

Disclosing Your Disability

A Legal Guide For People with Disabilities in BC



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Disclosing Your Disability: A Legal Guide for People with Disabilities in BC

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The links in this guide were active at time of publication. If you find a link that is no longer working, search for the title of the publication or organization you wish to view in your search engine.

Disclaimer

This publication is general information and is not intended to provide or replace legal advice. If you have questions about your legal rights and responsibilities you may want to contact a lawyer. The Canadian Bar Association, British Columbia Branch website provides a list: Low Cost and Free Legal Services. <http://www.cbabc.org/For-the-Public>

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Introduction

In our work as a cross-disability organization in British Columbia, Disability Alliance BC (DABC) offers programs and services to people with disabilities, as well as working in partnership with other organizations. Through these activities, it became clear to us that many people with disabilities do not understand their legal rights and responsibilities around disclosure of their disability in the context of employment.

Some disability-related employment programs have been springing up in recent years. DABC wants to build upon these programs by creating a legal resource that answers key practical questions around disclosure. People with disabilities have asked us:

“Am I legally required to disclose my disability during the job application process? Should I wait until after I’ve been hired?”

“My illness has gotten worse. What should I say to my employer?”

“How much information am I legally required to give? How much information can my employer legally ask for? Should I say anything at all?”

We created *Disclosing Your Disability: A Legal Guide for People with Disabilities in BC* to inform and assist people with disabilities. It goes step-by-step through the planning and decision-making necessary when considering disclosure to an employer. Key areas covered in this guide are:

- your legal rights and responsibilities
- employer responsibilities
- deciding when and how to disclose
- information about workplace accommodations
- the value of knowing your employer
- the value of knowing your own skills

The appendices include additional resources to help readers understand and apply what they have learned. Throughout, the guide also offers additional tips on disclosure, viewpoints from employers and first-hand stories from people with disabilities about their disclosure experiences.

DABC was very pleased to receive support from the Law Foundation of BC to produce this legal resource. As more employment opportunities and supports become available to people living with a disability, knowledge of their rights around disclosure will be an invaluable resource.

Our thanks to the Law Foundation for making this guide possible.

Important Terms to Know

The following are brief definitions. Topics are discussed in more detail in the following pages.

Disability:

A disability is a condition or illness—visible or invisible, episodic or continuous—that affects a person’s senses or activities. Examples of disabilities include physical and sensory disabilities (quadriplegia, vision or hearing loss, etc.), mental health disabilities (including addiction), developmental disabilities, learning disabilities, brain injuries and chronic health conditions such as arthritis, hepatitis C, diabetes, morbid obesity and others. The disability does not need to be permanent; however, a short-term health issue such as the flu would not qualify for accommodation in the workplace.

Disclosure:

In this guide, disclosure refers to telling an employer about your disability or chronic health condition. The most important factor in deciding whether or not to disclose to an employer is your ability to do the job. If your disability will not affect your ability to do the job, you are not required to disclose. If you will require accommodation to do the job, you must disclose. See page 20 for more information about deciding if and when to disclose.

Accommodation:

Accommodation refers to equipment, practices or policies that enable an employee with a disability to succeed in the workplace. Examples of accommodation include additional equipment or modifications to existing equipment (e.g. modified keyboards), flexible hours of work or modified work schedule, additional training, modified work environment (lower lighting, quiet areas, etc.) and customized work duties. See the Resources section on page 33 for more information on accommodation.

Duty to accommodate:

Employers have a “duty to accommodate” disabilities of employees and potential employees up to the point of “undue hardship.” In determining whether an employer has reached a point of “undue hardship,” the courts will consider financial costs; health and safety risks; and, size and flexibility of the workplace.

Community Legal Assistance Society. (2015). BC Human Rights Clinic: Duty to Accommodate. Retrieved from http://www.bchrc.net/duty_to_accommodate

Fears about hiring a person with a disability

AIM (Abilities In Mind) is a program of BC Centre for Ability. AIM hosted “Candidly Speaking: A Collaborative Approach to Disability in the Workplace” on February 15, 2012. One of the discussion topics was “What are your fears when hiring a person with a disability?” Responses summarized on the AIM website include:

- Not being able to do the job correctly.
- It may give your company a negative image.
- You may not be able to deal with issues related to having a disability (such as emotional or psychological).
- You may not have enough funds to accommodate an individual with a disability.
- Do not have time to train the individual with a disability (AIM Program Coordinator).

“The common fears employers have when hiring persons with disabilities are often based on lack of information and stereotyping. Qualified candidates, whether they have disabilities or not should not be feared. It is important to focus on abilities.”
(AIM Program Manager)

AIM (Abilities In Mind). (February 15, 2012). Candidly Speaking: A Collaborative Approach to Disability in the Workplace. Retrieved from <http://www.abilitiesinmind.com/2012/02/candidly-speaking-a-collaborative-approach-to-disability-in-the-workplace/>

BFOR (Bona Fide Occupational Requirement):

A bona fide occupational requirement or BFOR is a job requirement or qualification that is essential to completing the job safely and efficiently. An employer would not be required to accommodate a disability if it can show that the specific job duty or requirement is a bona fide occupational requirement. For example, operation of a vehicle to transport equipment from one work site to another would qualify as a BFOR. Accommodating a worker who is blind would not be a reasonable expectation.

Discrimination:

In BC, unfair treatment or being refused a benefit because of your disability is considered discrimination. For example, an employer refusing accommodation or dismissing you from your job because of your disability is discrimination. For exceptions see BFOR and Duty to Accommodate earlier in this section. It is also discrimination to not hire you because of your disability; however, providing evidence can be difficult.

Harassment:

Harassment is a type of discrimination in the form of humiliating or offensive comments or actions. Staring, touching, jokes or remarks relating to disability (or any other characteristic protected by the *BC Human Rights Code*) is harassment.

TIP Your rights are protected as a volunteer just as they are as an employee. If you need accommodation, you will need to disclose your disability to the organization's volunteer coordinator.

CB is hard-of-hearing and began wearing hearing aids 15 years ago. She did not disclose her disability during the employment application process. She currently has two jobs and both require that she meet new people often.

Asked about her advice for job seekers with disabilities, CB says, “First of all, [applicants] should know themselves well enough to know whether they can do the job as it’s described. So if they are hard of hearing, for example, they shouldn’t apply for a job as a receptionist. There are certain limitations. They must resign themselves to that fact, but maybe there’s something else out there that they’ve never thought of that they’d be awesome at. And then have that contract in hand and signed by all parties before you disclose anything.

“The dilemma I have is trying to decide whether it’s important or not to tell people because I can hear much of what anybody else is saying. The cell phone that I’m using now is bluetooth compatible so I’m hearing you in both ears. I probably hear on a cell phone better than the average listening person hears. So that doesn’t impact my ability to do my work. The problem occurs when I’m in a crowded room or somebody is speaking away from me and they assume that I’m ignoring them. That’s the time that I determine I have to share with my co-workers that I’m not ignoring them. I’m not shy about it ... I’m happy to show people my hearing aids. There’s a stigma attached to it... and I’m trying to educate from a positive perspective.”

“I’m working with [people] whose first language is not English. I use humour a lot. I mis-hear things—people laugh at me and I can laugh at myself too. I’m pretty straight up and I use it as an educational process. I think we all have a curiosity about both visible and invisible disabilities. Until we walk a mile in another person’s shoes, we don’t really know what it’s like. It works both ways... if we’re willing to educate the general public they become more sensitive too. And it improves all our working relationships and improves our sensitivity to one another.”

See more stories from people with disabilities in Appendix C.

Working with a Disability

Your legal rights and protection

Residents in BC are protected from discrimination and harassment by the *BC Human Rights Code*. The *Code*, as it's also called, provides protection from discrimination or harassment because of characteristics such as physical or mental disability; race, colour, ancestry, place of origin; religion; marital status; family status; gender; sexual orientation; age, and more.

TIP You are not required to tell a potential employer about your disability or health condition, if you can do the work required without accommodation and your disability will not pose a danger at work for you or others.

The *Code* applies to BC employers—organizations, services, and businesses except those that are federally regulated. For example, banks (but not credit unions), ferries, airports, airlines, telephone and cable companies, and radio and TV stations are federally regulated. The rights and responsibilities of workers employed by federally regulated businesses and organizations are described in the *Canadian Human Rights Act* (see the Resources section for information about the Canadian Human Rights Commission, the organization that administers the Act). This guide will focus on provincially-regulated BC employers.

The *BC Human Rights Code* protects people working full-time, part-time, during probationary periods, and temporary or seasonal employees and volunteers.

If you believe that you have experienced discrimination by an employer or potential employer, you may consider filing a human rights complaint. You must file your complaint within six months of the incident. For information on the process involved and to help you decide whether to file a complaint, visit the BC Human Rights Clinic at http://www.bchrc.net/filing_your_complaint.

