



DISCLOSURE AND ACCOMMODATION IN THE WORKPLACE

**Workplace Accommodations Tools & Tips:
A Transition to Work Symposium
Wednesday, May 15, 2024**

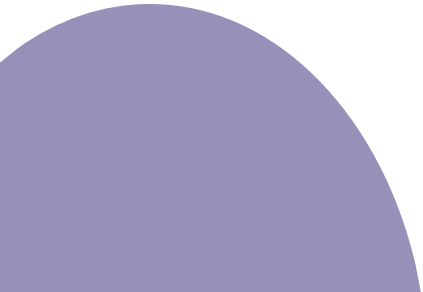
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DISCLAIMER



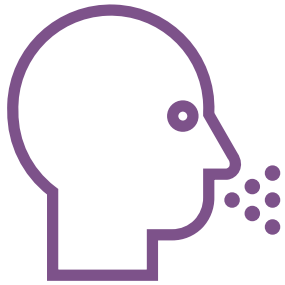
The information provided here is for guidance only and does not constitute legal advice.

For authoritative information on legal requirements relating to disclosure and accommodation, consult applicable employment, human rights, and workplace safety legislation



DISCLOSURE BASICS

The act of informing an employer or potential employer about accommodation or support needs, and how one's disability may impact job performance



Personal Choice

The decision to disclose a disability is a personal one that cannot be forced



Recognize Experiences

A person's experiences may make them hesitant to disclose

DISCLOSURE BASICS - CONTINUED



No Legal Requirement

If someone can perform job functions, they don't have to disclose a disability



Acceptable Questions

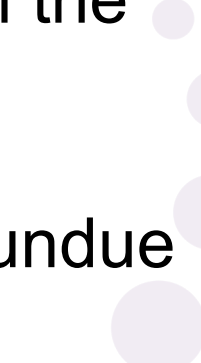
Ask only about job functions, not diagnoses or medical labels



Confidentiality

Disability information is confidential unless the employee chooses to share

ACCOMMODATIONS

- Workplace adjustments or modifications that allow an employee to perform their job duties successfully
 - Gives everyone the SAME opportunity to participate
 - Creates equity - providing each individual with what they need vs. equality - providing everyone with the exact same thing
 - Employers have a duty to accommodate up to undue hardship
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ACCOMMODATION EXAMPLES

Physical: Installing ramps, elevators, or automatic door openers, adjusting workstation heights or lighting

Technological: Screen readers, speech-to-text software, magnification software, or ergonomic keyboards

Work Schedule: Flexible work hours, telecommuting options, or part-time work arrangements

ACCOMMODATION EXAMPLES - CONTINUED

Job Duties: Reallocating certain tasks or responsibilities, providing additional training or supervision, or modifying job duties

Communication: Written materials in accessible formats, such as large print or braille, or providing sign language interpreters or captioning services

Training and Support Accommodations: Job coaching, mentoring programs, or access to disability support services

TYPICAL STEPS IN THE ACCOMMODATION PROCESS

Step 1: Recognize the Need for Accommodation

- ✓ Requested by employee or identified by employer

Step 2: Gather Relevant Information & Assess Needs

- ✓ Employee is an active participant
- ✓ Employee and Employer explore the most appropriate measure
- ✓ ATP - Ask The Person



TYPICAL STEPS IN THE ACCOMMODATION PROCESS - CONTINUED

Step 3: Write an Individual Accommodation Plan

- ✓ Details of agreed upon accommodation(s) are written down in a formal plan

Step 4: Implement, Monitor & Review Accommodation Plan

- ✓ Put the plan into action, review it regularly, and make changes if needed

If at any point the accommodation is no longer appropriate, return to step 2 - Gather relevant information & assess needs

EMPLOYER RESPONSIBILITIES DURING THE ACCOMMODATION PROCESS

Awareness - Ensure all employees and potential employees are aware of the provision of accommodations and the process for requesting them

- In job posting
- All interviews and assessments
- Job Offer
- Ongoing process in place

Good faith - Accept an employee's accommodation request in good faith

Timely - Provide accommodations in a timely manner

Document - All requests and actions taken should be documented

Collaborate - With the employee to find an appropriate accommodation

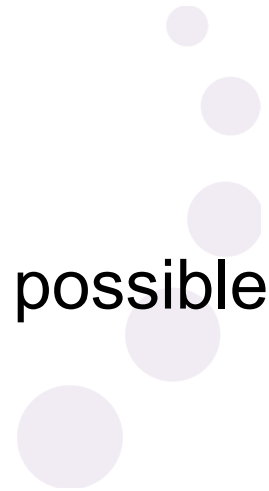
EMPLOYER RESPONSIBILITIES CONTINUED

Confidentiality - Must maintain confidentiality of employee's medical and/or accommodation information

Needed Information Only - Request only the functional capacity information that is required to determine an appropriate accommodation

Expert Support - Where needed and investigate alternative accommodations

Timely - Implement accommodations as soon as possible



EMPLOYEE RESPONSIBILITIES DURING THE ACCOMMODATION PROCESS

Inform - The employer about the need for accommodation

Provide Details - About relevant restrictions

Collaborate - With employer to find an appropriate accommodation that allows for success

