

When, If and How to
Disclose Your Disability

Your Legal Rights and
Responsibilities Around
Disclosure

Employment
Specialists Help with
Entering Workforce

transition

The Magazine of Disability Alliance BC



Disclosing Your Disability

What You Need to Know

SPRING 2016

Let DABC Help with Your Income Taxes—Year Round

Do you receive Persons with Disabilities (PWD) benefits or Persons with Persistent Multiple Barriers (PPMB) benefits?

Do you know there are significant benefits to filing your income taxes?

Are you behind in filing your taxes?

Our program, Tax Assistance and Information for People with Disabilities (Tax AID DABC), provides free assistance with income tax filing for people who have not filed for multiple years. Please see details inside this Transition.

Since July 2015:

- we helped people with disabilities receive a total of over \$200,000 in tax refunds
- we helped people file 304 years of tax returns

Contact Tax AID DABC

Full details at www.taxaiddabc.org

Phone 604-872-1278

Toll Free 1-800-663-1278

TTY line (hearing impaired only) 604-875-8835

taxaid@disabilityalliancebc.org



Tax Assistance & InFormation
For People with Disabilities

vancouver
foundation

inside

featured articles

Editorial by Shelley Hourston _____ 4

Disclosure in Employment by Frances Kelly _____ 6

Disclosure in Post-secondary Education for Students with Disabilities by Frank Smith _____ 10

Your Legal Rights and Responsibilities Around Disclosure by Richard B. Johnson _____ 12

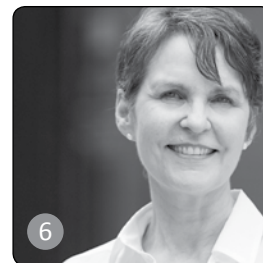
Mental Illness in the Workplace by Jonny Morris _____ 14

Disclosure of Disability and Using Assistive Technology by Gary Birch and Laura Bunn _____ 20

Small Business Owners and Disability by Garry Angus _____ 22

Returning to Work with Chronic Pain by M. Wesley Buch, Ph.D. and Susan Schellinck, OT _____ 24

Should I Reveal My Invisible Disability? by Kalena Kavanaugh and Monique Nelson _____ 26



selected content

Tax Time Shouldn't be a Headache by Sam Turcott _____ 8

A Message from the Generous Sponsors of this Transition:
The Notary Foundation of BC _____ 16

Students' Ideas to Improve Ferry Accessibility _____ 18

Helping Youth with Developmental Disabilities _____ 23

How Did We Do? Please take our survey. _____ 30



regulars and others

Book Your DABC Workshop _____ 15

A Proposed British Columbians with Disabilities Act by Rob Sleath _____ 28

Join DABC's Visionaries Circle _____ 28

Support DABC: Become a DABC Member _____ 29

Transition Ads and Sponsorships _____ 31



PHOTO: MARY-DOUG WRIGHT



Disclosing a disability or chronic health condition is difficult, even when talking to trusted friends or neighbours. Disclosure in an employment or educational setting can feel overwhelming.

DABC regularly receives questions from people wondering about their legal rights and responsibilities in disclosing a disability to an employer/potential employer or educational institution. They ask when or if they are legally obligated to disclose in these settings. They also don't know their legal rights once they do disclose a disability.

These questions from the community and our front-line experience showed us the need for community education around legal issues and disclosure. The articles that follow explain these rights and responsibilities, as well as providing

editorial

| BY SHELLEY HOURSTON

information and strategies around disclosure.

Some articles highlight the diverse challenges facing people with disabilities or chronic illness in both employment and educational contexts. Other contributors look at some of the accommodations and technology available that can adapt the workplace or classroom—and allow you to disclose your disability with a positive, solution-focused attitude.

You'll also see a theme about disclosure in our articles—that knowing yourself is key to success for everyone, but is especially critical for people with disabilities/chronic conditions. Identifying and communicating your strengths is essential and, in a disclosure situation, discussing strengths you've developed *because* of your disability can be powerful. While this may sound simple, communicating personal strengths can be difficult and shouldn't be improvised during an interview. The scripts described in articles by Frances Kelly and Wesley Buch and Susan Schellinck are an excellent strategy.

In addition to understanding the legal issues around disclosure, people with disabilities often need to take on the role of educator. Never

underestimate the importance of your role in changing attitudes and chiseling away at the stigma around disability.

Finally, we'd like to acknowledge the employers and educational institutions throughout the province working hard to change attitudes, recognizing that disability or chronic illness is one aspect of an individual and need not define their contribution. They go beyond meeting their legal obligations to ensuring diversity in hiring and accessible policies. They provide the opportunity for everyone to participate and contribute.