TIP The time limit for filing a complaint under the BC Human Rights Code is six months. Some exceptions apply. Complaints must be filed with the BC Human Rights Tribunal. Community Legal Assistance Society. (2015). BC Human Rights Clinic. Available: http://www.bchrc.net/filing_your_complaint

Where do you begin?

As a reader of this guide and someone interested in disability disclosure in the workplace, your journey will be unique. You may be:

- A recent graduate from high school, university or training program entering the workforce
- Re-entering the workforce after time away due to family responsibilities, disability/chronic illness or other reasons
- Moving from volunteer positions to paid employment
- An employee who has acquired a disability or chronic condition that your employer does not know about

Whatever your starting point, preparation is the key to success. Know the legal issues. Know your disability and your strengths. And, learn as much about the employer and the job as possible.

What can an employer legally ask?

A common question on the minds of people with disabilities looking for employment is, “What can an employer legally ask?” Can an employer ask a question that forces you to disclose?

Vancity Savings Credit Union

“Deciding whether to disclose to your employer that you have a mental health challenge is rarely an easy decision. There is still so much misunderstanding and stigma associated with mental illness in the workplace. Employees are nervous about how their news will be received and employers are often uncomfortable with how to respond.

Employers in BC now have a legal responsibility to create a psychologically safe and healthy work environment. One way to help create that environment is to normalize the topic of mental health and take a proactive approach in support of both the employee’s physical and mental wellbeing.

If an employee feels safe and there is a level of trust, they are much more likely to speak openly about mental health challenges just as they would any physical health challenge.”

—Kristin Bower, Advisor, People Innovation and Impact, People Solutions, Vancity Savings Credit Union

Before you are hired

During an interview an employer may ask questions about your ability to perform job duties such as working night shifts, lifting heavy items or traveling. You may be asked if you have any physical or mental disabilities that affect your ability to do the job. The employer's questions must focus on the job function. The employer does not have the right to ask your diagnosis or to ask about treatment. Questions must relate to your ability to perform the job duties.

TIP The Canadian Council on Rehabilitation and Work (CCRW) provides a Job Accommodation Service (JAS®). "Employees can provide documentation of their medical condition or disability to JAS® directly rather than providing it to their employer and the information will be kept confidential and will not be provided to the employer." <http://www.ccrw.org/job-accommodation-service/employee-faqs-jas/>

If you will need accommodation to do any of the duties in the job description, you must respond honestly. Being prepared allows you to respond positively about your ability to do the job with accommodation. In answering the employer's questions, you should briefly and confidently describe the accommodation best suited for you.

After you are hired

If the conversation about your disability and accommodation takes place after you have accepted a job (or later in your time with the employer), similar principles apply. The employer is legally entitled to ask questions about functional limitations caused by your disability as well as your prognosis—a doctor's opinion about how your disability will change over time. The medical information requested must focus on creating appropriate accommodation and your privacy must be protected.

If you have concerns about your privacy or the information your employer is requesting, contact an organization providing job accommodation support. See the "Tip" above.

Know Yourself

Your experience, strengths and skills

Even when a person knows their legal rights, it's common for people with a disability or chronic illness to experience low self-esteem. Many also limit themselves by failing to recognize their diverse experience, strengths and expertise, and ways these skills can transfer to multiple work roles.

Learning to manage a disability or illness requires skills and personal strengths that can be applied to countless environments. By becoming very knowledgeable about yourself—your strengths, values and experience—and carefully researching the employer and job requirements, you can turn challenging life experiences into an advantage.

How to identify your personal knowledge and experience

Successful job seekers harness the power of personal experience and knowledge in the form of stories or examples. Identifying personal characteristics and strengths can be difficult. We tend to assume that our responses and resilience are ordinary when, in fact, they may be quite extraordinary. A potential employer may be very impressed with your creativity, problem-solving and persistence, if you can translate that strength to the work environment.

In the Appendices of this guide, we have included two resources to help you identify your abilities and potential: *Activity A: Skills Sampler* and *Activity B: Capturing Your Stories*.

TIP The Canadian Occupational Structure by Skill Type (<http://www30.hrsdc.gc.ca/NOC/English/NOC/2006/OccupationIndex.aspx>) offers some guidance on skills associated with various occupations. However, job description language varies widely and can only be defined by the organization posting the job.

Know your disability/chronic condition

You are of course very familiar with your disability or health condition. Consider how your disability or health condition relates to the job and the workplace. Even if you do not plan to disclose your disability, preparation will increase your confidence.

Will your disability affect your ability to do the job or will it not be a factor in your performance? What types of accommodations work well for you? Being knowledgeable about your disability and the job in question will ensure that

you can respond to employer concerns simply and quickly, and help you feel confident in responding to questions.

You should also be aware of common misperceptions or inaccurate beliefs that may be associated with your disability. Although they may not voice these beliefs or concerns, an employer may indicate some discomfort or uncertainty through body language or questions. Being prepared will enable you to address these issues and help to minimize the employer's unease. Always provide a positive perspective on your abilities to do the job and contribute to the workplace.

JV has a condition called vocal dystonia. Her vocal cords are too tight, affecting her ability to speak. Treatment involves an injection in her throat every couple of months which improves her speech. JV also has an unrelated condition causing her hands to shake.

JV shares her experience as someone who works as a human resources professional, a person with a disability, and a caregiver for a family member with a disability in the process of returning to the workplace.

“For me, interviews are tough because I have to be really conscious of my hands and my voice and I have to make sure that I time the vocal cord injections correctly so I have optimum voice. It’s hard during the interview process because I have to hold my hands so that people don’t notice that they’re shaking.”

“For some jobs I disclose after I have the job and others I don’t disclose at all. I worry about promotions. I want to get into management so I worry that they’ll think that I won’t be suitable for a management position. With my conditions, my hands shake and my voice shakes, so it gives the impression that I’m nervous when I’m not. So, I just think that they may think, ‘Oh she won’t be able to handle a manager position.’”

As part of her job, JV has hired people with disabilities. “I think I’m a much better HR person because I’m much more compassionate and tuned in to what some of the struggles look like. I feel passionate about helping them along in the process.” JV’s advice: “Be as educated as possible about your rights so that, if something does come up, you’ll know your rights. If your disability is not visible, I wouldn’t disclose in the application process. Not until after you get the job offer.”

See more stories from people with disabilities in Appendix C.

Know the Employer and Job Requirements

Becoming familiar with your own experience, strengths and skills is an important part of a successful job search. Also important, however, is identifying suitable employers and jobs.

Look for employers that fit

Many organizations have diversity policies that show they welcome employees (and customers) from diverse communities, including people with disabilities. The names of such policies may include the words diversity, inclusion, equal opportunity or equitable access. If an organization has a diversity policy, their “diversity statement” will appear at the bottom of job postings.

When employers do not promote a diversity policy, you may need to visit their web site to learn about their values and culture. The annual listing of Canada’s Best Diversity Employers (<http://www.canadastop100.com/diversity/>) provides information about the organizations and a link to view jobs they currently have available through <http://www.eluta.ca>, the official job search engine of the Canada’s Top 100 Employers® project.

Telus Abilities Network

“Founded in 2011, the Abilities Network promotes awareness for the varying abilities in the TELUS team and across our communities in order to foster inclusiveness, support and personal empowerment. The group’s strategic imperatives are:

- creating awareness and education for all team members about the varying abilities that exist within TELUS in which outcomes are inclusive and support our corporate values
- providing support for team members with varying abilities
- fostering an environment that is inclusive of current and future team members with varying abilities
- promoting the inclusiveness of individuals with varying abilities in our communities”

Telus. (2013). 2013 TELUS Diversity and Inclusiveness Report. Retrieved from <http://tinyurl.com/hz3qwp4> p. 8

However, do not disregard organizations lacking publicized diversity initiatives. Smaller organizations and thousands of others welcome workers from diverse communities, though they are not included in “Canada’s Top 100” list. Your public library can help you find potential employers. Industry and professional directories, news sources, and chambers of commerce and labour market information for your area can be helpful in identifying relevant organizations. Job fairs hosted by organizations serving people with disabilities are an excellent opportunity to find employers actively recruiting people with disabilities.

Once you have a list of organizations, research your shortlist of possibilities by reviewing their websites, reading annual reports, diversity reports and employment opportunities. Talk to friends, colleagues and neighbours to find information from someone who works for organizations of interest. You may find helpful information about organizational culture or possibly someone who can introduce you to someone inside the organization. Web searches for comments or reviews from customers and former employees can be informative. Access Canadian newspaper indexes through your public library to view media coverage of organizations—including hiring and culture, but also values and reputation in the community.

