

CURRICULUM RESOURCE

Disclosing a Disability in a Workplace

OALCF ALIGNMENT

Competency	Task Group	Level
Competency A - Find and Use Information	A1. Read continuous text	2
Competency A - Find and Use Information	A2. Interpret documents	2
Competency B - Communicate Ideas and Information	B1. Interact with others	1
Competency B - Communicate Ideas and Information	B2. Write continuous text	2

Goal Paths (check all that apply)

- Employment
- Apprenticeship
- Secondary School Credit
- Postsecondary
- Independence

Embedded Skills for Success (check all that apply)

- Adaptability
- Collaboration
- Communication
- Creativity and innovation
- Digital
- Numeracy
- Problem Solving
- Reading
- Writing

NOTES:

ACKNOWLEDGEMENTS

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Practitioner Notes

The material in this resource is taken from various texts such as the Human Rights Code, the AODA, and the Steps for Justice website. In some cases, there is no way to rewrite the actual text sources without losing the meaning or intent, it may be more difficult and require some explanation with learners.

The resource is laid out so that learners have an idea of all of the implications of disclosing a disability at their place of employment or prior to being hired. Learners need to understand that it's not a one-way street. Both the employee and employer share responsibility when working to accommodate a disability. Once the learner has worked through the material, they will have a better understanding about whether it is in their best interest to disclose their disability. In some cases, they will have to disclose if an accommodation is required for the performance of their job.

The last activity, Making the Decision to Disclose, is a handout. Print a copy for each learner. It will be up to individuals to share with you if they are comfortable doing so. Otherwise, consider it a self-reflection tool.

Please take the time to review the material before introducing it to learners.

This resource is designed to be used by learners in various settings, including independent learning, 1-to-1 tutoring, small group and classroom learning.

Practitioners are encouraged to supplement this resource with

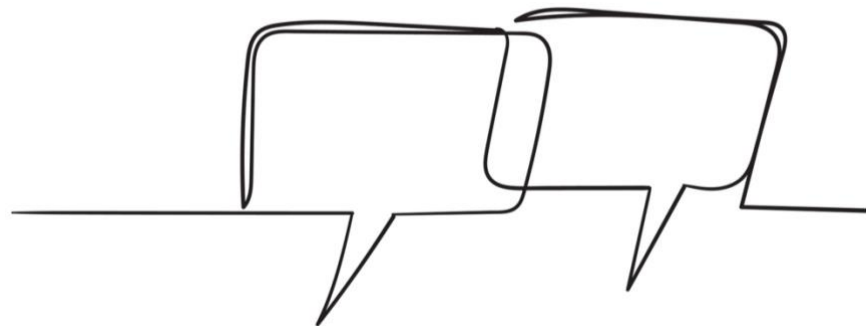
- *discussions about learner experiences related to the subject matter*
- *examples that are culturally relevant to the learner*
- *additional activities as desired*

Disclosing a Disability in a Workplace

This resource will help you decide whether you want or need to disclose a disability to your employer.

In this resource, we are going to talk a lot about accommodation. The word “accommodation” is used when talking about disabilities. Accommodation means many things such as changing the work space, alternative work (reassignment to open positions, or retraining, etc.). to have a workspace changed to allow you to do your job. For example, you may be in a wheelchair, and the desk will need to be lowered or raised to allow you to do your job.

The decision may be based on your ability to perform your job. If for example, you need to have a physical accommodation in the workplace to perform your job, it may be necessary for you to disclose. If you can perform your job without accommodation, it may not be necessary to disclose your disability.



Understanding the Terminology

There are lots of different acronyms, short forms, and terms used when talking about disabilities. The following are just a few that you may need to know.

Ontario Human Rights Code (OHRC)

The Ontario Human Rights Code (OHRC) <https://www.ohrc.on.ca/en> is provincial law that ensures equal rights and opportunities for all individuals, without discrimination, in areas such as:

- employment
- housing
- services

People with disabilities have the right to be provided with equipment, services, or devices that will allow them to do their job.

Accessibility for Ontarians with Disabilities Act (AODA)

The purpose of the AODA is to develop, implement, and enforce accessibility standards or rules so that all Ontarians will benefit from accessible:

- services
- programs
- spaces
- employment

The standards help organizations to prevent or remove barriers that limit:

- the things people with disabilities can do
- the places they can go
- the attitudes of service providers toward them

<https://aoda.ca/what-is-the-aoda/>

Accommodation

Accommodation means taking measures to allow a person with a disability to benefit or participate equally. There is no specific way to accommodate persons with disabilities. The person involved must be consulted. Some examples of accommodation may include:

- flexibility in work hours or break times
- providing a document in an accessible format such as large print

The Right to Accommodate

The OHRC includes the **right to accommodate** requiring organizations to make changes in order to meet the needs of workers, tenants, customers, or clients with disabilities. The following are areas where accommodation may apply.

