish an independent foundation dedicated to national fund raising for mental health organizations.

The following are excerpts of Michael Kirby's essay, "The branding that devalues", featured on June 28, 2008 as part of the *Globe & Mail* series entitled *Breakdown: Canada's Mental Health Crisis*.

### **The branding that devalues**

**By Michael Kirby – Chair, Mental Health Commission of Canada**

"In no other field, except perhaps leprosy," a Canadian report on mental illness said 45 years ago, "has there been as much confusion, misdirection and discrimination against the patient as in mental illness ... Down through the ages, [the mentally ill] have been estranged by society and cast out to wander in the wilderness. Mental illness, even today, is all too often considered a crime to be punished, a sin to be expiated, a possessing demon to be exorcised, a disgrace to be hushed up, a personality weakness to be deplored or a welfare problem to be handled as cheaply as possible."

It is unsettling and frustrating that the world has not changed much since then.

Mental health is one of the most pressing problems for us to deal with as a country, as a people and as individual Canadians. There is no health without mental health.

One out of five of us is living with a mental illness. But most people are too embarrassed to admit it. That is because of stigma.

Stigma consists of the negative ways in which people living with mental illness are labelled. This labelling is so pernicious that people living with mental illness are often seen as nothing more than the illness itself. In fact, the Greek word *stigma* means a mark or brand, by which an animal or slave could be identified. When we classify people by their illness, we dehumanize them.

Mental illness still has the taint of leprosy. Many people report that stigma - particularly the ways that they are treated by family, friends and co-workers - often causes them more suffering than their illness itself.

When I was the chair of the Senate standing committee on social affairs, science and technology, which produced in 2006 the first national report on mental illness, *Out of the Shadows at Last*, we heard heart-wrenching stories about the impact of stigma. We heard about the shame that people living with mental illness suffer. We heard about their losing friends and contact with family. People were wary of telling their friends because of their fear that the friends would react badly and abandon them.

Parents admitted to being too embarrassed to acknowledge that their child was living with a mental illness. In a recent study, 38 per cent of parents said they would not admit to anyone - even their family doctor - that they had a child with a mental illness.

\* \* \*

People living with mental illness are also less likely to report any offence or crime committed against them, because they report that police are unsupportive. And if they do press charges, they often end up being branded "unreliable" witnesses in court.

British research confirms that 80 per cent of people with longer-term mental health problems are out of work. So poverty and small, fragile social networks add to their problems.

In Canada, it is no better. Almost half of us believe that if someone at work was dealing with depression and missing work, they would be more likely to "get into trouble and maybe even fired."

\* \* \*

One of the principal tasks of the new Mental Health Commission is to undertake a major, national campaign to reduce and combat stigma, as well developing a national strategy on mental health. The federal government launched the commission last year in response to *Out of the Shadows At Last*.

It will take time to make a significant difference. People don't change their attitudes overnight, and changing their behaviour takes even longer. The commission will tackle this issue for a decade.

The campaign will take a multipronged approach, which will include education, direct contact and challenges to discriminatory policies and practices in public and private organizations and governments.

Direct contact with people living with mental illness has been found to be the most effective means of changing public attitudes. We will integrate people living with mental illness into our campaign, giving them a leadership role in helping to identify priorities and offering ideas for programs and delivery.

We will customize our strategies for different groups. Our first efforts will be focused on youth and health professionals.

Why young people? The prevalence of serious mental health problems for people between 18 and 25 is almost double that of the general population, yet they are the least likely to seek help. Moreover, once a youth is faced with a single mental health disorder, the probability is high that he or she will also be challenged by a second one.

For more than 70 per cent of adults with mental illness, onset occurred when they were younger than 18. There is a high potential for reducing future disability if we reduce stigma and discrimination among young people.

As for health-care workers, you would think they would be less prejudiced about mental illness than the general population. They are not.

Family physicians are the principal gatekeepers into the mental health system. A British study has found that 44 per cent of people with mental illness experienced discrimination from their family doctors, and 32 per cent did so from other health professionals.

Other research has found that mental health professionals were three times more likely to support restrictions on people with mental illness than the general public.