Employees with disabilities at HSBC Bank Canada

“In 2014, our active Persons with DisAbilities (PwD) ERG [Employee Resource Group] formally rebranded to become the Ability ERG in concert with similar groups throughout HSBC’s global network and launched a strategy to continue to improve employee knowledge around disability, reduce the stigma to foster self-disclosure, increase participation in the ERG and focus everyone’s attention on what matters—the ability that each employee brings to the organization. By encouraging open-mindedness, the ERG will positively influence inclusion and workforce representation.

Aside from membership, education and increasing workforce representation, the ERG has one other tangible objective for the future that will involve its members—to be a forum of knowledge and information exchange that:

- Can provide insight to support bank projects that touch customers and/or employees.
- Act as a bridge between employees and people with specialist knowledge on disabilities and accommodations.
- Generates ideas on how we can improve the way we do business/interact with our internal and external customers.”

HSBC Bank Canada. (2014). 2014 Employment Equity Narrative Report. <http://www.about.hsbc.ca> (p. 10-11)

Know the job requirements

A clear understanding of the duties in the job description is essential in planning whether you need to disclose your disability. The job posting is of course the place to begin, but it may be less helpful than you think. In addition, “job descriptions” are sometimes different from “job postings.” If you read a “job posting” that refers you to a “job description,” ensure that you carefully review both documents.

Be sure you understand any terminology or jargon used. If you are uncertain, consider contacting the HR Department to clarify the meaning before you submit an application. While job descriptions are important for all applicants, if you have a disability and are considering disclosure and accommodation needs, you must clearly understand the job requirements.

TIP If you decide to disclose your disability in an interview, follow these suggestions:

- Mention your disability when the interviewer says, “Tell me about yourself.”
- Talk about your disability briefly, clearly and without being defensive.
- Tell the employer about any accommodations or coping strategies you’ve developed as a result of your disability. This emphasizes your proactive approach.
- Be concise. Say something like, “For the last three years, I’ve been dealing with a medical issue, but it’s under control now and I’m ready to work.” Legally, the interviewer can only ask questions about your disability that relate directly to the requirements of the job.
- Be prepared to explain any gaps in your resumé, even if you decide not to talk about your disability. (See the scripted answer, above.)
- Stay positive. Return the focus to the skills, experience and enthusiasm you’ll bring to the position and what you can do for the organization.

Alberta Learning Information Service. (2016?) Talking about Invisible Disabilities [Tip Sheet]. Available: <https://alis.alberta.ca/ep/eps/tips/tips.html?EK=7371>. Reprinted with permission.

LT has a traumatic brain injury and relocated to accept a college teaching position. Choosing not to disclose during the application process, LT found the first months of the job and a very heavy teaching load to be challenging. The courses were also delivered to distance education students and required management of instructional technology, in addition to meeting the needs of face-to-face students. LT says, “it was difficult with all the technology and expectations and pace of things ... and many disabilities get worse with stress. I needed more mentorship and help with instructional technology. [However], when I had mentorship in a previous job, it was stigmatizing with peers and students.”

Things became even more complicated after a college evaluation process by students. LT received one particularly negative evaluation by a student. Soon after, LT’s tenure review committee met. Teaching suggestions were offered and submitted to management. Within a few days of the meeting, LT was dismissed. Looking back, LT notes that getting help when needed and using external supports like disability advocates is extremely important.

See more stories from people with disabilities in Appendix C.

Deciding If and When to Disclose

By now, we hope you have more understanding of your rights and responsibilities around disclosing your disability. You are also becoming clear about your personal strengths, have developed illustrative stories to convey your positive experience and skills (if you have completed the activities in the Appendices), you are knowledgeable about your disability/chronic condition, and you know any accommodations needed to succeed in the job.

The next question you may ask is if, and when, you have the responsibility to disclose in your particular situation. The following questions may help you decide.

- Does the employer have a diversity policy or statement indicating that they welcome people with disabilities?
- How will you respond to the employer's potential misconceptions or stigmatizing attitudes regarding your disability? Are you prepared to counter any comments or concerns calmly with information or resources?
- Do you feel apprehensive or concerned about how your disclosure will be received?
- When do you feel most comfortable and confident disclosing your disability?
- Does not disclosing put your safety or the safety of others at risk?
- Do you think it is likely the employer will think you're dishonest if you disclose later? How would you deal with that reaction?
- If you disclose, will you be able to reassure your employer that your disability will not affect your ability to do the work?
- If you disclose, will you require accommodation to do the work?
- Asking for accommodations will almost certainly require you to disclose. Do you need accommodations for the interview? Or if you get the job?
- What do you know about this employer's policies and experiences regarding people with disabilities?

Adapted with permission. Alberta Learning Information Services (2016?).
Disclosure: What to Say about Your Disability – and When (Tip Sheet).
Retrieved from <https://alis.alberta.ca/ep/eps/tips/tips.html?EK=163>

If you can do the work without accommodation

You are not legally required to tell a potential or current employer about your disability or health condition, as long as you can do the work without accommodation and your disability will not pose a danger at work for you or others. Many employment counsellors suggest you should not disclose your disability unless it is necessary—at least until you have received the job offer.

The exception is situations in which the employer is seeking applicants with disabilities or chronic illness. An example would be organizations hiring someone to work with people with disabilities or chronic illness. In these cases, the job posting normally states that people with disabilities are encouraged to apply.

TIP At some point in your job application process you will be asked for references. If your references know about your disability or chronic condition you should let them know whether you have disclosed. Discuss your strengths relating to the job as well as special skills you have as a result of learning to manage your disability. Knowing your approach will enable them to provide an appropriate reference.

If your disability is visible

If your disability is visible (for example, you use a wheelchair, cane or other mobility aid), disclosure will not be an issue—it will be obvious. You will need to ensure beforehand that the location of your job interview is accessible and, when a potential employer meets you, they will see that you have a disability. You might consider being prepared to mention your disability casually in conversation at an appropriate time, as a way to put others in the meeting at ease. This conveys that your disability is just one part of your life and lets others know the disability-specific language you prefer. People sometimes feel uncertain about how to interact with people with disabilities and you can set the tone early in the meeting.

TIP If you accept a job offer without disclosing your invisible disability, it's important to get a letter from your doctor stating that, at the time of employment, you were deemed fit to work. Keep this letter for your records. Alberta Learning Information Service. (2016?). Talking about Invisible Disabilities [Tip Sheet]. Available: <https://alis.alberta.ca/ep/eps/tips/tips.html?EK=737>.

If your disability is invisible

If your disability is **not** visible **and** you need accommodation to do the work, you will be required to disclose at some point. Deciding when to disclose is discussed in the next section. However, if you are asked a question during the interview about your ability to do the work, you must answer honestly. In this situation, your preparation will help you to explain that you need accommodation to do the task. You will describe the type of accommodation, as well as the expertise you have developed as a problem-solver. Direct the focus to successful performance, adaptability through accommodation and strengths you have developed through your experience.

When to disclose

If you do not need accommodation at the interview stage, many employment advisors recommend that if possible, you should not disclose until after you have received the job offer, if ever. Remember, you are not legally obligated to disclose your disability if you do not need accommodation. The chart on page 24 offers some benefits and disadvantages of disclosing at various times.

TIP “In my experience, disclosure can be a practical hurdle because not all people are as fair-minded or informed as we would like. Your disability may be seen as a ‘negative’ in the interview or admission process. While it is usually difficult to prove that your disability was the reason you were not hired or admitted, this may be a realistic conclusion if you are passed over for the opportunity. Therefore, it may be prudent to avoid the possibility of being discriminated against by holding off on disclosure until it becomes necessary or beneficial down the road.”—Richard B. Johnson (Law Corporation). “Your Legal Rights and Responsibilities around Disclosure.” Transition Magazine Spring 2016 p. 12-13. <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

Visualizing disclosure

To disclose or not? If so, when?



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Options for disclosure: advantages and disadvantages

| Option | Advantages | Disadvantages | Recommendations |
|-------------------------------------|---|---|--|
| Third party referral | recommended by someone the employer knows employer is aware of your situation | little control over what is said about you you could be screened out | good option if the person recommending you is supportive follow up with a call to the employer |
| Application, resumé or cover letter | demonstrates openness employer may be recruiting for diversity | could be used to screen you out limited space to describe abilities, accommodations can't address employer's concerns | use if employer has equity program focus on your skills and abilities |
| When interview is scheduled | employer is interested allows employer to prepare provides opportunity to discuss your disability | employer may react negatively you may not receive serious consideration | if you require accommodations for the interview, disclose at this time call employer to disclose if someone else booked the interview |
| After interview is scheduled | same as above | same as above | same as above gives time to prepare |
| When you meet employer | reduces risk of employer forming preconceived opinions | employer might react negatively to surprise | use this method if you are confident you can keep the employer focused on your abilities |
| During the interview | you can reassure employer you can answer questions | same as above | if your disability is not visible, use this option and focus on your abilities |
| After receiving a job offer | if your disability won't adversely affect your ability to do the work, employer can't withdraw offer | possible strong negative reaction from employer | in this situation, if your disability is invisible, you may choose not to disclose at all |

Adapted from University of Alberta, Career and Placement Services Tips). Reprinted with permission. Alberta Learning Information Services (2016?). Disclosure: What to Say about Your Disability – and When (Tip Sheet). Retrieved from <https://alis.alberta.ca/ep/eps/tips/tips.html?EK=163>

Communication tips

The following tips provide practical suggestions to help you communicate well in job interviews or employment settings. Review each of the tips below and focus on the ones you feel may be difficult. It can be helpful to ask a trusted friend or family member to help you identify areas where you could improve the way you communicate and offer some suggestions.