Disclosing disability is such an important issue both to the disability community and employers. To expand our community education around disclosure, in addition to this *Transition*, we recently initiated a new DABC project, *Disclosing Your Disability: A Guide for People with Disabilities in BC*. Funded by The Law Foundation of BC, the guide will be available in June 2016. The guide's launch will be announced in *Transition* and on DABC's social media.

We are very grateful to the Notary Foundation of BC for enabling us to create this resource to help broaden the understanding of disclosure.

SHELLEY HOURSTON IS DIRECTOR OF DABC'S WELLNESS AND DISABILITY INITIATIVE/AIDS AND DISABILITY ACTION PROGRAM. **T**

What Does Disclosure Mean?

How well do people with disabilities understand their rights and responsibilities around disclosure of a disability? Here's what DABC found in a recent online survey.

How well do you understand the rules around disclosing a disability in employment and education?

- Not at all: 40%
- Not too well: 14%
- Somewhat: 20%
- Quite well: 23%
- Completely: 3%

Have you been in a situation where you weren't sure if disclosure was required?

- Yes: 74%
- No: 26%

If you answered "yes", please select any of the following that describe the situation:

- Job interview: 56%
- After being hired: 41%
- During an application: 15%

Other:

- Public health
- Housing subsidy
- Volunteer position

Personal injury lawyers focused on client recovery



Over 33 years experience dealing with complex accident and negligence claims including:

- Brain Injury
- Spinal Cord and Catastrophic Injuries
- Medical Malpractice
- Wrongful Death Claims

Free consultation. You don't pay until your claim is resolved.

murphybattista.com

Vancouver
604-683-9621

Kelowna
250-979-7230

Toll Free
1-888-683-9621



Get your life back.

VANCOUVER

- | | |
|-----------------------|-------------------------|
| Joseph E. Murphy, QC* | Giuseppe Battista, QC* |
| J. Scott Stanley* | Stephen E. Gibson* |
| Brian R. Brooke* | Alex Sayn-Wittgenstein* |
| Derek M. Mah* | John M. Cameron* |
| Irina Kordic* | Kevin F. Gourlay* |
| Leyna Roenspies | Jeffrey Nieuwenburg |
| Mike P. Murphy | Dianna Robertson |
| Brandon Souza | Paul J. Bosco |

KELOWNA

- Bill Dick*
- Keri Grenier
- Matthew Van Nostrand

*Law Corporation

Disclosure in Employment

What do you say to employers and potential employers about having a disability? | BY FRANCES KELLY

There is a huge pool of talent in the population of people with disabilities. However, that pool of talent is largely untapped. The employment statistics are disappointing because people with disabilities are unemployed at a much higher rate than the general public. An unfortunate cause of this statistic is likely some attitudinal barriers held by potential employers. Even though “it is 2015” (to quote Prime Minister Trudeau after the election), many potential employers still hold untrue stereotypes about the capabilities and talents of people with disabilities as employees.

What does the law say?

The law is clear. Employers have a duty to accommodate a person with a disability up to a certain point. The duty to accommodate applies throughout the process, and includes both pre-employment and employment. The duty to accommodate means that employers have to make serious efforts to do everything they can to reasonably accommodate a person’s needs, up to the point of undue hardship. This can include modifying job duties and providing the necessary accommodations.

However, it is important to note that if you need accommodation from your employer, you need to ask for it. You need to provide the employer with enough information to allow them to provide a workable accommodation.

What do you say, when and how?

The attitudinal barriers held by potential employers make the whole decision of when and what to say about having a disability tricky. While there are legal protections, it will be a judgment call in each circumstance about when you tell an employer or whether you tell them at all. This decision requires tact and judgment. After all, you are interested in getting a job—not filing a law suit! You want to be strategic.

There are different points at which you might decide to disclose. I’d like to discuss when the opportunity may arise and what you might consider as a person contemplating disclosure of disability.

Do you disclose at all?

You may decide not to disclose at all. This will be the right decision if you do not require any workplace accommodation to perform the job. Your decision to disclose or not is a personal choice.



The attitudinal barriers held by potential employers make the whole decision of when and what to say about having a disability tricky.

The pre-employment phase

If you do require accommodation, you might choose to disclose this in advance or at the interview stage. Some people feel that it is more honest and forthright to do so. If you choose to do so, you should have a script ready to explain your abilities in positive terms, and describe how an accommodation helps you deliver a good performance.