<ul style="list-style-type: none"> • Employment • Housing • Accessing goods, services, and facilities 	<ul style="list-style-type: none"> • Entering contracts • Membership in unions or professional associations
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Undue Hardship

There are limits to accommodating disabilities. The Ontario Human Rights Commission lists the following as factors for undue hardship:

- cost
- consideration of any outside sources of funding to make the accommodation
- if the accommodation would cause significant health and safety risks

If the organization claims undue hardship, it is up to the organization to prove that an accommodation will cause this.

What is a Disability?

The term disability covers a number of visible and invisible conditions. These conditions may have been from:

- birth
- caused by an accident
- developed over time

Disabilities may include:

- physical limitations
- learning disabilities
- mental disorders
- hearing or vision disabilities
- epilepsy
- mental health disabilities and addictions
- environmental sensitivities
- other conditions

Disabilities may also include:

- blindness or visual impairment
- deafness or hearing disabilities
- speech impairment
- physical or mobility disabilities, such as:
 - paralysis
 - amputation
 - difficulty with balance or coordination
- brain injury
- intellectual disabilities
- mental health challenges

People with a disability may rely on a service animal, such as a guide dog, or on a mobility device, such as a wheelchair, walker, or cane.

Discrimination

In the Ontario Human Rights Code, every person has a right to equal treatment without discrimination because of:

- race
- ancestry
- place of origin
- colour
- citizenship
- ethnic origin
- creed
- sex
- sexual orientation
- gender identity
- gender expression
- age
- marital status
- family status
- disability



Understanding the Terminology Activity

What is the purpose of the Accessibility for Ontarians with Disabilities Act (AODA)?

What is one factor that can be considered for undue hardship?

List three things that a person cannot be discriminated for.

What is one example of where accommodation may apply from **The Right to Accommodate** section?

When to Disclose a Disability

You can disclose a disability at any point in your employment. That may mean that you disclose:

- before an interview
- during the interview
- when you are hired

Current employees may decide to disclose at anytime. If you need accommodation during an interview such as a wheelchair-accessible location, then you will be disclosing before the interview. During the interview, you can discuss the disability with the employer. You can also promote your other skills rather than focusing on the disability.

If you have an invisible disability such as a medical condition, you may not want to disclose it at the interview or at all after being hired.

Many people with disabilities prefer to be able to prove that they can perform their job before disclosing a disability. The choice is yours!

You may develop a disability while employed. However, you may not realize that accommodations are possible. It is important that the employer has shown or communicated information that supports are available to all employees. On the other hand, you may choose to disclose the disability in order to receive accommodation to do the job.

All disclosures are to be kept confidential. The only time a disability should be disclosed is on a need-to-know basis. This may occur when a co-worker volunteers to be part of the worker's personalized emergency response plan.

Who to Disclose a Disability to in a Workplace

If you need to request accommodation, who do you talk to in the workplace?

You talk to the person who has the authority to put the accommodation in place. It may be your:

- direct supervisor
- manager
- a person in Human Resources.

Every workplace is different.

Your request should be in writing if possible.

The employer may ask for more information.

Does anyone else need to know?

Yes, your accommodation plan will include an emergency response plan in case of emergencies. If another co-worker has been assigned to assist in an emergency, they will need to know about your disability.

All information you share about your disability is to be kept confidential.

Organization Accessibility Policy

In Ontario, all businesses and non-profit organizations must complete the requirements of the **AODA employment standards** in their workplaces. These requirements include:

- hiring
- communicating accommodation policies
- consulting for accessible workplace information
- providing individualized workplace emergency response information
- managing performance, career development, and re-development
- accommodation plans
- return-to-work process

Many organizations have accessibility policies listed on their websites. Below is an example of a portion of a policy from a website.

Accessible Formats and Communication Supports for Employees

Upon the request of an employee with a disability, we will consult with the affected employee to provide, or arrange for the provision of, accessible formats and communication supports for information that is needed to perform their job, and information that is generally available to other employees.

Organization Accessibility Policy Activity

Many businesses have their accessibility policies on their websites.

Use the internet to locate and click on the Accessibility link at the bottom of the page on the Marks's website. www.marks.com

Select the Accessibility Plan. Locate the Background. What are the four accessibility standards?