TIP “Not all employers are good interviewers. If you encounter an employer who isn’t, you may have to gently guide the conversation to make sure the employer realizes how your qualifications relate to the job requirements.” Alberta Jobs, Skills, Training and Labour. Workplace and Career Planning. (2014). Advanced Techniques for Work Search. p. 76 Retrieved from <http://alis.alberta.ca/pdf/cshop/AdvancedTechniques.pdf>

General tips

- Slow down your speech and pronounce words clearly and correctly.
- Vary your pitch, tone and volume to emphasize key words or sentences.
- Record yourself speaking and then listen to the recording to analyze your pitch, tone, speed and volume.
- Adjust the volume of your voice to your audience (e.g. speak softly when you are talking one-on-one; speak louder when you are talking to a larger group or across a room).
- Be conscious of your speech to avoid filler words (e.g. um, uh, ah, like, well, etc.).
- Organize your thoughts and ideas before speaking (e.g. write notes on what you want to say).
- Do not interrupt when someone else is speaking.
- Listen carefully and avoid thinking about how to reply until the speaker has finished.
- Respond non-verbally to show understanding and interest when communicating (e.g. nodding your head, smiling, etc.).
- Make eye contact when listening or talking to people.
- Ask questions until you are sure you understand what is being said.
- Be specific when asking questions and giving answers.
- If possible, take notes to help remember what is being communicated.

Higher level tips

- Use common words rather than technical terms or acronyms to communicate.
- Restate in your own words what the speaker said and ask questions for clarification (e.g. "Let me be sure I understand correctly. You are saying _____?").
- Maintain focus on your key message.
- If possible, use different approaches when communicating an important message (e.g. diagrams, personal examples, etc.).
- Write down key points or phrases to help remember your presentation. Look at your notes, but do not read them.
- Pause between points or thoughts to highlight and to allow listeners time to reflect.
- Keep calm, take a deep breath and respond politely when dealing with an emotional or difficult situation.
- Use "I" statements (e.g. "I think", "I need", or "I feel"), as opposed to "You" statements (e.g. "You should", "You are", or "You did not"), to clarify feelings and assumptions that may surround problems.
- Avoid jumping to conclusions when listening to others. Keep an open mind and do not stop listening because you disagree.

Adapted with permission. Originally published as: Canada. Literacy and Essential Skills. (2015). "Oral Communication Tip Sheet." Retrieved from http://www.esdc.gc.ca/en/essential_skills/tools/oral_comm_tip_sheet.page

BMO's 'Count Me In' campaign

"BMO's 'Count Me In' campaign encourages all employees, including executives, with non-visible disabilities, to step forward and serve as compelling examples that people with disabilities can indeed make meaningful contributions to the success of the organization.

Disabilities can be visible or non-visible—some examples include: learning, pain, psychological, addictions, non-visible physical (e.g. cancer, HIV, diabetes, chronic fatigue, and migraine headaches), agility, memory, developmental, mobility, hearing, seeing and speech.

Noting that people's circumstances change is important in raising disability awareness. Individuals may not recognize that changes to their health can be considered to have rendered them with a disability. Self-identifying ensures that employees and their managers can seek and receive the support they require to maintain their path to success within the organization."

BMO News Release. (October 24, 2013). Canadian Businesses Slow to Hire People with Disabilities. Retrieved from <https://newsroom.bmo.com/press-releases/canadian-businesses-slow-to-hire-people-with-disab-tsx-bmo-201310240906438001>

SB is visually-impaired (five percent vision in one eye only) and uses humour and a positive attitude to educate others about disability. “Be up front! I don’t think it’s a good idea to put it in the resumé, but once you meet somebody then you make sure that you let them know that you have a disability and what you need. Talking about resumés, SB says, “If you put ‘Hi! I’m so and so. I’m visually-impaired.’ Nine times out of 10, I would say that they wouldn’t even bother. Even though you’re not supposed to do that, they get enough people that they can get someone who can see well or whatever.”

“Sometimes you wonder if you should disclose anything... how will you be accepted? But I’ve never been bothered by that. I feel that I’m here for a reason... to help other people learn about people with disabilities. I think we don’t disclose enough sometimes because we don’t want people to know we’re different. I’m not like that. I’m not different. I just have a different way of doing things. Being visually-impaired, you learn what people are like rather than what they look like. And you become a pretty good judge of character.”

See more stories from people with disabilities in Appendix C.

Accommodation

We mentioned in the Important Terms to Know section that employers have a “duty to accommodate” the disabilities of employees and potential employees up to the point of “undue hardship.” Accommodation is commonly misunderstood and is believed to be complicated and expensive. If you will need accommodation in the workplace, it is advisable to learn about the range of accommodations in use and to know that many involve no cost for the employer. In fact, the most “frequently reported accommodations were changes in job duties and modified hours of work.”*

In “57 percent of cases, no workplace accommodation is required for people with disabilities.”** Various sources in Canada note that between 50-80 percent of suggested accommodations cost the employer less than \$500.

Understanding your accommodation needs, costs and potential resources will be helpful if you decide to disclose to an employer. Below are examples of the range of accommodations in use. Researchers have highlighted the fact that people without disabilities benefit from accommodation at work as well. Examples include flexible work hours and working from home, among others. Employers offering flexibility to all employees eliminate concerns of favouritism or special treatment for some employees.

* CCRW Disability Awareness Information. (2013). Mythbuster: Myths about Hiring Persons with Disabilities. Retrieved from <http://www.ccrw.org/wp/wp-content/uploads/2013/05/Myths-and-FAQs-Employer-Resource.pdf>

** Deloitte LLP. (2013) Rethinking Disability In Our Journey to Inclusion: Deloitte FY 2013 Diversity Annual Report. Retrieved from <http://www2.deloitte.com/content/dam/Deloitte/ca/Documents/about-deloitte/ca-en-about-deloitte-annual-diversity-report.pdf>

Types of accommodation

The following examples illustrate the range of accommodation used. For more information about accommodation for different types of disabilities, please see Resources on page 33.

Examples of scheduling/hours of work accommodation

- modified shifts
- reduced hours
- flexible work schedule

- work from home
- job-sharing
- split shifts
- scheduling work only at one location
- frequent breaks

Examples of modifications in support, environment and technology

- personal attendant
- job coach
- peer mentoring
- elimination or reassignment of non-essential tasks
- individualized training
- maximize employees' strengths
- minimize distractions
- additional training
- written job instructions
- prioritize job tasks
- modify job duties
- modify work environment/physical surroundings
- modify lighting
- reduce background noise
- clear paths for travel through workspace
- relocate workstation to be closer to other required equipment/rooms
- calming music via headphones
- earplugs to reduce noise distraction
- eliminate/minimize scents
- low-glare lighting, natural lighting or brighter lighting
- air cleaners for environmental sensitivities
- assistive devices, modified equipment
- magnify written material using optical magnifiers
- recording devices for instructions or meeting minutes
- hands-free telephones or voice-to-text/text-to-voice translation
- document holders to assist in typing
- screen-readers or large print
- install carpets or non-slip strips to promote ease of movement
- adjust the height of shared items such as photocopiers, printer

- modify hallways/entrances to accommodate wheelchairs and scooters
- provide access ramps and automatic door openers
- accessible washrooms
- accessible parking spaces
- accessible presentation materials
- sign language interpreters/captioners
- modify keyboard
- speech recognition software
- screen-reading software
- widescreen monitors
- voice carry-over telephone
- video remote interpreting

TIP Many people wonder how to fill resumé gaps where they took time off from employment due to illness or disability. Employment advisors suggest listing continuing education, volunteer work, travel, family responsibilities or other activities that you did during that time. For more information: Collins, T. (2012?). How to Explain a Big Gap on Your Resumé [Blog post]. Retrieved from: <http://blog.stafflink.ca/recruiting-tips/how-to-explain-a-big-gap-on-your-resume#>

Resources for accommodation

For information about accommodation appropriate for your circumstances, check the Resources on page 33. Also contact organizations serving people with your disability or chronic illness for information about workplace accommodation. To find these organizations, contact bc211, a “Vancouver-based nonprofit organization that specializes in providing information and referral regarding community, government and social services in BC.” Dial 2-1-1 or text the name of your city to 2-1-1. You may also search online at: <http://www.bc211.ca>.

