19 May 2015

Mr Brett Young
Charter Review
Level 24, 121 Exhibition St
MELBOURNE VIC 3000
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Dear Mr Young

Thank you for the opportunity to contribute to the review of the Charter of Human Rights and Responsibilities Act 2006. BeyondBlue is committed to promoting good mental health, and creating change to protect everyone's mental health. We advocate for non-discriminating communities, systems and institutions, to reduce experiences of stigma and discrimination. BeyondBlue supports the continued implementation of the Charter and the implementation of strategies to enhance its effectiveness. We believe that The Charter is one important way to protect people's mental health and to assist those who experience mental health conditions, through its specific focus on the issue of discrimination.

The relationship between discrimination and mental health conditions is complex:

- **Discrimination** — such as ethnic, race, sex, gender identity or sexuality-based discrimination — is a risk factor for poor mental health. Research has shown that direct discrimination, such as restricting people's participation in public life, and their access to health and housing services, is associated with poorer mental health outcomes.\(^1\)\(^2\)

- **People who experience depression and anxiety experience significant discrimination associated with their mental health condition** — this occurs across a range of settings, including employment, education, health services, housing, insurance and within personal relationships. This discrimination may be overt and deliberate or it may be more subtle and unintended. It is unfair regardless.

- **Multiple forms of discrimination can exacerbate its negative impact** — for example, some ethnic groups may already have difficulties in accessing the health care system, which are then heightened by the stigma and discrimination associated with a mental health condition.\(^3\)

The discrimination associated with having a mental health condition is common. Much of this discrimination is occurring when people interact with services. For example, the BeyondBlue Depression and Anxiety Monitor (2014), a community-based survey with 2,000 Australians, demonstrates that people who have experienced depression or anxiety in the last year report being treated unfairly in:

- finding or keeping a job – 23 per cent
• housing – 12 per cent
• education – 11 per cent
• health care – 11 per cent for physical health problems; 7 per cent for mental health problems
• police – 8 per cent
• insurance – 8 per cent

These high rates of discrimination can have a significant impact on health and wellbeing. Research has demonstrated that stigmatising attitudes along with anticipated and actual discrimination in health care settings may decrease the likelihood of seeking help; increase psychological distress; reduce treatment adherence; and result in poorer physical healthcare services. These negative consequences may also contribute to the increased risk of suicide and the higher mortality rates among people with mental health conditions.

**Education and employment discrimination are other areas of particular concern.** A recent report by the OECD ‘Fit Mind, Fit Job’ (2015) highlights the significant disadvantage experienced by people with mental health conditions in relation to education and work. The report found that the quality and duration of a person’s education has a significant impact on their employment opportunities. Children and young people with mental health conditions are more likely to show poor educational attainment and leave school earlier than their peers. This in turn increases the risk of poor vocational outcomes.

Furthermore, mental health conditions are a major contributor to under- and unemployment. It is estimated that 10 – 15 per cent fewer people of working age with mild-to-moderate mental health conditions are employed compared to those with no mental ill-health and 25 – 30 per cent fewer people with severe mental health conditions are employed compared to people with no mental ill-health. Even when employed, people with mental ill-health are more likely to work in poor quality jobs and be closer to poverty.

**A proactive approach is required that acknowledges and responds to the risk of poor educational, vocational and healthcare outcomes associated with having a mental health condition.** This approach should aim to prevent mental health conditions from developing in the first instance, and ensure that government-provided and/or funded services recognise their obligation to avoid education, employment and health care discrimination. The Charter of Human Rights and Responsibilities is one important way to help to protect against this discrimination experienced by people with mental health conditions, and is an aspect of the Charter which could be strengthened.

Reducing the level of discrimination in society will contribute to improvements in the mental health of the population by reducing the risk that people develop mental health conditions in the first place. It will also improve the mental health and wellbeing of people currently experiencing mental health conditions, by improving their access to, and outcomes from, mental health treatment, and their participation in education, employment and the broader community. People with depression and anxiety need to be offered the same opportunities as anyone else and to be protected from discriminatory attitudes that deliberately or inadvertently limit those opportunities.

Yours sincerely

Susan Anderson
Acting CEO