Perhaps the most shocking evidence of the deep-seatedness of stigma is in a study by the Michigan Psychiatric Society, in which half of the psychiatrists surveyed said that they would treat themselves in secrecy rather than have mental illness recorded on their medical chart.

We must change attitudes and behaviours. But we will only succeed if we engage all Canadians. Some very successful illness-specific organizations can serve as our models, such as those that exist for breast cancer, diabetes, and heart and stroke. These non-profit, illness-focused organizations have established a

strong presence on the political agenda, and are superb at keeping their cause - their illness - in the public eye. They all have a national organization of volunteers, with grassroots support.

\* \* \*

Building a national volunteer organization itself will help reduce stigma. A well-organized grassroots organization that undertakes a series of community-based activities every year will help ensure that mental health is a continuing topic of public discussion.

Only by making it completely acceptable to discuss issues relating to mental illness in public, can we ever hope to fully eradicate the scourge of stigma.

The commission is to be the catalyst for a great social movement, one that will ensure that mental health will always stay out of the shadows.

Canadians must join this movement and encourage their friends, neighbours and fellow workers to bring mental health issues out into the open, to talk about them and volunteer for mental health causes..

The words of Roy Muise can be made into a reality. He is a person living with a mental illness who testified before the Senate committee in Halifax. He challenged all of us with these words: "To the people of Canada, I say welcome us into society as full partners. We are not to be feared or pitied. Remember, we are your mothers and fathers, sisters and brothers, your friends, co-workers and children. Join hands and travel together with us on our road to recovery."

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# **In conversation with Michael Gottheil, Chair of the Human Rights Tribunal of Ontario**

**By Olivia Kabongo**

## **Introduction:**

On June 30, 2008, the *Human Rights Code Amendment Act, 2006* came into effect, changing the human rights system in Ontario. As a result of these changes, the mandates of the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario have been re-focused. The Ontario Human Rights Commission no longer acts as a gate keeper or a filter for complaints to the Human Rights Commission as it did in the past. Such complaints now fall under the umbrella of the Tribunal, which now deals directly with complaints. In addition, a new body (the Human Rights Legal Support Centre), has been established to offer independent human rights-related legal and support services to individuals, ranging from advice and support to legal representation.

Under the new *Act*, the role of the Commission in preventing discrimination and promoting and advancing human rights in Ontario has been strengthened. Although the Commission does not deal with individual applications, it remains involved in the process and may intervene in individual complaints where it feels that it is a matter of public interest. The Commission may also file complaints in its own name.

The new legislation also allows for the possibility to file group complaints, or to file a complaint on behalf of another individual. These new possibilities afford individuals several avenues through which to be heard.

Organizations such as Reach Canada, striving for the equality and advancement of rights of persons with disabilities, are sure to be affected by the recent changes to the human rights system in Ontario. I had the opportunity to speak with Michael Gottheil, the Chair of the Ontario Human Rights Tribunal, about the Tribunal's mandate under the new legislation and, more importantly, the implication of the changes for persons with disabilities.

## **The Tribunal's renewed mission and core values: Impacts on persons with disabilities**

The impact of the new human rights regime on persons with disabilities must be understood in the larger context of the Tribunal's overall mission. In speaking about the Tribunal's mandate and core values, Mr. Gottheil underlined the Tribunal's role as that of resolving human rights claims in a fair, open and timely manner.

Mr. Gottheil explained that the Tribunal's commitment to an open, fair and timely process manifests itself in its procedures which deal *directly* with human rights complaints. In addition, the Tribunal ensures accessibility both physically and functionally in the accessible lay-out of its hearing rooms and in the crafting of its publications (which are designed specifically to eliminate barriers for people seeking to participate effectively in the Tribunal's processes).

Functionally, the Tribunal strives to ensure that its processes are understandable, fair, and relevant to all people, whether involved as claimants, respondents or through other interests. The process is designed to

assist complainants in recognizing and articulating the legal issues underlying their complaints, ultimately contributing to a speedier resolution. This objective is met through the work of the Human Rights Legal Support Centre which provides individuals with access to free legal advice.

Mr. Gottheil pointed out that the need for faster resolution of complaints is of particular importance, as the Tribunal now stands to deal with approximately 3000 applications per year as opposed to 150 applications under the old system.