Participate - In the development of an individual accommodation plan

Monitor - Work with the employer to monitor and evaluate the accommodation

OPPORTUNITIES TO DISCLOSE

- Application process (i.e. cover letter, disability related activities on resume; 'checkbox' on application)
- When an interview is scheduled
- During the interview
- At the job offer stage
- Once the job begins
- When a workplace challenge presents itself
- Never



DISCLOSURE: DURING THE APPLICATION PROCESS

Opportunities:

- Proactive accommodation planning / fewer challenges when hired
- Demonstrating proactivity and self-advocacy
- Inclusive hiring initiatives may mean they are more likely to reach out

Challenges:

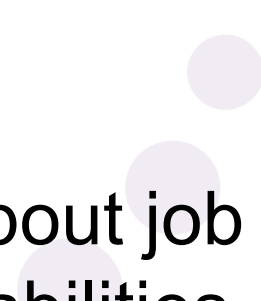
- No opportunity to address any employer concerns
- May question whether disclosure impacted selection process

DISCLOSURE: WHEN THE INTERVIEW IS SCHEDULED

Opportunities:

- Chance to request accommodations that may be required for the interview
- Demonstrates ability to communicate openly, effectively & assertively in professional settings

Challenges:

- Fear of bias or discrimination
 - Navigating potential difficult discussions
 - Employer may have preconceived ideas about job seeker, their disability, and their skills and abilities
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DISCLOSURE: DURING INTERVIEW

Opportunities:

- Can engage in real-time discussions about why you are a qualified candidate and your ability to excel in the role
- Can help build trust and rapport between the potential employee and the interviewer

Challenges:

- Cannot predict how others will react
- Limited time for in depth discussion

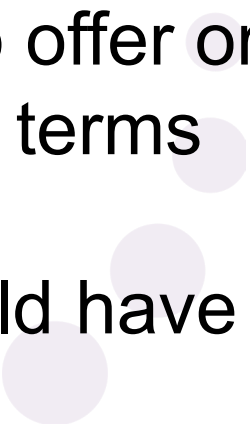


DISCLOSURE: AT THE JOB OFFER STAGE

Opportunities:

- Accommodations can be put in place before start date
- Decrease stress around performance when the job begins

Challenges:

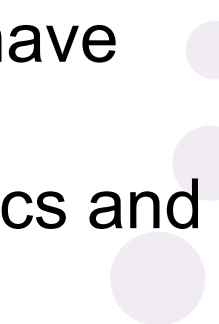
- Concerns over negatively impacting the job offer or ability to negotiate salary, benefits, or other terms of employment
 - Employer may believe that disclosure should have happened at an earlier stage
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DISCLOSURE: WHEN JOB BEGINS

Opportunities:

- Chance to understand the job tasks/functions/environment and any resulting accommodation needs
- Can formalize an accommodation plan
- Contributes to creating an inclusive workplace culture

Challenges:

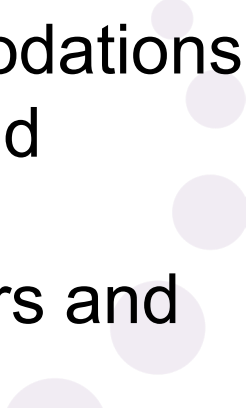
- Employer may believe that disclosure should have happened at an earlier stage
 - May worry about navigating workplace dynamics and whether there will be negative consequences
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DISCLOSURE: WHEN THERE IS A WORKPLACE OBSTACLE

Opportunities:

- Can open up opportunities to receive support
- May engage in problem-solving discussions that lead to solutions

Challenges:

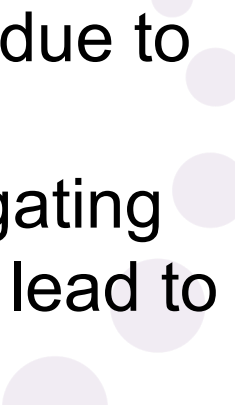
- Increased stress and anxiety
 - Missed opportunities for support and accommodations
 - May lead to struggling to perform job duties and negatively impact performance
 - Potential impact on relationships with managers and co-workers
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DISCLOSURE: NEVER

Opportunities:

- May avoid potential stigma, bias, or discrimination
- Can focus on showcasing abilities, skills, and qualifications. Evaluated on merits and contributions, not defined by disability

Challenges:

- Performance and experience may be affected due to the absence of accommodations
 - Stress of hiding disability + challenges of navigating work without necessary accommodations, can lead to burnout and decreased overall well-being
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REMEMBER:

- Disclosure is a personal choice that cannot be forced
- An accommodation plan is a collaborative process between the employee and employer
- Accommodation plans may need to change over time
 - There are opportunities and challenges with disclosing at any stage – Decide what is important to you and when/whether to disclose



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Resources:

Sample Accommodation Process and Plan:

<https://forms.mgcs.gov.on.ca/en/dataset/0048>

Job Accommodation Network (JAN) A-Z Listing of Disabilities and Accommodations:

A tool designed to help employers and individuals determine effective accommodations. Accommodation ideas as well as resources for additional information

<https://askjan.org/a-to-z.cfm>

The Job Demands and Accommodation Planning Tool (JDAPT):

<https://aced.iwh.on.ca/jdapt/worker-en>



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