Appendix A | Resources

Legal resources for information on disclosure

British Columbia. Human Rights Protection. (2015). Retrieved from <http://www2.gov.bc.ca/gov/content/justice/human-rights/human-rights-protection>

Includes these Information Sheets:

- What you need to know
- Mental or physical disability
- Racial discrimination
- Age discrimination
- Sexual orientation
- Sex discrimination and sexual harassment

BC Human Rights Tribunal. (2015). Human Rights in Employment (Information Sheet No. HR1). Retrieved from <http://www.bchrt.bc.ca/shareddocs/human-rights/HR1-Employment.pdf>

BC Human Rights Tribunal. (2015). Human Rights in British Columbia: What You Need to Know. Retrieved from <http://www2.gov.bc.ca/assets/gov/law-crime-and-justice/human-rights/human-rights-protection/what-you-need-to-know.pdf>

BC Human Rights Tribunal. (2016). [Human Rights Resources]. Retrieved from <http://www.bchrt.gov.bc.ca/resources/index.htm>

Canadian Human Rights Commission. (2016). Retrieved from <http://www.chrc-ccdp.gc.ca/eng>

Canadian Human Rights Commission. (2005). Duty to Accommodate: Frequently Asked Questions and Answers. Retrieved from <http://sci-bc-database.ca/wp-content/uploads/Duty-To-Accommodate1.pdf>

Community Legal Assistance Society. (2015). BC Human Rights Clinic: Duty to Accommodate. Retrieved from http://www.bchrc.net/duty_to_accommodate

Johnson, R. B. (Spring 2016). Your Legal Rights and Responsibilities around Disclosure. Transition Magazine, 12-13. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

Kavanaugh, K. & Nelson, M. (Spring 2016). Should I Reveal My Invisible Disability? Transition Magazine, 26-27. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

Kelly, F. (Spring 2016). Disclosure in Employment: What Do You Say to Employers and Potential Employers about Having a Disability? *Transition Magazine*, 6-7. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

Accommodation

Abilities In Mind. (n.d.). Chart of Job Accommodations. Retrieved from <http://www.abilitiesinmind.com/wordpress/wp-content/uploads/2015/10/chart-of-job-accommodations.pdf>

Alberta Learning Information Service (ALIS). (2016?). Tip Sheet Alphabetical List [Extensive resource on working with a disability/chronic illness]. Retrieved from <https://alis.alberta.ca/ep/eps/tips/tips.html?Topic=All>

Arnold, I., & Arnold, S. (2014). Supporting Employee Success: A Tool to Plan Accommodations that Support Success at Work. [Workplace Strategies for Mental Health] Retrieved from https://www.workplacestrategiesformentalhealth.com/pdf/Supporting_Employee_Success_EN.pdf

BC211 [Information and referral regarding community, government and social services in BC]. Retrieved from <http://www.bc211.ca/>

B.C. Civil Liberties Association Privacy Handbook - Duty of Employers to Accommodate. (2015). Retrieved from <https://bccla.org/privacy-handbook/main-menu/privacy-5contents/privacy5-9.html>

Birch, G. & Bunn, L. (Spring 2016). Disclosure of Disability and Using Assistive Technology. *Transition Magazine*, 20-21. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

CCRW [Canadian Council on Rehabilitation and Work] Disability Awareness Information. (2013). Mythbuster: Myths about Hiring Persons with Disabilities. Retrieved from <http://www.ccrw.org/wp/wp-content/uploads/2013/05/Myths-and-FAQs-Employer-Resource.pdf>

Canadian Council on Rehabilitation and Work. (2016). JAS [Job Accommodation Service] Employee FAQs. Retrieved from <http://www.ccrw.org/job-accommodation-service/employee-faqs-jas/>

"JAS® is a Canada-wide and bilingual service that offers public and private sector companies of all sizes advice, consultations, and assessment services in order to assist them in complying with their legal duty to accommodate and accessibility standards."

"PWIP (Partners for Workplace Inclusion Program) provides job seekers with disabilities with tools to prepare for a career or secure employment."

JAN: Job Accommodation Network. (2016?). Retrieved from <http://askjan.org/>
A US-based website helpful for Canadian residents interested in suggested accommodations. JAN provides SOAR (Searchable Online Accommodation Resource) and an archive of recordings and transcripts of webcasts dating back to 2011. Webcast topics include: accommodating different types of disabilities, current issues in accommodation and best practices.

Prince, M. J. [2015]. Workplace Accommodation of Persons with Invisible Disabilities: A Literature Review. Retrieved from https://crwdp.ca/sites/default/files/documentuploader/draft_manuscript_-_lit_review_on_persons_with_invisible_disabilities_in_workplaces_prince_2015.pdf

Reeve, T., & Gottselig, N. (2011). Investigating Workplace Accommodation for People with Invisible Disabilities: Research Report. Retrieved from <http://www.disabilityalliancebc.org/docs/employmentinvisibledis.pdf>

Spinal Cord Injury BC. (2016). Retrieved from <http://sci-bc-database.ca/>
“The SCI Information Database is an online encyclopedia with more than 800 current and comprehensive resources for people with spinal cord injuries, their families, and other stakeholders in British Columbia.”

Tetra Society of North America. (2016?). Retrieved from <http://www.tetrasociety.org/>
A non-profit organization based in Vancouver “that recruits skilled volunteers to create customized assistive devices for people with physical disabilities.”

Workplace Strategies for Mental Health: Accommodation Strategies. (2016?). Retrieved from <https://www.workplacestrategiesformentalhealth.com/managing-workplace-issues/accommodation-strategies>

Career management

Alberta Human Services Career and Workplace Resources. (2008). Assessing You: The First Step In Career Planning. Retrieved from <http://alis.alberta.ca/pdf/cshop/AssessingYou.pdf>

Alberta Jobs, Skills, Training and Labour. Workplace and Career Planning. (2014). Advanced Techniques for Work Search. Retrieved from <http://alis.alberta.ca/pdf/cshop/AdvancedTechniques.pdf>

Angus, G. (Spring 2016). Small Business Owners and Disability. Transition Magazine, 22. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

British Columbia. WorkBC. (2016) WorkBC: Resources for People with Disabilities. Retrieved from <https://www.workbc.ca/Resources-for/People-with-Disabilities/People-with-Disabilities.aspx>

Buch, M.W. & Schellinck, S. (Spring 2016). Returning to Work with Chronic Pain: Tips for Navigating the Workplace Environment. *Transition Magazine*, 24-25. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf>

CCRW [Canadian Council on Rehabilitation and Work] Disability Awareness Information. (2013). Mythbuster: Myths about Hiring Persons with Disabilities. Retrieved from <http://www.ccrw.org/wp/wp-content/uploads/2013/05/Myths-and-FAQs-Employer-Resource.pdf>

Episodic Disabilities Employment Network (EDEN). (2011). Retrieved from <http://eden-canada.ca/>

Connecting “people living with episodic disabilities to other people living with episodic disabilities (peers)—through sections like the Forum, Blogs and Ask HR.”

Episodic Disabilities Network. (2015). Episodic Disabilities Toolkit of Resources. Retrieved from <http://episodicdisabilities.ca/docs/EpisodicDisabilityToolkitofResourcesFinal.pdf>

Lime Connect Canada. (2016). Retrieved from http://www.limeconnect.com/lime_canada/

Lime Connect Canada is a Canadian partner in Lime Connect, a global not-for-profit organization for people with disabilities. Lime Connect Canada offers corporate recruitment receptions, scholarship and internship programs and the Lime Network, a virtual networking group.

Mental Health Works. (2016). Retrieved from <http://www.mentalhealthworks.ca/>
A social enterprise of the Canadian Mental Health Association (CMHA). Mental Health Works provides capacity building workshops on workplace mental health to both employers and employees.

Neil Squire Society. (2016). Retrieved from <http://www.neilsquire.ca>
A national non-profit organization that “has for over thirty years empowered Canadians with disabilities through the use of computer-based assistive technologies, research and development, and various employment programs.”

Stone, S. D., Owen, M. K., & Crooks, V. A. (2014). *Working Bodies: Chronic Illness In the Canadian Workplace*. Montreal: McGill-Queen’s University Press.

Appendix B | Perspectives on Employment and Disability

Perspectives on Employment and Disability

Disability Alliance BC conducted a survey of people with disabilities in BC on their experience with employment and disability. Here are their responses.

Did you have your disability/chronic illness when you were hired or did you develop the disability/chronic illness after becoming employed?

