



Disability-Inclusive Hiring Practices

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Employers participating in the 2024 THRC pilots of new tools can also refer to their [resource list](#) and are welcome to contact their designated advisor for consultation and guidance.

DISABILITY-INCLUSIVE HIRING PRACTICES

Hiring practices that are inclusive for persons with disabilities have two characteristics:

- Reasonable modifications or adjustments are made for qualified applicants.
- Actions are taken to minimize unconscious biases that can create unintended barriers.

See two of the [THRC tools](#), *Attracting New Talent -- Persons with Disabilities* and *Successful Onboarding and Early Days – Employees with Disabilities* for advice related to recruitment and to onboarding.

Getting Started

Designing an Inclusive Process

Consider the essential functions of the position and how they might be performed with reasonable accommodation.

- Refer to Trucking HR's resource on [Physical Demands Assessments](#) for detailed descriptions of twelve of the most common roles in the industry and suggestions of accommodations for physical disabilities.
- Consider a range of non-physical disabilities such as learning disabilities, neurodivergent characteristics, mental health challenges, etc., and how those might interact with duties of the job.
- Consult with accessibility specialists or occupational health professionals.
- Challenge your thinking to ensure you base hiring decisions on qualifications and the ability to perform the job with accommodation, not on the disability itself.

When designing or reviewing your hiring process, be aware of unconscious biases regarding disabilities and make a meaningful effort to mitigate these biases. Some key hiring steps where bias may arise, and examples of how to mitigate include:

- **Designing and administering assessments:** Design assessments to be reflective of core job-related skills and knowledge. Be prepared to allow for reasonable accommodation during assessments. Keep track of the accommodations you have considered and those you have tried; this will be helpful for future hiring processes.
- **Developing interview protocols:** Review questions for unintended subtle biases, complex or unclear language, etc. Consider inclusive practices such as providing questions in writing as well as orally. Allow candidates to refer to notes they bring with them. Be prepared to offer sign language interpretation if required. Ensure the interview location is accessible, quiet and welcoming.
- **Conducting reference checks:** Focus on work performance and skills; avoid asking questions that could reveal a candidate's disability. Do not inquire about medical history.

Pre-Screening

When reviewing résumés and applications:

- Focus on skills and qualifications relevant to the job. Remain open to possibilities that experience in other types of jobs might provide skills that can be transferable to the new position.
- Gaps in employment history or part-time positions can be more common among candidates with disabilities. Only question the gaps when they are directly relevant to an applicant's preparedness for the role.
- Screen applications based on skills and qualifications, not assumptions about limitations. To give more opportunities, try to screen in, not screen out.

Before Testing and Interviewing

- During initial contact, ask candidates if they require any accommodation for the testing or interview process. Make efforts to encourage them to feel comfortable to self-identify.
- When a candidate does disclose a disability, seek their input to determine appropriate accommodations for any parts of the selection process.
- Examples of accommodations may include:
 1. Accessibility software for knowledge tests
 2. Added time for skills tests or performance trials
 3. Providing written versions of interview questions
 4. Sign language interpretation or real-time captioning
 5. Screen readers or amplified headsets
 6. Opportunity for additional breaks
 7. Allowing a service animal to be present
- When scheduling an onsite test or interview, provide a description of the location and accessible parking options.
- Give an outline of the selection process and provide clear information on the testing and interview approach.
- Avoid making assumptions about how a visible or invisible disability may affect a candidate's ability to perform job functions.
- Assemble an interview panel of people who have completed anti-bias training.

Building disability-inclusive skills will include having an understanding about the barriers and the opportunities for including people with disabilities in the workplace. Combine this awareness with practice in using bias-aware interviewing approaches. Members of the interview panel should be comfortable with challenging their colleagues to uncover unconscious biases and assumptions. It is helpful to give reminders about good practices prior to conducting interviews.

During the Interview

- If an applicant does disclose a disability prior to an interview, inform them that they have the right to be accommodated in the role to the point of undue hardship (see *Legal Note* section below for more information).
- Avoid asking questions that inquire about a candidate's disability unless it is *directly* related to the essential functions of the job. For example, an interviewer's informal disability-related questions to a wheelchair user applying for a dispatcher role would be inappropriate. While they might be intended to foster friendly conversation, they can feel intrusive to the candidate or suggest the possibility of an unconscious bias.
- Assess each applicant against the established requirements of the job and use the same ranking or rating system for each candidate.

Interview questions you are permitted to ask:

- Do you require any accommodation to meet the requirements of this job?
- How would you perform this particular task?
- Are you able to work full-time or part-time?
- Are there times or episodes when your disability would have more impact?
- If we made [example] adjustment, would that meet your needs?