What are two ways that respect persons with disabilities in the statement below?

PepsiCo Canada is committed to providing an accessible environment in which all individuals have equal access to PepsiCo products and services in a way that respects the dignity and independence of persons with disabilities. This includes creating and fostering inclusive and positive attitudes that are considerate and accommodating of all individuals, including people with disabilities. This also includes discouraging attitudes that devalue and limit the potential of persons with disabilities.

Accommodation

Accommodation is a legal duty for employers under the Ontario Human Rights Code. Accommodation for disabilities is different for everyone. What works for one person may not work for another person. If accommodation causes undue hardship for the employer, they will not be required to make the accommodation. However, the employer must prove undue hardship.

If you need accommodation because of your disability, you must:

- Tell your employer what your disability-related needs are related to your job duties, in writing, if you can.
- Provide supporting information about the needs and limitations relating to your disability, including information from health care providers where needed.
- Co-operate with the accommodation provider on an ongoing basis to manage the accommodation process.

Employers must:

- Accept requests for accommodation from employees, in good faith, unless there are legitimate reasons for acting otherwise.
- Ask only for information they need to provide the accommodation. For example, an employer may need to know that someone needs time off to go to medical appointments related to their disability but not that they have schizophrenia.
- Take an active role in looking at accommodation solutions that meet individual needs.
- Deal with accommodation requests as quickly as possible, even if it means creating a temporary solution while developing a long-term one.
- Respect the dignity of the person asking for accommodation and keep information confidential.
- Cover the costs of accommodations, including any needed medical or other expert opinion or documents.

Essential Duties and Requirements

In employment, essential duties are the necessary parts of someone's job.

It means that someone cannot be judged to be unable of performing the essential duties of a job unless it can be shown that the employee's need cannot be accommodated without undue hardship.

An organization should not decide that an employee is unable to perform their essential duties without actually giving the employee an opportunity to demonstrate their ability.

An organization cannot assume that a person is unable to perform an essential requirement of a job. An individualized assessment will be necessary to decide that fact.

The duty to accommodate does not require exempting a person from performing the essential duties of the job.

The duty to accommodate does not require an employer to:

- change the working conditions of employees
- assign the essential duties of an employee with a disability to other employees
- change the essential duties and requirements of a position

In these cases, alternative work may need to be found.

Types of Accommodation

Physical workspaces or equipment	Assistive technologies
<ul style="list-style-type: none"> • ramps • elevators • ergonomic furniture 	<ul style="list-style-type: none"> • screen readers • voice recognition software • specialized computer interfaces
Flexible Work Plans	Communication Methods or Tools
<ul style="list-style-type: none"> • remote work • flexible hours • part-time schedules 	<ul style="list-style-type: none"> • written instructions • sign language interpreters • communication boards
Training and Education	Policy and Procedure Modifications
<ul style="list-style-type: none"> • modifying training materials • providing extra help to make sure there is equal access to learning opportunities 	<ul style="list-style-type: none"> • adjusting workplace policies or procedures • attendance policies • allowing for extra break time

<p>Transitional Support</p>	<p>Emotional and Mental Health Support</p>
<ul style="list-style-type: none"> • providing orientation or job coaching to ease the change to a new role or environment 	<ul style="list-style-type: none"> • providing a quiet workspace • flexible break times • access to counseling services.
<p>Transportation</p>	<p>Job Restructuring</p>
<ul style="list-style-type: none"> • providing accessible parking spaces • transportation subsidies • flexible commuting arrangements 	<ul style="list-style-type: none"> • Changing job tasks or responsibilities to better align with the individual's abilities and limitations.
<p>Accessibility in Communication</p>	<p>Personal Assistance Services</p>
<ul style="list-style-type: none"> • information and communication within the workplace are accessible • accessible documents • websites • meetings 	<ul style="list-style-type: none"> • offering help with tasks that an individual may have trouble performing on their own, such as personal care attendants or job coaches

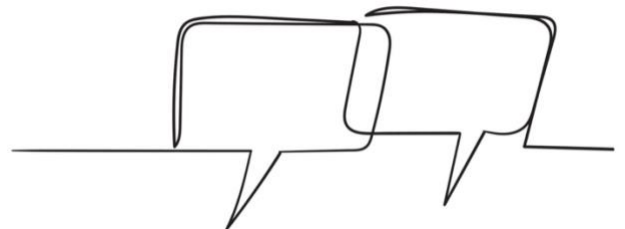
These are general areas, and accommodations will change based on the individual's needs and the type of disability. Employers should talk with employees to determine the best accommodations.

