



## Invisible Disabilities

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## INVISIBLE DISABILITIES

A truly inclusive workplace shows that accessibility is not just about ramps, designated parking spaces and automated doors. Those are important and helpful for some visible disabilities, yet it's incredibly important to realize that invisible disabilities are just as crucial to consider in ensuring accessibility and workplace equity.

An **invisible disability** (often referred to as a non-apparent disability) is any disability or health condition which may not present outwardly or is not immediately obvious. Invisible disabilities have many causes, and can include any of the following categories:

- **Mental health conditions:** including depression, anxiety, bipolar disorder, substance dependency, obsessive-compulsive disorder, etc.
- **Neurodivergent conditions:** including autism spectrum disorder, ADHD, and learning disorders such as dyslexia, speech disorders, etc.
- **Sensory disorders:** including hearing impairment, visual impairment, and sensory processing disorder.
- **Other invisible health conditions:** including diabetes, chronic pain, migraines, autoimmune diseases (such as lupus or rheumatoid arthritis), respiratory diseases, etc.

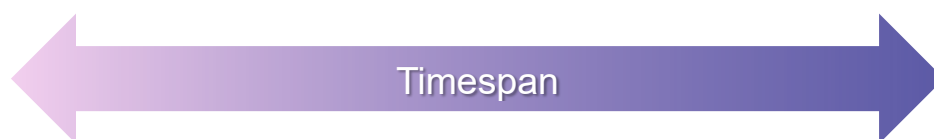
Ensuring that invisible disabilities is considered when referring to policies and practices that reference people with disabilities is often a legal requirement.

For example, the Accessible Canada Act that governs federally regulated employers, similar to many provincial legislation, includes invisible disabilities in their definition of disability.

*Disability means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society.*

## How Do Invisible Disabilities Show Up at Work?

Importantly, not all disabilities (invisible or otherwise) are life-long, and not all disability symptoms affect an individual at every moment. Typically, the following terms are used to describe how disabilities may present:



<b>Temporary:</b> Disabilities may be short-term and therefore require workplace accommodations for the employee that are only relevant for a short period of time. Examples of a short-term invisible disability is a mild traumatic brain injury (TBI), such as a concussion, or certain forms of cancer.	<b>Chronic:</b> Some disabilities are life-long and have no cure, and therefore require an individual to permanently manage symptoms through treatment and/or a work accommodation. Examples of chronic invisible disabilities are diabetes and hearing impairment.
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<b>Episodic:</b> Episodic disabilities are those for which symptoms on some days are better than others. Episodic disabilities can be visible, invisible, temporary, or chronic. For some, these flare-ups can happen often, while for others, they may be unaffected for weeks at a time. An example of a temporary episodic disability is post-traumatic stress disorder (PTSD) or possibly post COVID-19 symptoms. An example of a chronic episodic disability is epilepsy.	<b>Persistent:</b> Persistent disabilities are those for which symptoms are always present. An example of a temporary persistent disability is encephalitis. Examples of chronic persistent disabilities are dyslexia and obsessive-compulsive disorder.
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## Duty to Inquire

Along with an employer's Duty to Accommodate, when an employer observes changes in an employee's attendance, performance, or behaviour that may be related to a disability, **it triggers a legal obligation to initiate a conversation with the employee** about accommodating their possible disability. Duty to Inquire is most relevant for invisible disabilities, as by definition, invisible disabilities may not be obvious to an employer and may not have been previously disclosed by the employee.

### What to do:

- ✓ Be respectful and non-judgmental; understand the employee may feel pressured, guilty, embarrassed, or anxious.
- ✓ Ensure confidentiality.
- ✓ Clearly identify concerns about the employee's performance or behaviour.
- ✓ Be specific and adopt a collaborative problem-solving approach about what performance is required and what might be getting in the way.
- ✓ Explain the opportunities and the limits of the employer's duty to accommodate and give the employee the opportunity to disclose a disability if relevant.
- ✓ If a disability is disclosed, ask if the employee would like to progress to developing an accommodation plan.

### What NOT to do:

- ✗ Do not try to diagnose a disability.
- ✗ Do not recommend treatment.
- ✗ Do not threaten dismissal.

