

Workplace Accommodation 101:

Employees with Disabilities



WHEN to request an accommodation:

Disabilities are generally disclosed in the workplace when a request for reasonable accommodation is required, however, you are legally mandated to disclose the disability to your employer:

- If your disability **impedes on your work performance**, or impairs you from carrying out the essential functions of your position
- If the disability could potentially create a **health or safety risk** for you or your co-workers

WHAT is an accommodation:

Workplace accommodations are **modifications to working environments or working conditions** that enable a person with limitations in their abilities to perform the essential functions of their job. Examples include:

- **Modified physical conditions** (i.e. requesting specialized computer equipment or implementing an ergonomic workstation)
- **Modified terms and conditions** of employment (i.e. flexible work schedule, remote work, or reallocating non-essential duties to others)

HOW to request an accommodation:

When making an official request for accommodation, **inform your employer** that an adjustment to your work environment and/or working conditions is required for medical reasons.

Your employer is legally entitled to ask questions/request medical information related to your functional limitations caused by your health condition and the prognosis from the treating physician, but it cannot explicitly ask for your medical diagnosis or inquire about your treatment.

As the employee, **you have a legal duty to cooperate with your employer** in the accommodation process.

WHO to request an accommodation with:

Depending on the size and structure of your workplace, this may be a request to your:

- Manager/direct supervisor
- Member of the Human Resources department
- Member of the Health and Safety Committee

Review your corporate internal policy for more information on who to contact.



WHY request an accommodation:

In Canada, **you are protected from discrimination** under human rights legislation enacted both federally in the Constitution Act, the Canadian Human Rights Act, and the Employment Equity Act, as well as provincially, in the human rights legislation and the employment standards legislation. These legislations prohibit discrimination based on the ground of disability to secure equal treatment with respect to employment.

To ensure that employment-related discrimination does not occur, **employers have a legal duty to accommodate employees** with limitations due to a medical condition short of undue hardship or when there is a “bona fide occupational requirement”.

WHERE to contact for information on denied accommodations:

If you have experienced discrimination and wish to file a complaint or require further information as to when an employer can deny a request for an accommodation, you may consult the **Canadian Human Rights Commission** or an agency in your province or territory, depending if your employer is under federal or provincial/territorial jurisdiction.

To learn more about workplace safety contact
AskClaudiaCavallaro@hotmail.com

If you are struggling with the outcomes of brain injury, submit a request to the CLF HelpLine at CLFHelpLine.ca