

Mental Health Discrimination and Police Records

The Dream Team Submission to the Human Rights Commission — March 19, 2008

Dear Commissioners:

It is with great interest and delight that the Dream Team has decided to respond to your call for submissions in regards to the draft policy relating to mental health discrimination and police record checks.

The Dream Team is a group of psychiatric consumer/survivors and family members who promote additional supportive housing in Ontario for people with mental health challenges. The Dream Team has effectively partnered with Houselink Community Homes, as our missions are similar. The Dream Team members have been the recipients of many awards and recognition including the Ontario Non-Profit Housing Association's Tenant Achievement Award, The Centre for Addiction and Mental Health Foundation's Courage to Come Back Award, and the Community Teaching Award from the University of Toronto, to name a few. Dream Team members, by telling their stories, attack the NIMBY syndrome by demonstrating the life-altering benefits of supportive housing for people living with mental health challenges, far too many of whom have experienced homelessness. The Dream Team takes its message to politicians, schools, universities, service agencies and the general public to increase knowledge about their lives and contributions to the communities in which they reside.

Naturally, the Dream Team read your draft policy carefully, as they are well aware of the impact of Police Records Checks on their educational, vocational and general societal inclusion. Too many of us who have received mental health treatment are forced to reduce our life time goals or dreams, due to the impact of these records.

For decades, members of the community have asked why their medical records are significant to criminal record checks, especially in a province that has so recently enacted Personal Health Information

Protection Act (2004) PHIPA, a piece of legislation designed to protect the privacy of health information for any Ontario citizen.

A large sigh of relief and pleasure could be heard around the table when we were discussing this new policy; many of the Dream Team members felt that this type of discrimination would never be changed in our lifetime. **BRAVO** to the Human Rights Commission for so eloquently describing the impact of these checks. We applaud you for your efforts.

Having said that, the Dream Team has a few concerns with 3 items in your document, which we will explain. In your policy, you provide examples of times in which requesting a police record check may be bona fide. We refer specifically to the section "Tips for Organizations and Police Services" page 18 of your document. The third bullet states:

"When deciding whether to conduct a check, assess each job situation based on its own facts. Ask the following questions: Does the position involve working directly with vulnerable persons? Is there little or no supervisor or will the person be alone with vulnerable persons? Will the person have significant responsibility for the health and safety of such persons?"

Since we believe that the only non-criminal information contained in police records is related to apprehension under the mental health act, our comments are that these questions may imply, or be interpreted to imply that if someone has been apprehended under the mental health act, that they will always require supervision, and that significant responsibility should not be assigned to them. We are certain that this probably was not the intent of the Commission but wondered if there could be alternative language used, with a **mention that many people with mental health histories do have significant responsibilities**. We say this because discriminatory



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“We say this because discriminatory attitudes prevail and are rampant when mental illness is mentioned; far too often, expectations of our abilities are undermined.”

attitudes prevail and are rampant when mental illness is mentioned; far too often expectations of our abilities are undermined. This type of bona fide check may ultimately feed some of the stigma that exists. Although we understand that this instruction is related to the request for a police record check, it may ultimately undermine your efforts to reduce discrimination.

We would also like to comment on the tip sheet for Police Services. Specifically the bulleted item that states:

“When information does need to be disclosed, be careful about the description that is used. Don’t directly or indirectly reveal health or medical information (e.g. Mental Health Act contact). Rather note whether or not there is information of concern.”

The Dream Team felt that the characterization of “**information of concern**” may be a “red flag” that will undermine the impact of this policy. Could other language not be applied, such as non-criminal information? Information of concern may strike great fear or reluctance on the part of a potential employer, educational facility, etc., and eventually have the same impact as “apprehended under the mental health act”.

On page 10 of the draft policy, you state that one of the factors that may support the legitimacy of a police record check is that:

“the applicant would be charged with significant responsibility for the health and safety of such persons; for example, driving them in a vehicle.”

Again we reiterate our concern, that this may imply that if you have received mental health treatment, you may be unsafe to drive. Perhaps this is not your intention, perhaps you are referring to the driving record of Ontario citizens; if this is the case then we withdraw our concern. If this is not the case, again we are distressed that we may continue to feed irrational fears of people who have been treated for mental illness.

In general we are extremely pleased and feel quite assured that the use of Police Records Checks will be greatly diminished, with the result of creating a greater ease for our folks in applying to universities, entering into professional occupations, working with vulnerable people, etc. Many of us, once recovered, feel that our personal experiences with mental health challenges increase our ability to help others who are still struggling; this policy will go a long way in ensuring that we will not be stopped from enhancing our ability to do so through paid employment.

On behalf of the Dream Team and the community of consumer/survivors, our deepest appreciation for your difficult work in developing this controversial policy, and we would like you to know that your hard work will make a **significant** change in the lives of those impacted by mental illness.

We would appreciate any comments/feedback on our submission, and thank you for the opportunity to do so. Should you require any clarification please do not hesitate to contact our interim coordinator at the contact information listed below.

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