If an employee **does not disclose a disability**, the employer can then outline the consequences of the employees' current behaviour or performance.

If an employee **does disclose a disability**, the employer must work with the employee to gather and consider relevant information for potential accommodation.

## FAQ/Myth Debunking

Myth	Fact
MYTH: Invisible disabilities can be overcome with enough willpower.	Disabilities related to psychological health disorders are entirely valid and very real. Invisible disabilities also capture many other conditions with clear physical causes, such as traumatic brain injuries, hearing loss, diabetes, etc.
MYTH: Many employees fake invisible disabilities as an excuse to not have to work as hard.	This applies to very few cases. Far more often, the reverse is true: employees with invisible disabilities are unwilling to disclose their disability to their employer out of fear they will be perceived as incapable of performing at the same level as their colleagues, will be passed over for opportunities, etc.
MYTH: My employee hasn't disclosed an invisible disability to me, so I'm not legally required to do anything about it.	For federally regulated employers, and many provincially regulated ones, if you suspect that an employee has a disability, there is not only a Duty to Accommodate but also a Duty to Inquire. If you begin to suspect that an employee's job performance is being significantly affected by a disability or health condition, you are legally required to inquire about accommodation needs.

## Sample Scenarios

Below are two sample scenarios of invisible disabilities in the workplace and their solutions and management. One important thing to consider as an employer of a person with a disability is the matter of privacy. The nature of accommodating an employee may involve inadvertently “outing” them as a person with a disability to their coworkers. It is important to speak with the employee about how they would like the situation to be approached.

**Scenario 1**

**Ken is a mechanic at a small fleet employer.** He often finds that he needs to reread the information presented on diagnostic screens multiple times to ensure he fully understands the issue with the vehicle. While he sometimes takes slightly longer than his coworkers to get started on a job, his methodical approach gives him confidence that he is arriving at the right conclusion. Ken's 9-year-old son was recently diagnosed with dyslexia, prompting Ken to realize that similar symptoms may be causing him to have to re-read the screens, and that he may have been living with dyslexia for his whole life without knowing. After receiving a diagnosis from a professional, Ken decided to bring up his experience to his boss. His boss mentioned that the diagnostic scanners have an accessibility feature that reads numbers and text aloud, and now Ken can save time on each job and have greater peace of mind.

### **Takeaways**

- Many workers with disabilities are model employees. They want to do their job as effectively as they can. Often, they are particularly appreciative of the confidence that the company has placed in them.
- A disability might not hinder the person's ability to perform, as long as they have found an approach that works for them. It might mean doing the same tasks slightly differently.
- A person with a disability is more likely to be successfully accommodated when they feel comfortable confiding in their boss. This demonstrates the importance of building an inclusive climate.
- Sometimes accommodations for employees may already be readily available and/or available at no additional cost to the employer.

For more information on how to build an inclusive climate for supporting invisible disability disclosure, please refer to the THRC tool: [Supporting Disability Disclosure](#).

### **Scenario 2**

**Lorraine is a long-haul driver for a large fleet employer.** She has been living with type-1 diabetes ever since she was a teenager. She is fully able to manage her diabetes while driving long routes, by ensuring that she has appropriate snacks, an opportunity to take breaks to stretch her legs, and more than enough medication for her trip time and possible delays. Her employers are aware of her condition and check in with her regularly. Recent changes in legislation since 2020 now allow insulin-using diabetics to drive trucks into the U.S. and Lorraine is driving some of these routes. In case questions come up when she is in the U.S., Lorraine always keeps a copy of her medical paperwork and news articles about the 2020 changes, and the name and phone number of a company representative who can address any concerns.

### **Takeaways**

- When accommodating an employee's disability, it is important to check for current compliance with provincial, federal, and/or international regulations, as there may be distinctions and recent changes that can present new opportunities.
- Workers with disabilities are often highly capable of managing their own disability so that they can succeed at work. Where they might need particular support is in making any additional adjustments that might be needed for the specific tasks and context of the job duties.
- It is a good practice to do some advance planning with the employee about potential challenges that might arise and how they can be resolved effectively.