- When I was hired: 60%
- After I was hired: 40%

Please tell us about a positive experience you had with an employer who accommodated your disability. What specifically did they do to enable you to work?

- I work part-time and I was able to spread my hours across several days and weeks to make up the time. A few of the hours I was allowed to do from home.
- When the team was asked to do overtime, my Director privately asked me if I was ok to work and suggested I should only do minimal extra hours.
- I was given time off to get my medication.
- They rearranged my office and raised my desk to allow me to fit my wheelchair underneath.
- At a time of severe symptoms, I was away from work with full support to get better. My work hours were reduced to half-time for a brief period to allow recovery.
- I developed MS while working in a senior management role. A little known, but quite prevalent, disabling symptom of MS impairs cognitive functions— affecting my ability to concentrate in a noisy office. Initially, my boss coordinated my move into a quieter office and then was accommodating— allowing me to work from home at my discretion.
- They allowed me time off to go to doctor appointments.
- My employer allowed reduced and flexible hours, and job sharing.
- My employer is awesome. They drive me to workshops or appointments, if needed. They have no problem with me doing most of my work from the office by phone/Skype/email. They “get it” and that’s so wonderful after all the negative experiences I had with employers who refused outright to consider me.

In what ways did this accommodation affect your ability to work?

- It made managing my rest periods easier. I could take breaks when I needed to, and still complete my assignments when I had more energy.
- The reduced hours relieved stress and provided needed rest.
- The accommodation greatly impacted my ability to continue work and perform. Working from home, my productivity fatigue was much improved and my dialogue with clients more effective. I was able to have much greater clarity of priorities, rather than being overwhelmed by all the banter and noise around the office.
- I was willing to help out where I could and was more loyal to the company.
- If I have a rough night's sleep because of my disability, I can work from home or come in later and make up time in the evening or on the weekend.
- It makes work more pleasant because everyone understands me.

Why do you think the employer was accommodating of disability?

- Because it was the right thing to do. I outlined my limitations and they adjusted my work processes.
- I believe it was because my employer knew me and my track record from a previous contract. They were willing to hire me, even when I disclosed I was recently diagnosed with MS and did not know how it would affect me. Also, the employer was in the non-profit sector and we were working with people with disabilities.
- My employer has a disability and understands the juggling required to make things work.
- My employer does have a responsibility to be accommodating, but because I was willing to disclose the nature of my illness and details of my limitations, I do feel that they were able to get a better understanding and were more willing to accommodate some of my requests. They may have not been so willing to do it without the details I provided.
- Accommodating all disabilities is part of the mandate. The organization has 10 supported individuals with mental health disabilities on staff.

Originally published in Transition Magazine Spring 2014 (p. 10-11). <http://www.disabilityalliancebc.org/docs/transitionspring14-web.pdf>

Appendix C | More Stories from People with Disabilities

GS began losing his vision at age three or four from Retinitis Pigmentosa (RP). By his late 30s, he had light perception in one eye and pin-hole vision in the other eye. GS describes learning to advocate for himself as a process. Asked about when he discloses his disability, GS notes that it's a difficult decision. "[I]f you tell them ahead of time, you open yourself up for discrimination before it happens. If you don't tell them ahead of time, you open up the possibility of shocking them. It does come up as a barrier. If you look at my resumé, you can get quite a bit because my volunteer work is in Canadian Blind Sports (I was their president for 10 years), International Blind Sports, and organizing a blind hockey program. So they're probably not so surprised if I show up with a white cane or a guide dog."

Describing a job interview after he graduated from Social Work School, GS says, "I thought I was a shoe-in because I'd done medical practicums and had a lot of knowledge and expertise in that area. The problem with [the organization] is that they hire casuals to begin with and casuals have to work anywhere. I did my interview and I was kind of surprised when I didn't get offered a job, so I did a follow-up interview afterwards to see what I could have done better."

"The sense I had at that interview wasn't so much about what I said ... it was more that she just didn't know how I'd be able to do the work as a casual, for instance, because you have to sign on to computers all over the place. And I said, 'but we never talked about that. A simple solution would be have a laptop set up for me with my adaptive programs on it that I'd be able to plug into your network—it would be secure.' But it taught me a valuable lesson. At interviews after that, toward the end of the interview process, I spend some time describing my vision and how I problem-solve. As a person, naturally I problem-solve all the time—you have to when you have a disability. What I had to learn was that you have to share that with people. You have to explain to them some examples of how you do that."

"It depends what your disability is and how it affects what you're going to do. It's more about finding the right time before your disability affects what you're doing. Maybe you can get through the entire interview and any testing without disclosing."

"It's all so individual, too. Some people are insecure and feel like they're being judged... and they probably are. You have to have a certain amount of confidence. I think if people listened to me they'd think that I was a super-confident person, but whenever I have to do this it's always challenging to put it out there about your disability. If you think that anyone knows about it in any way, it's better that you're the one on top of it—that you're the one presenting it ... you can take control of it."

“For instance, being blind as a social worker—and I’ve learned this—I can actually sell blindness as a skill or an asset because I know that when I work with seniors or sick people, I can’t see what they look like. So, when I walk into the room, they could be dying of cancer—and I can hear it... I know, but I don’t give things away on my face. I don’t react viscerally. A sighted person sometimes can’t help themselves, but to react to a very sick person through body language. I find that I have really good rapport with people because, being blind, they know that I can’t see what they look like. And I’m only talking to them for who they are. I’m not seeing who they were [and] that really comes across. So I’ve learned that my ‘disability’ is really an asset.”

“A lot of it is about us getting comfortable with our disability—the limitations of it and the strengths of it—and to be able to speak about your disability in a strengths-based way. And to actually feel that way about it. The more positive you’re able to make your situation in your head, the more positively you’re going to be able to convey that to other people. These things are obviously easily said and not so easily done.”

JT has extensive work experience and is bilingual. Although she has several visible and invisible disabilities, the visible disabilities have consistently presented a barrier to employment. Being overweight and using a walker are significant obstacles as JT discovered during the job search. While dropping off a resumé, she was asked, “Are you still going to be using your walker?” JT replied, “Well ... yes. It is how I get around.” The employer representative said, “Well, put your application in and we’ll see.” Another person at a temp agency told JT face-to-face, “We don’t have any clients that would be interested.” JT says, “I walked out of there feeling two inches tall. And I wanted to go home and shred my resumé. It’s very depressing... and it’s very disconcerting.”

Asked for advice for others looking for employment, JT says, “You almost have to work twice as hard to get the same respect, acknowledgement. Anybody with a disability has a job ahead of them to convey that they’re just as capable as an able-bodied person. Stick with it... one foot in front of the other mentality. If you don’t get hired for one position—there will be another.”

BS has been paraplegic since a car accident in 1976 and has had a lot of work experience in government-sponsored employment programs. Living in both rural and urban environments, he is very familiar with the cycle of employment and unemployment as the programs begin and end. BS notes that some employers seem interested only in cashing in on available funding, without regard for the work or contribution of the person they hire. His most satisfying employment began as a “cold caller” making sales calls for an insurance company. While at this job, BS completed insurance courses at night school, wrote the exam and moved into general insurance work. He says, “That was the best job I ever had!” Even though he was highly successful doing

sales calls, lack of understanding of disabilities existed in his workplace. The person who hired him said one day, “You know why I hired you [to do cold calling]? You’re someone in a [wheel]chair and you’d be used to disappointment.”

BS says that looking for work is difficult. “Once they see a [wheel]chair, they always question your health. They see you in a chair and they think, ‘Well, you’re going to be sick and miss work.’ They equate the wheelchair with illnesses.” When applying for a position, BS says he prefers to disclose to people face-to-face in an interview.

RA has an acquired brain injury and mental health disabilities. He has diverse work experience, including a management position in retail and, most recently, a job at a non-profit organization until it lost funding. He has been looking for work for more than two years and believes that his service dog is a significant barrier to employment.

“My job search has not been positive. In the past year, I have had one interview that was over the phone because their head office was in [another city]. This was a job in a care home for youth. I was required to pack a bag and stay as many as three days in a row. Then ... I had to disclose that I had a service dog. The next half hour was listening to every excuse in the book why they could not have ‘pets’ in the workplace. No matter how many times I told her that he is a service dog and not a pet, she just came up with more excuses. The final concern over the dog was, ‘What if one of their kids has an allergy to the dog?’”

Appendix D | Activities

Complete the *Activity A: Skills Sampler* first. It may provide you with details you can use for *Activity B: Capturing Your Stories*.

Activity A: Skills Sampler

What follows is a list of some common skills that can be used in a variety of work settings. They are divided into two groups:

- Transferable skills
- Personal management skills

Use this activity as a starting point and add other skills to a separate list as you think of them.