The Tribunal's commitment to dealing with applications a timely manner is bolstered by set procedural time lines. Under the new legislation, complaints are to be resolved within one year of their being filed. However, the Tribunal expects that a large number of applications will be resolved through mediation, which can be scheduled and completed within 6 months of the complaint. Furthermore, the Tribunal's new rules and procedures are designed to avoid legal technicalities and resolve matters based on the merits of the dispute.

By resolving complaints in a timely fashion, the Tribunal aims to adhere to and protect the values of the Ontario Human Rights Code. As Mr. Gottheil states in his welcome address on the HRTO's web-site: "Ultimately, the community needs to have confidence that, regardless of the outcome in any particular case, parties will have had an opportunity to be heard by a Tribunal that is committed to fairness, integrity and the rule of law."

One aspect of the Tribunal's process which is significant for complainants with disabilities involves the possibility of expediting applications in cases of particular health issues. Interim remedies in health-related situations are also available.

Finally, Mr. Gottheil stressed the fact that Ontario's new human rights processes promote fairness. The Tribunal now will address *all* complaints before it where the alleged human rights violation meets the threshold provided in the *Ontario Human Rights Code*.

### **Moving forward**

As the Tribunal moves forward, it continues to face challenges such as the enforcement of remedies. As Mr. Gottheil explains in his opening statement on the Tribunal website:

"The enforcement procedures can be extremely time consuming and costly for the parties. The ongoing challenge will be to carefully manage the resources of the Tribunal to ensure that fairness and access to justice prevail." Despite these challenges, the message we as stakeholder communities and persons with disabilities may take from the Tribunal's renewed mission is that of its commitment to fairness, accessibility, timeliness and the rule of law.

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## **Cancelled Court Challenges Program *Partially* Re-Instated**

**By Erin O'Hara**

The Court Challenges Program, established in 1978 by the federal government, was an access-to-justice program designed to provide funding for official language minorities to pursue language rights cases in court. In 1985, when the Canadian Charter right to equality came into force, the program's mandate was expanded to include financial support for equality-seeking groups challenging discriminatory government laws and actions.

From 1985 to 2006, the Court Challenges Program supported cases such as redress for the Chinese Head Tax and Exclusion Act; amending employment insurance benefits rules that discriminated against parents of children with disabilities; expanding the common law definition of marriage to include same-sex unions; challenging VIA Rail's decision to purchase used rail cars that were not accessible; addressing systemic discrimination against African Canadians in the criminal justice system; challenging the sex discrimination in the Indian Act's status entitlements; and ensuring voting rights for inmates in federal prisons.

In October 2006, the federal government cancelled Court Challenges funding, which meant that financial support would no longer be provided for language rights or equality test cases. In response to the cut, the Federation des communautés francophones et acadienne (FCFA) sued the federal government. In its suit, the FCFA asked the Federal Court to declare null and void the government's decision to eliminate the Court Challenges funding. They argued that the government's decision did not take into sufficient consideration the impact on the development and vitality of official language minority communities, or the government's obligations to linguistic minorities under the *Charter* and the *Official Languages Act*. The case was heard in Federal Court in Fredericton, New Brunswick in February 2008.

In June 2008, the federal government reached an out-of-court settlement with the FCFA involving a new funding program for linguistic minorities. Entitled "Program to Support Linguistic Rights", the program will dedicate \$1.5 million per year to promotion, mediation and court challenges related to language rights. The new program, however, does not include financial support for equality-seeking groups, including rights groups for women, racialized peoples, and people with disabilities.

For more information, see the following:

<http://www.cbc.ca/canada/story/2008/06/16/parl-courtchallengesprogram.html>

<http://www.cbc.ca/canada/story/2008/06/20/crt-chllgs.html>

[http://www.canadianheritage.gc.ca/pc-ch/discours-speeches/2008/verner/2008-06-19\\_1\\_e.cfm](http://www.canadianheritage.gc.ca/pc-ch/discours-speeches/2008/verner/2008-06-19_1_e.cfm)

[http://www.fafia-afai.org/en/groups\\_call\\_for\\_complete\\_restoration\\_of\\_court\\_challenges\\_program](http://www.fafia-afai.org/en/groups_call_for_complete_restoration_of_court_challenges_program)

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