Interview questions you are not permitted to ask:

- Do you have any disabilities or medical conditions? What are they? (Note: you can ask generally if they require any accommodation, and if they do not voluntarily disclose a disability you cannot ask directly.)
- How did you become disabled? What is your diagnosis?
- How often do you have to go to the doctor?

Making an Offer

Here are some key steps and tips when making an offer to *any* applicant. Remember, some applicants may disclose their disability during the interview process, but some may disclose later, and some not at all. Having inclusive language for all employees is key to creating an inclusive work environment.

- **Involve HR:** Involving HR from the beginning is advisable, as they can provide guidance on legal requirements and help with documentation.
- **Formal offer letter:** As a part of the formal offer letter, include a clause about accommodation in addition to a clear explanation of compensation, benefits, and start date.
 - Example phrase for all candidates: *"We are committed to creating an inclusive workplace and are happy to discuss any reasonable accommodations you may need to be successful in this role."*

- **Maintain privacy:** Assure the candidate that any information they share about their disability will be kept confidential according to relevant privacy laws.

Legal Note

- In Canada, federal, provincial and territorial legislation requires employers to provide reasonable accommodation both for the actual job as well as during all assessment and interviewing steps in the hiring process. These requirements are laid out in human rights legislation, as well as accessibility frameworks (e.g., [Access for Ontarians with Disabilities](#), and [Accessible Canada Act](#)). The standard for “reasonable” accommodation means that it is a requirement unless it would cause **undue hardship** to the employer.

What is undue hardship?

Most accommodations are free or inexpensive, and easy to implement. This may include flexible scheduling, assistive devices, or time off for doctor’s appointments. However, undue hardship relates to:

1. **Cost:** If the cost of accommodation can impact the sustainability of the business or changes its essential nature, it may be considered undue hardship. Because the financial circumstances of each business are different, undue cost looks different for a small business than a larger one.
2. **Health and safety:** If an accommodation request could cause risk, or cannot fully protect the employee, or does not allow for full functioning of job duties, the risk may be considered an undue hardship.

- *Reasonable accommodation* refers to modifications or adjustments that are practical and don’t create risks or impose a significant financial burden on the employer.
- A person with a disability is not required to disclose their disability if they can perform the duties of the job without accommodation.
- An employer is allowed to ask questions about an employee’s ability to perform the duties of the job, but an employer does not have the right to ask for specific details about an employee’s disability (such as diagnosis or prognosis).

Frequently Asked Questions

If we accommodate for some applicants, does that create unfairness for other applicants?

If an applicant requests reasonable accommodation for their disability or other protected human rights ground, it is leveling the playing field – not creating an unfair advantage. Remember, accommodation does not mean changing standards or requirements, it just means removing barriers that would prevent a qualified candidate with a disability from demonstrating their skills and performing the job duties.

I have safety concerns about hiring someone with disabilities, what should I do?

First, it is important to distinguish between safety-sensitive occupations (such as truck drivers) and general safety concerns. Ensuring the safety of employees with disabilities in safety-sensitive occupations, as well as their colleagues and customers is a legitimate concern.

For general safety concerns, remember that many concerns about the ability of a person with a disability to perform a job safely are rooted in anti-disability bias. If an applicant or new employee has disclosed a disability and you are concerned about safety related to the essential duties of their job, you should explore what reasonable accommodation can be made.

Explore implications and possibilities in more detail in the [Supporting Safety of Persons with Disabilities](#) tool and in the [Physical Demands Assessment](#) resources on the THRC website.

Someone who interviewed disclosed a disability and I offered reasonable accommodations for the interview/selection process – but the candidate is insisting on additional accommodations that would be so costly that we believe they would constitute undue hardship for our company, what do I do?

If an applicant has disclosed a disability and you (as an employer) have offered reasonable and flexible accommodation, the individual can then accept or further negotiate this accommodation. If the individual refuses or insists on unreasonable accommodations (review *undue hardship*, above), you may have met your legal duty to accommodate. As an employer, you should seek legal or expert advice before making this decision.

I want to hire someone with a disability, but the cost of accommodation would be too expensive or very difficult to implement, what do I do?

If you found a great applicant but they require accommodation, it is important to explore all available options. Remember, most forms of accommodation are free or very inexpensive. Look into funding and support available through government and local agencies – THRC's [Connector Tool](#) is one place to start.

If all options have been explored but you are unable to meet the candidate's needs because of undue hardship, you may have exhausted your legal duty to accommodate and you may decide they are not a good fit for the role. Remember to document your effort to accommodate and how it would cause your company undue hardship. You may recommend them for another role in your organization where their accommodation needs can more easily be met.