Step 1

Read the following list of 103 skills and put a checkmark beside each skill at which you are competent. Competent means that you are able to perform the activity as well as most people (e.g. check off “get along with others” if you can do that as well as most people). You don’t have to be an expert to check off a skill.

Step 2

Once you have checked off the skills at which you are competent, go back and highlight (or circle) the checked skills you really like to use. Now you have a record of the skills you are good at and like to use.

Step 3

Go back through the skills you have highlighted (those you really like to use) and decide which are your top five transferable skills (items 1–71), and which are your top five personal management skills (items 72–103).

Transferable skills

Sense Awareness Skills

- 1. Using sound discrimination - hearing slight differences in sound
- 2. Using colour discrimination - seeing small differences in colours
- 3. Using shape discrimination - seeing small differences in shapes and sizes; observing how things are alike or different
- 4. Using depth perception - accurately judging distance; judging how far away or apart things are

Numerical skills

- ❑ 5. Counting - determining how many items there are in a group
- ❑ 6. Calculating - using basic arithmetic: adding, subtracting, multiplying and dividing
- ❑ 7. Measuring - using tools or equipment to determine length, angle, volume or weight
- ❑ 8. Estimating - judging the cost or size of things, predicting the outcome of an arithmetic problem before it is calculated
- ❑ 9. Budgeting - planning how you will spend money, deciding what to buy and how much to spend or how to get the work done at the lowest cost
- ❑ 10. Using numerical reasoning - understanding how to work with numbers or statistics, knowing how to read data and interpret statistics

Communication skills

- ❑ 11. Reading - getting information from written materials, following written instructions
- ❑ 12. Writing - using good grammar to write clear sentences and paragraphs, being able to express yourself/explain things in writing
- ❑ 13. Talking - being able to talk to strangers in ordinary settings
- ❑ 14. Speaking in public - delivering a speech in front of an audience
- ❑ 15. Listening - paying close attention to whatever the other person is saying and responding appropriately
- ❑ 16. Questioning - asking the right questions to get useful information from others or to help them gain insight
- ❑ 17. Explaining - being careful and clear about what you are telling people about things so they can understand you quickly and easily
- ❑ 18. Resolving conflicts - bringing a conflict to a successful conclusion
- ❑ 19. Persuading - convincing others to do what you want
- ❑ 20. Negotiating - bargaining with others to solve a problem or reach an agreement
- ❑ 21. Teaching - instructing others
- ❑ 22. Chairing meetings - presiding over a group of people who come together for a purpose: listening, speaking, encouraging discussion, and following an agenda

Interpersonal skills

- ❑ 23. Getting along - demonstrating respect and caring about the feelings of others, being considerate

- ❑ 24. Using tact - displaying discretion and diplomacy, particularly in dealing with sensitive issues
- ❑ 25. Supporting - helping others with their problems, supporting others' decisions and initiatives
- ❑ 26. Accepting authority - being able to work under supervision
- ❑ 27. Respecting differences - appreciating diversity, accepting the uniqueness of individuals
- ❑ 28. Working on a team - co-operating with others to accomplish a common goal
- ❑ 29. Stating opinions - having the confidence and assertiveness to state your views, give your ideas, etc.

Leadership skills

- ❑ 30. Making decisions - choosing a course of action and accepting responsibility for the consequences
- ❑ 31. Directing/supervising - overseeing or managing the work of others and accepting responsibility for their performance
- ❑ 32. Initiating - taking the first step, getting things started
- ❑ 33. Confronting - telling others things they may not want to hear about their behaviour, habits, etc.
- ❑ 34. Interviewing - questioning people to gather information
- ❑ 35. Planning - developing projects or ideas through systematic preparation, and deciding in which order and at what time events will occur
- ❑ 36. Organizing - co-ordinating the people and resources necessary to put a plan into effect
- ❑ 37. Coaching - providing one-on-one or small group assistance to help others achieve a goal
- ❑ 38. Feedback - providing individuals with accurate descriptions of their work, behaviour, appearance, etc.

Physical skills

- ❑ 39. Using your fingers - being exact when you use your fingers to hold things or move things
- ❑ 40. Using your hands - doing accurate and precise work with your hands
- ❑ 41. Motor co-ordination - being well co-ordinated when moving different parts of your body
- ❑ 42. Acting quickly - doing something fast when necessary
- ❑ 43. Stamina - continually doing physically tiring work without becoming exhausted
- ❑ 44. Strength - doing heavy work: lifting, pulling or carrying heavy things

Logical thinking skills

- ❑ 45. Problem solving - identifying a problem; generating alternatives; selecting and seeking a solution
- ❑ 46. Investigating/researching - gathering information in an organized way to determine facts or principles
- ❑ 47. Analyzing - breaking a problem into its parts so that each part can be examined
- ❑ 48. Synthesizing - putting facts and ideas together in new and creative ways; finding new ways to look at problems or do things
- ❑ 49. Assessing - accurately estimating or evaluating the nature of a situation or an issue

Helping skills

- ❑ 50. Serving - caring; doing things for others; providing a service when others are in need
- ❑ 51. Treating/intervening - relieving a person's physical or psychological problems
- ❑ 52. Co-operating - working with others to reach a common goal; working as part of a team to complete a task
- ❑ 53. Facilitating - making it easier for others to accomplish a task (e.g., co-ordinating group discussion to help reach a decision)
- ❑ 54. Advising/counselling - helping others cope with their personal, emotional, educational and work concerns by providing information and helping them deal with their concerns

Technical skills

- ❑ 55. Using computers - understanding and performing basic computer operations
- ❑ 56. Operating equipment - using a variety of tools, machines and communication devices (e.g. photocopiers, fax machines, modems)
- ❑ 57. Maintaining equipment - conducting routine maintenance and adjusting equipment to ensure it is working properly
- ❑ 58. Constructing - using a variety of tools and resources in building and/or maintenance
- ❑ 59. Measuring - using devices to ensure that the exact size or capacity is achieved according to defined standards
- ❑ 60. Troubleshooting - assessing and identifying malfunctions, making necessary repairs

Creative capabilities

- ❑ 61. Creating/inventing - coming up with new ideas or ways of doing things
- ❑ 62. Designing/displaying - dealing creatively with spaces, products, objects, colours or images
- ❑ 63. Improvising/experimenting/adapting - making changes or modifications to get the job done, finding new and creative ways to accomplish tasks
- ❑ 64. Performing/entertaining - using your talents to hold the attention of an audience, either in a live performance or on camera
- ❑ 65. Drawing/painting/sculpting - conveying feelings or thoughts through works of art in a variety of media
- ❑ 66. Writing/playwriting/composing - creating original material to entertain, educate or amuse

Organization skills

- ❑ 67. Managing information - maintaining records of inventory, budgets or other data
- ❑ 68. Filing - sorting information into an organized system
- ❑ 69. Following - taking direction and completing assigned tasks
- ❑ 70. Scheduling - keeping track of projects, timetables, itineraries, etc.
- ❑ 71. Co-ordinating - mobilizing people and/or materials in an orderly manner

Time management approaches

- ❑ 72. Determining priorities - assessing activities and doing what is important first
- ❑ 73. Scheduling - predicting how much time things will take, setting time frames for activities
- ❑ 74. Recording - using planners such as calendars and appointment books to keep track of activities
- ❑ 75. Assessing - reviewing how time has been used and making changes that will increase efficiency
- ❑ 76. Adjusting - revising your schedule to accommodate changes and unexpected events
- ❑ 77. Being timely - completing work on time/meeting project deadlines; arriving at class, meetings and appointments on time; responding to correspondence, messages, etc. in a reasonable amount of time

Money management

- ❑ 78. Setting goals - deciding how you want to manage your money (e.g. pay off credit cards at the end of each month)
- ❑ 79. Knowing your financial resources - knowing your financial assets and debts
- ❑ 80. Knowing monthly income and expenses - including the basics, small purchases, and larger long-term purchases
- ❑ 81. Planning - developing a budget tailored to your life and work situation
- ❑ 82. Implementing - following your budget
- ❑ 83. Adjusting - making changes to your budget if required
- ❑ 84. Anticipating - predicting possible future needs (e.g. low income some months, possible emergencies, retirement) and saving/investing money accordingly

Organizational skills

- ❑ 85. Organizing your work site - keeping your work area neat and clean; taking care of tools, materials and equipment
- ❑ 86. Organizing home activities - efficiently planning and preparing meals, doing household chores, arranging child care, etc.
- ❑ 87. Organizing information - keeping files, binders of information