Accommodation Activity

List two things a person with a disability is responsible for when asking for accommodation?

What is the reason that an employer has for not providing accommodation?

Who is responsible for covering the costs of medical or expert opinion or documentation?



Accommodation and Disclosing Medical Information About Your Disability

Confidentiality is very important when disclosing your disability information. It is important to only share the information needed if you require accommodation to perform your job. The employer does not have the right to know your confidential medical information. The confidential information you don't have to share includes:

- the cause of the disability
- diagnosis, symptoms, or treatment unless they clearly relate to the accommodation you are requesting

Ontario Human Rights Commission (OHRC) Guidance

The Ontario Human Rights Commission has provided guidance about the type and scope of medical information to be provided to support an accommodation request by an employee.

This information includes:

- That the person has a disability
- The limitations or needs associated with the disability
- Whether the person can perform the essential duties or requirements of the job, with or without accommodation.
- The type of accommodation that may be needed to allow the employee to fulfill the essential duties or requirements of the job.
- Regular updates about when the person expects to come back to work, if they are on leave.

Where more information about a person's disability is needed, the information requested must be the least intrusive of the person's privacy while still giving the organization enough information to make an informed decision about the accommodation.

To implement appropriate accommodations that respect the dignity and privacy interests of people with disabilities, the focus should always be on the functional limitations associated with the disability, rather than a person's diagnosis.

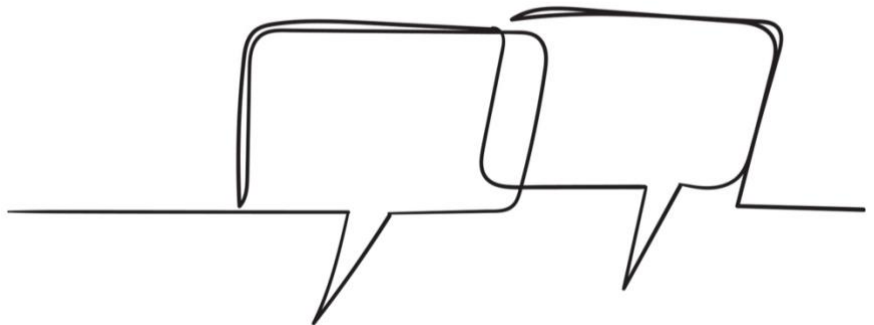
Adapted from Ontario Human Rights Commission

Accommodation and Disclosing Medical Information About Your Disability - Activity

Use the **Ontario Human Rights Commission (OHRC) Guidance** to answer the following questions.

List two pieces of medical information required to support an accommodation request.

What should the focus always be on when accommodating someone's disability?



Making the Decision to Disclose

Disclosure of a disability is a personal choice.

It is an important and very personal decision to make. You must think about why you are disclosing your disability. This list may help you decide whether or not to disclose. Think about what's here and if you feel comfortable disclosing after reviewing the list.

- Is your disability visible or invisible?
- Have you disclosed your disability in the past?
- What was the reaction by the employer or employees?
- Does the company you are applying to have an accessibility policy?
- Can you perform the job without disclosing your disability?
- Will you require accommodation to perform your job?
- Do you know who to tell at your company if you decide to disclose?
- Do you know how much personal medical information you need to provide if you are disclosing your disability?

You have learned some of the important information about disclosing a disability in a workplace. Before you make your decision, it is important to gather all of the information. Not all information is in this resource.

Handout Making the Decision to Disclose - Activity

Describe a time when you disclosed your disability.

Who did you disclose to?

What was the reaction?

Were you treated any differently?

Answer Key

Understanding the Terminology Activity - Answer Key

What is the purpose of the Accessibility for Ontarians with Disabilities Act (AODA)?

- The purpose of the AODA is to develop, implement, and enforce accessibility standards or rules.

What is one factor that can be considered for undue hardship?

- Cost
- An organization is obligated to consider any outside sources of funding to make the accommodation.
- Does the accommodation cause significant health and safety risks?

List three things that a person cannot be discriminated for.

Any three of the following are correct.

<ul style="list-style-type: none"> • race • ancestry • place of origin • colour • citizenship 	<ul style="list-style-type: none"> • ethnic origin • creed • sex • sexual orientation • gender identity 	<ul style="list-style-type: none"> • gender expression • age • marital status • family status • disability
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What is one example of where accommodation may apply from The Right to Accommodate section?

Any one of the following is correct.

