



Supporting Disability Disclosure

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SUPPORTING DISABILITY DISCLOSURE

It is important that your workers with disabilities feel comfortable and safe to self-identify. This can be a particular challenge when considering disabilities that may be non-visible (such as diabetes, fibromyalgia, hearing impairment, etc.).

Improve your company's capacity to be inclusive with an understanding of:

- Reasons why individuals may or may not disclose their disability
- Situations when employers should initiate the conversation
- Strategies that can be used to help increase the rate of disclosure

Understanding the Individual's Decision about Disclosing

The decision to disclose a disability to an employer can be difficult and there can be a lot to consider. For example, an employee with a disability may ask themselves:

- My disability is non-visible. Should I bother to disclose it or hope it doesn't become an issue?
- Will the employer understand my disability? If they don't, am I prepared to explain it?
- Does the employer have policies in place that will support my ability to contribute? Will they provide accommodation that will allow me to be successful?
- Will I be granted the same opportunities to progress as my peers?
- Does my employer have other persons with disabilities working for them or do they have any experience working with persons with disabilities?
- If I do decide to disclose, how do I say it and to whom will I say it?
- Can I trust my manager with this information? What will my colleagues think if they find out?
- I have already faced some inappropriate comments from my colleagues at work about my [gender, race, etc.]. If I disclose my disability, will that make things worse?

An employer's goal should be to make it as easy as possible for people to disclose a barrier they face at work or an accommodation requirement. Remember, job applicants and employees are not required to disclose a disability.

Initiating the Discussion: The Employer's Duty to Inquire

For the reasons listed above, and others, many employees will hesitate to come forward to disclose a disability or to ask for a needed accommodation. This does not mean that the employer has no responsibility.

Legal decisions have confirmed that employers have a “**duty to inquire**”, if they suspect an employee's poor performance or failure to meet expectations may be due to an undisclosed disability or other need for accommodation. This is seen as a requirement prior to taking any action such as disciplinary action or dismissal.

NOTE: If the employer knew or should reasonably have known that an accommodation was required, a disciplinary action may be judged to be discriminatory. Inquiring with the employee is also important if the disability has the potential to impact safety.

Observing changes in a worker's attendance, performance or behaviour that are more than an “off day” may trigger the employer's duty to inquire -- essentially checking in with a worker. Initiating these discussions require sensitivity. The main goal is to ask how the employer may best support the worker. The discussion should be collaborative, and it may continue over time.

TIPS:

- When starting a conversation about a worker's job performance, absenteeism, or other concerning changes, be prepared to give concrete examples.
- Do not make assumptions about a worker's behaviour or its cause.
- Create a workplace culture where the person will feel comfortable disclosing.
- Ask questions. Be curious.
- Be respectful, supportive and non-judgmental.
- Let the worker know that they can talk with any member of management or human resources with whom they feel comfortable sharing their situation.
- Once the conversation has opened up to discussing potential accommodation needs, see the suggestions in the THRC resource, [A Manager's Tool for Having Accommodation Discussions](#).

The *Canadian Human Rights Act* sets out that employers have a duty to accommodate employees who fall under the Act, up to the point of undue hardship considering health, safety, and cost. Provincial and territorial jurisdictions have similar requirements.

Creating a Workplace Culture that Encourages Disclosure

The following strategies help to create an inclusive workplace culture where persons with disabilities will more likely feel comfortable to come forward.

Promote Trust	An employee disclosing a disability must be able to trust that their company and supervisor will take the disclosure seriously and treat them with respect. Respect confidentiality and only share information that has been agreed to by the employee.
Start from the Beginning but Don't Forget the End	<p>Creating a safe space begins during the recruitment process. If a job candidate feels they have been treated with respect from day one, they are more likely to feel comfortable disclosing their disability.</p> <p>HR, hiring managers and anyone else involved in the recruitment process need to be trained on appropriate legislation (such as the Accessibility for Ontarians with Disabilities Act, the Accessible Canada Act, or other provincial / territorial requirements).</p> <p>If the employee leaves your organization, conduct an exit interview to obtain feedback and suggestions on how to improve your practices for disability inclusion.</p>
Provide Career Growth Opportunities	<p>A common reason individuals choose not to disclose their disability is fear that this will limit their opportunity for career development and promotion. Consistently communicate that the company wants to remove barriers in order to develop and leverage employees' capabilities. This will reinforce the belief that the company values employees who have a disability and that disclosing a disability will not affect their opportunity to grow within the organization.</p> <p>And then ensure that your career practices are, indeed, equitable and inclusive.</p>
Stay Connected	<p>For those with disabilities, deciding whether to disclose a disability can be largely dependent on whether they feel they have someone they can disclose to.</p> <p>Managers and supervisors who develop connections with their employees create space for those conversations to take place, even if it isn't right away. This is particularly important when the employee might work remotely.</p> <p>Be open to disabilities that might emerge or change over time. Changes in work practices, or in the employee's situation, can lead to changes in barriers they might experience in the workplace.</p>

Make it Easy	Create a basic self-identification form that employees can readily access. This can be used when they are hired, but also as needed when their situation changes. Highlight the confidentiality of the information.
Provide Training and Education to Staff	<p>Build confidence and skills throughout your workforce when working with a colleague or team member with a disability.</p> <p>Provide support and/or training to managers and supervisors so they can have successful and supportive discussions with their employees with disabilities.</p> <p>As a starting point, consider sharing these short 2-minute THRC videos with staff members:</p> <ul style="list-style-type: none"> • Disabilities: Myths and Facts (video) • Talking about Disabilities (video)
Make Accessibility a Priority	<p>Accessibility is a vital part of ensuring people with disabilities feel welcome and fully included in the workplace. This includes not only physical accessibility but also accessibility of information and communication technology.</p> <p>Question assumptions about how things are done. Be open – for example, some accommodations may require adapting to new technologies or being flexible in how or where you conduct meetings.</p>
Implement a Communication Strategy	<p>A thoughtful communication strategy can build trust by addressing myths and misconceptions.</p> <p>Share, post, and highlight your policies and successes for accessibility, accommodation, and inclusion.</p> <p>Remember that the experience of people with disabilities can be strongly affected by their other characteristics. Employees of varying ages, genders, cultural backgrounds, job categories, and so on can have very different perspectives about disclosing a disability. Be intentional in including a full range of diversity in your communications.</p>