Self-as-business skills

- ❑ 88. Assessing quality - determining the merit or worth of work you are performing
- ❑ 89. Adapting - adjusting to life/work changes and being prepared for the unexpected
- ❑ 90. Risk-taking - taking chances based on your assessment of a situation, making decisions and taking action when you are not sure what the outcome will be
- ❑ 91. Learning - using a variety of methods and techniques to acquire needed skills, knowledge and attitudes
- ❑ 92. Building relationships - developing and participating in a variety of associations with others, inside and outside the workplace
- ❑ 93. Collaborating - co-operating with others inside and outside the workplace to achieve shared outcomes
- ❑ 94. Visioning - imagining or forming a mental image of something and determining the steps required to move toward it
- ❑ 95. Personal marketing - presenting your assets in ways that will enhance your work and/or your ability to obtain work

- ❑ 96. Tracking trends - using a number of information sources to follow changes that will affect your life/work

Health and lifestyle considerations

- ❑ 97. Managing stress - knowing the causes of personal stress and coping with demands and pressures in your life
- ❑ 98. Exercising - being physically active on a regular basis
- ❑ 99. Maintaining a proper diet - eating well and drinking lots of water
- ❑ 100. Sleeping - getting to bed early enough and getting the sleep you need for physical and mental renewal
- ❑ 101. Balancing - balancing the amount of time you spend on all the roles in your life (e.g., work, leisure, and parenting)
- ❑ 102. Relaxing - spending at least 20 minutes each day relaxing, deep breathing, meditating, etc.
- ❑ 103. Managing addictions - admitting to any addictions you have and getting help or treatment

Alberta Human Services Career and Workplace Resources. (2008). Assessing You: The First Step In Career Planning. Retrieved from <http://alis.alberta.ca/pdf/cshop/AssessingYou.pdf>

Activity B: Capturing your stories

Work through each step below and repeat the process to create a collection of stories to prepare for your job search and interviews. You can use these stories as examples to demonstrate your strengths and experience.

Step 1

Think of five or more stories that describe events in your life in which you:

- made a difference
- did something that gave you a sense of satisfaction
- did something you really enjoyed
- accomplished something that at first felt nearly impossible
- realized that you were strong and resilient

For example, you may be proud of the fact that you learned how to use a computer program, that you designed and made something for your home, that you learned how to adapt to health limitations or that you were there to help and comfort a friend when needed.

Step 2

Write your stories down or record them electronically. Each story should be at least a page long—include as many details as you can about what you did, why you did it and why you feel good about it.

Step 3

In each of your stories, look for clues about your personal characteristics. For example, were you a positive thinker, co-operative, courteous, dependable/reliable, persistent, respectful of others, a learner, courageous, a risk-taker, a good self-manager, flexible/adaptable, friendly, cheerful, honest, loyal, sensitive, curious, responsible, open-minded, punctual, tolerant, sincere, tactful or self-directed? For each story:

1. Make a list of the personal characteristics you demonstrated.
2. Review the activities in each story to identify any knowledge, skills and abilities you had to use. Then, list the tasks required that show you were able to put the knowledge/skills/abilities into use.
3. Identify any interests your stories may show. For example, did you display interest in building, gardening, working with animals or organizing social events?

4. Identify any values or beliefs that become apparent as you re-read your stories. For example, do you value honesty in others and believe that it is important for you to be honest? Do you value independence, creativity, orderliness, recognition, friendship, having authority, status, beauty, money, stability, excitement, time, freedom, knowledge, variety, challenge, adventure, competition, security, helping others or belonging to a group?

Step 4

Create a list of your personal characteristics, knowledge/skills, interests and values. Create another list of your experiences, tasks, achievements, etc. from your stories. Use these lists as well as your stories to help choose jobs and potential employers and to convey your abilities and strengths in an interview/conversation.

Alberta Human Services Career and Workplace Resources. (2008). Assessing You: The First Step In Career Planning. Retrieved from <http://alis.alberta.ca/pdf/cshop/AssessingYou.pdf>

Appendix E | More Tips on Disclosure

“We always advise clients to emphasize the increases in productivity that are possible in an adapted workplace. For Technology@Work clients, the two most important pieces of information for them to tell their employers are:

- ‘There is funding through a program called Technology@Work that can help to offset the costs.’
- ‘This will help me to be more efficient at my job because the accommodations will allow me to...’”

Birch, G., & Bunn, L. (Spring 2016). Disclosure of Disability and Using Assistive Technology. *Transition Magazine*, p. 21. Retrieved from <http://www.disabilityalliancebc.org/docs/transspring16-web.pdf> Reprinted with permission.

“Unless you’re sure an employer is hiring for diversity, don’t disclose your disability on either an application form or in your resumé. Choose the type of resumé that will be most effective for you. Though many employers prefer chronological resumé, this resumé type emphasizes gaps in your employment history. A carefully designed combination resumé, focusing on both skills and employment history, may be your best choice. Be sure to include education, training or volunteer experiences that may account for any employment gaps. If a combination resumé draws too much attention to the times you were not employed, use a functional resumé that allows you to focus on your skills.”

Alberta Learning Information Service. (2016?). Talking about Invisible Disabilities [Tip Sheet]. Available: <https://alis.alberta.ca/ep/eps/tips/tips.html?EK=7371>. Reprinted with permission.

“Prepare a business case that tells an employer why hiring you makes good business sense. Stating the business case for hiring people with disabilities can help you market your skills to employers. Your skills, experience and accomplishments are most important, but you may bring some additional advantages to an employer. Consider which of the following potential advantages apply in your case and which ones you are comfortable adding to your resumé or mentioning in an interview.

- Competitive advantage—You may add diversity to a group of employees. A diverse mix of employees is more likely to understand and meet the needs of a wide range of customers.
- Problem-solving skills—You probably have lots of experience solving challenging problems on a regular basis.
- Enhanced public image—As an employee with a disability, you may help to establish a more positive public image for an employer.
- Untapped talent pool—Employers compete for employees, particularly during times of labour shortages. Employers can help to solve their labour problems by hiring skilled individuals with disabilities.
- Universal access—Hiring people with disabilities promotes universal access, which benefits everyone. For example, automatic doors installed for employees with disabilities make it easier for other people to enter the premises.
- Client and employee relations—You may have a special understanding and expertise in dealing with customers and other employees who face challenges in mobility, learning, work style or communication.”

Alberta Learning Information Service. (2016?). Finding Work Opportunities as a Person with a Disability [Tip Sheet]. Available: <https://alis.alberta.ca/ep/eps/tips/tips.html?EK=12435>. Reprinted with permission.

If you do not intend to disclose your disability, think carefully about including on your resumé and cover letter activities that indicate your involvement in disability-related sports, hobbies, arts, etc.

Already employed but have a new disability? If you have worked with your current employer for some time and are now facing a new disability or chronic illness, the information in this guide applies to you too. You may be wondering whether you should tell your employer about your disability or health condition. Are you able to do your job without accommodation? Does your disability/

condition create a situation that could put yourself or co-workers in danger? If you can do your work without accommodation and without concern for safety, you do not have to disclose. However, if you could benefit from accommodation—even a seemingly simple accommodation such as flexible hours for example—consider how it might improve your quality of life. Consult a trusted colleague, friend or family member and use this guide to create a plan if you decide that disclosure would be helpful.

Writing a script and practicing with a friend or family member is often suggested as a way to prepare for a job interview or discussion with an employer. You may have to write a few drafts in order to find the tone you like. A common format: begin with one or more strengths, identify your limitations or challenge, discuss accommodations that have worked for you and close with another positive feature or strength. Some advisors suggest that you end your script with a reference who can confirm the success of your work with accommodations. Make your script short and use conversational language. To read more about preparing a script, search for **disclosing disability script** in your favourite search engine. ■

Appendix F | Feedback Form

Your feedback is very important to us—and to our funders—so please take a few minutes to complete this short survey about *Disclosing Your Disability: A Legal Guide for People with Disabilities in BC*. Thank you for your time and your opinion.

The guide is in plain language and the information is presented clearly.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

The guide has given me/my organization a better understanding of people with disabilities' legal rights and responsibilities around disclosure in the workplace.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

I have a better understanding of some key legal terms that could apply to workplace disclosure, such as “accommodation,” “the duty to accommodate” and “discrimination.”

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

I now have a better understanding of the legal remedies available if a person with a disability believes they have been discriminated against in employment.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

This guide has provided helpful additional resources, such as articles and websites.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

This guide has provided helpful ways to identify and present strengths and potential to employers.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

I and/or people at my organization will use the guide. It is beneficial for people with disabilities.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

I am better able to serve my clients and/or help myself because of the guide.

- Agree strongly
- Agree
- Neutral
- Disagree
- Strongly disagree

If you can, please provide a brief example of how you have used the knowledge gained from the guide.

I have this additional comment about the guide.

Thank you for your feedback. Please return your completed feedback form to DABC by email feedback@disabilityalliancebc.org, fax 604-875-9227 or mail to Disability Alliance BC, 204-456 West Broadway, Vancouver, BC V5Y 1R3.

Disclosing Your Disability

A Legal Guide for People with Disabilities in BC

Created by Disability Alliance BC
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