<ul style="list-style-type: none"> • employment • housing • accessing goods, services, and facilities 	<ul style="list-style-type: none"> • entering contracts • membership in unions or professional associations
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Organization Accessibility Policy Activity – Answer Key

Use the internet to locate and click on the Accessibility link on the Marks's website. www.marks.com

Select the Accessibility Plan. Locate the Background. What are the four accessibility standards?

1. General Requirements
2. Information and Communications
3. Employment
4. Design of Public Space

What are two ways that respect persons with disabilities in the statement below?

PepsiCo Canada is committed to providing an accessible environment in which all individuals have equal access to PepsiCo products and services in a way that respects the dignity and independence of persons with disabilities. This includes creating and fostering inclusive and positive attitudes that are considerate and accommodating of all individuals, including people with disabilities. This also includes discouraging attitudes that devalue and limit the potential of persons with disabilities.

Accommodation Activity – Answer Key

List two things a person with a disability is responsible for when asking for accommodation?

Any two of the following are correct.

- Telling your employer what your disability-related needs are related to your job duties, in writing, if you can.
- Providing supporting information about the needs and limitations relating to your disability, including information from health care providers where needed.
- Co-operating with the accommodation provider on an ongoing basis to manage the accommodation process.

What is the reason that an employer has for not providing accommodation?

If the accommodation causes undue hardship.

Who is responsible for covering the costs of medical or expert opinion or documentation?

Employers



Accommodation and Disclosing Medical Information About Your Disability – Activity – Answer Key

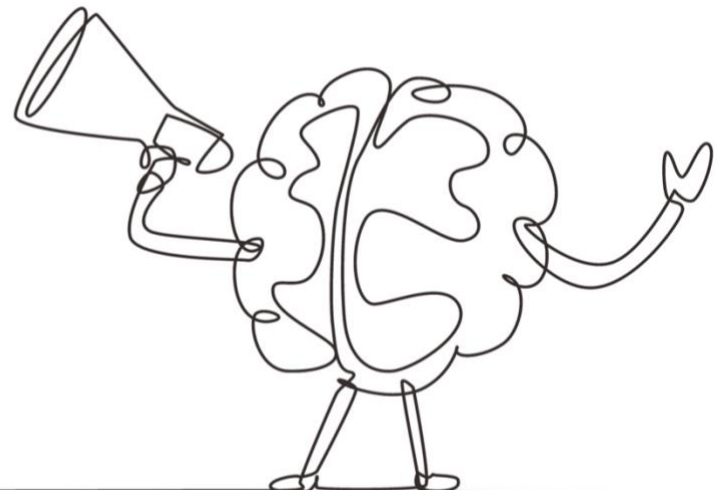
List two pieces of medical information required to support an accommodation request.

Any two of the following are correct.

- Documentation showing that the person has a disability.
- The limitations or needs associated with the disability.
- Whether the person can perform the essential duties or requirements of the job, with or without accommodation.
- The type of accommodation that may be needed to allow the employee to fulfill the essential duties or requirements of the job.
- Regular updates about when the person expects to come back to work, if they are on leave.

What should the focus always be on when accommodating someone's disability?

The focus should always be on the functional limitations associated with the disability.



Making the Decision to Disclose - Activity

This activity is a handout to be used as a tool for reflection. It does not have to be shared unless the learner is comfortable doing so.

Describe a time when you disclosed your disability.

Who did you disclose to?

What was the reaction?

Were you treated any differently?



Sources

Accessibility for Ontarians with Disabilities Act

<https://aoda.ca/what-is-the-aoda/>

Ontario Human Rights Code

<https://www.ontario.ca/laws/statute/90h19>

AccessForward

www.accessforward.ca

The Learning Portal College Libraries Ontario

<https://tlp-lpa.ca/career/disclosing-disability>

Conference Board of Canada

https://www.conferenceboard.ca/wp-content/uploads/woocommerce_uploads/reports/7159_AccessibilityToolkit-2015_RPT.pdf

Ontario Human Rights Commission

<https://www3.ohrc.on.ca/sites/default/files/OHRC%20policy%20position%20on%20medical%20documentation.pdf>

Accessible Workplaces – Government of Ontario

<https://www.ontario.ca/page/accessible-workplaces>

Human Rights Legal Support Centre

<https://hrlsc.on.ca/how-to-guides/understanding-the-duty-to-accommodate/>

Steps to Justice

<https://stepstojustice.ca/legal-topic/employment-and-work/>

Pepsico Canada

<https://www.pepsico.ca/en-ca/accessibility-disclosure>