



FOR IMMEDIATE RELEASE - October 5, 2018

## **Human Rights decision demonstrates navigating mental health issues in the workplace is complicated**

The Manitoba Human Rights Adjudication Panel issued a new decision this week that found the Government of Manitoba acted reasonably in the way it managed an employee it perceived to have a mental disability.

Daniel Leonhardt filed a complaint with the Manitoba Human Rights Commission alleging that his employer discriminated against him when it terminated his employment for “inappropriate behavior” that he believed was tied to mental health issues. The Commission investigated the complaint and advanced the case before the Adjudication Panel successfully proving that his employer perceived him to have mental health issues and that they were a factor in the decision to reject him on expiry of his probation period.

Adjudicator Daniel Manning was satisfied the employer’s decision to terminate Mr. Leonhardt’s employment, despite no issues with his work performance but for the fact that he had made unusual allegations that his that his co-workers were tampering with his coffee, was reasonable.

“Navigating mental health issues in the workplace can be complicated especially if a person is not able to identify their own need for assistance, time off or support. We are disappointed the decision did not provide us with greater clarity around an employer’s duty to question whether mental health is impacting inappropriate or unusual behavior in the workplace, and certainly when termination is being considered.” said the Commission’s Vice Chairperson, John Burchill.

Human rights cases in other jurisdictions recognize that in some cases, an employer should make direct enquiries to put mental health on the table. “Otherwise we skirt the issue and may end up denying an employee the opportunity to get the help they need to address or manage their mental health issues, so they can get back to work. We will continue to advance these issues through the cases we argue before the Adjudication Panel but also through our public education work.” commented Burchill.

Mr. Leonhardt unfortunately passed away shortly after his complaint was adjudicated and the Commission wishes to express its condolences to his family.

The full decision can be found at [www.manitobahumanrights.ca/v1/decisions/index.html](http://www.manitobahumanrights.ca/v1/decisions/index.html). For more information or to arrange an interview please contact [hrc@gov.mb.ca](mailto:hrc@gov.mb.ca) or (204) 945-3007.