



# Cayman Islands Human Rights Commission

*promoting, protecting and preserving human rights*

**Date: 10 October 2017**

## **HRC Statement on World Mental Health Day 2017**

This Tuesday, 10 October is World Mental Health Day. In its analysis of this year's theme, '*Mental Health in the Workplace*', the World Health Organization notes that employers who proactively encourage good mental health in the workplace through internal policies and other initiatives "see gains not only in the health of their employees but also in [employees'] productivity at work."<sup>1</sup> The Human Rights Commission agrees that this is an important issue for both the public and private sectors in the Cayman Islands.

The Cayman Islands Constitution's Bill of Rights applies vertically, meaning these rights are enforceable against Government and public officials only, however the Government has a general obligation to ensure that the laws it passes (including those that regulate the private sector) are compliant with the Bill of Rights. An example of this is the Labour Law (2011 Revision) which, in s.80(1) requires employers or employees to not discriminate

"with respect to any person's hire, promotion, dismissal, tenure, wages, hours or other conditions of employment, by reason of race, colour, creed, sex, pregnancy or any reason connected with pregnancy, age, mental or physical disability (provided their ability to perform the job is not impaired), political belief or the exercise of any rights under this or any other Law".

This indirect application of the Bill of Rights broadly requires fundamental protections for employees of private companies with mental disabilities. The Commission encourages all employers in the Cayman Islands to consider extending these basic protections into proactive prevention and support initiatives for employees with the goal of creating a happier, healthier, more productive workforce.

The Commission commends the work carried out by all those who have contributed to improving approaches, treatment and management of mental health concerns, including through the passage of the Mental Health Law (2013), the establishment of the Mental Health Commission (which partnered with the Human Rights Commission in 2016 to produce a booklet for mental health professionals dealing with human rights issues), and the development of a mental health policy which the Commission understands is in its final stages.

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<sup>1</sup> World Health Organization: World Mental Health Day 2017. Retrieved from [http://www.who.int/mental\\_health/world-mental-health-day/2017/en/](http://www.who.int/mental_health/world-mental-health-day/2017/en/).

Similarly, the Commission is encouraged by the July 2017 announcement of the award of the contract for the design and construction costs consultancy phase for the new purpose-built mental health facility, and hopes this important project continues to progress in an efficient and timely manner. This project will improve the resources available to mental health professionals, local employers and the government for ensuring human rights-compliant management of mental health concerns.

The Commission understands that the mental health unit at the Health Services Authority will be hosting a 1-day workshop for mental health professionals on supporting employees experiencing grief and other mental health concerns, and encourages all stakeholders to engage with this initiative.

More information on the World Health Organisation's announcement on World Mental Health Day, as well as detailed information and resources on dealing with mental health concerns, can be found at [http://www.who.int/mental\\_health/world-mental-health-day/2017/en/](http://www.who.int/mental_health/world-mental-health-day/2017/en/). More information on the Human Rights Commission's statements and comments on local mental health issues, policies and legislation can be found on our website at <http://www.humanrightscommission.ky>.

Ends.