

Mental health as a disability

WHEN YOU think of a disability, what do you tend to think? Blindness or vision impairment, deafness and immobile body parts? Oftentimes when we think of a disability we think of a physical disability. However, there are many types of disabilities that are not physical, such as mental health conditions, health conditions or an intellectual disability. In today's column, we focus on mental health.

Under the Equal Opportunity Act, disability includes any "malfunction of a part of the body including a mental or psychological disease or disorder." This means that certain mental health conditions may be considered disabilities, depending on their severity and the impact they may have on the daily life of the affected individual.

According to the World Health Organization, a mental disorder is characterised by a clinically significant disturbance in an individual's cognition, emotional regulation, or behaviour. It is usually associated with distress or impairment in important areas of functioning and may also be referred to as a mental health condition.

The latter is a broader term covering mental disorders, psychosocial disabilities and (other) mental states associated with significant distress, impairment in functioning, or risk of self-harm. Some examples of the types of mental health conditions which can lead to a disability are dementia, depression, bipolar disorder, obsessive compulsive disorder and schizophrenia.

If an individual's mental health condition has a significant, adverse and long-term effect on their ability to carry out normal day-to-day activities, it is likely that it may be covered under the Equal Opportunity Act under the status of disability.

Generally, employers should not require



job applicants or employees to disclose a disability, and this should therefore be at the discretion of the individual. In some instances, applicants may, however, be required to undergo a medical examination prior to starting a job, which may reveal a mental condition.

At this point the job offer can only be withdrawn if there is adequate evidence to demonstrate that the individual will not be able to effectively and efficiently carry out the requisite duties of the job without reasonable accommodation or that the issue may pose a safety risk to the individual or to others. This also applies to employees within the organisation.

As with physical disabilities, employers should provide reasonable accommodations to employees and applicants with mental conditions, unless they cause undue hardship to the organisation. Examples of such accommodations may be flexibility as it relates to the start or end of working hours to accommodate effects of medication or for medical appointments, or allowing an employee to relocate to a quieter area where they will be free from distractions.

Regrettably, mental health conditions usually generate misunderstanding, confusion and sometimes fear and can be easily overlooked because of their very nature. Such conditions are usually stigmatised because of the general lack of understanding and the preconceived notions held by

others about employing or working with individuals that may have a mental condition.

This makes it difficult for individuals to seek the necessary support and adjustments they may require and oftentimes make it extremely difficult to disclose such information for fear of such stigmatisation.

Organisations therefore should ensure that staff are aware that their mental health is just as important as their physical health and being open about it will lead to support, not discrimination.

It is imperative that employers focus on what employees can do rather than what they can't and work together with the individual in finding solutions to accommodate them, remembering that people are usually very aware when it comes to identifying the necessary support or adjustment they may need in order to be effectively accommodated.

Unlike physical disabilities, mental health conditions are often latent and because of this they are not as easily identifiable. We are all familiar with the adage "just be kind, for everyone is fighting a battle you know nothing about."

While this holds true for so many aspects of life, it should be remembered that mental health conditions do not define who the individual is, but rather something they experience. We therefore need to be cognisant of the way we treat others because understanding and support can make the world of difference to this experience. Thus, no matter what, always strive to be kind as no act of kindness, no matter how small, is ever wasted!

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