You may also choose to disclose if the employer has an equitable hiring policy, whereby they target certain groups for employment. In this case, you may want to identify yourself as a person with a disability, even if you do not require accommodation. Do a little research and see if your potential employer falls under this category.

The employment phase

You can choose to wait to disclose until a job offer is made. Again, have that script ready and be prepared to focus on your abilities, and describe how the accommodation enhances your performance.

You will absolutely need to disclose your need for workplace accommodation once you are on the job. While there is no obligation to do so in advance, you might avoid potential problems if you disclose prior to this point.


Consider the following situation. Mr. Lane had bipolar disorder, but could work with accommodation. He was hired as a software program tester. Mr. Lane did not tell the employer about his need for accommodation when he applied for the job or when it was offered to him. He waited until he started his employment. He then told his supervisor how to identify his symptoms and accommodate his condition. Shortly after this, he entered a manic phase. Unfortunately, the employer terminated him soon after on the basis that he had been dishonest about his ability to perform the job (*Lane v ADGD Group Consultants Inc.* 2007 HRTO 34).

Mr. Lane filed a human rights complaint, and won before the tribunal and two levels of court. The courts agreed that the employer had discriminated against Mr. Lane in terminating his position. They also confirmed that Mr. Lane was under no obligation to tell his employer about his condition any earlier than he had.

Is this a win? You decide. He waged a long legal battle and ultimately lost his job. Might things have been different if he had disclosed his condition when he was offered the job? Would the employer have been more open to accommodation if they had known at an earlier time? I am not suggesting that Mr. Lane was wrong not to disclose earlier—the law proved him right—but would it have made a difference on an interpersonal level? It's hard to say.

Conclusion

It is a delicate balance and there are no easy answers. Hopefully, as employers become aware of the abilities of people with disabilities to work, and as the workplace becomes increasingly inclusive, it will not be such a gamble to disclose your situation at the earliest opportunity. After all, it's 2016!

FRANCES KELLY IS A LAWYER PRACTICING WITH THE COMMUNITY LEGAL ASSISTANCE SOCIETY. SHE HAS ARGUED A NUMBER OF SIGNIFICANT CASES WHICH HAVE ADVANCED THE RIGHTS OF PEOPLE WITH DISABILITIES AND OTHER DISADVANTAGED GROUPS AT ALL COURT LEVELS, INCLUDING THE SUPREME COURT OF CANADA. 

A HUGE THANK YOU

DABC and *Transition* thank everyone who contributed their experience and expertise for this edition on legal rights and responsibilities around disclosure of disability.

First, our sincere thanks to the generous sponsor of this edition, the **Notary Foundation of BC.**



And our contributors:

Garry Angus, Community Futures BC

Gary Birch and **Laura Bunn**, Neil Squire Society

M. Wesley Buch and **Susan Schellinck**, PAIN BC

Shelley Hourston, DABC's Wellness and Disability Initiative

Richard Johnson, Kent Employment Law

Kalena Kavanaugh and **Monique Nelson**, posAbilities Employment Service

Frances Kelly, Community Legal Assistance Society

Jonny Morris, Canadian Mental Health Association

Frank Smith, National Educational Association of Disabled Students

Tax Time Shouldn't be a Headache

Finding Peace of Mind During the 2015/16 Tax Season | BY SAM TURCOTT

The deadline to file your 2015 income taxes is coming up on April 30, 2016. For many people, the income tax filing deadline is a source of stress and frustration. However, in most cases the perception that filing income taxes is difficult is an exaggeration.

For many people receiving disability assistance or other forms of income assistance, filing taxes is relatively fast and simple. It's also a source of much needed additional money. Most people on BC disability benefits will receive more than \$400 from the GST credit and associated provincial credits when they file a tax return. People with dependent children or additional employment income may receive much more than that. Some income tax benefits are paid in installments during the year and not paid all at once.

Here are a few tips that might encourage you to get started.

Consider which method of filing is best for you

You can hire a professional tax preparer to do your taxes for you. According to H&R Block's website, they charge \$79.99 for a basic income tax return and provide a discounted rate for students. However, there are other reliable low-cost or free options available to file your taxes if that seems like too much money.

Many community organizations offer free tax preparation services for people with simple taxes and limited family incomes. You can find out information about free tax clinics on the Canada Revenue Agency's ("CRA") website at www.cra-arc.gc.ca/volunteer. These tax

clinics are a great resource but they also get very busy during the tax season which may mean you can expect long waits to get into a tax clinic.

You can also file your income taxes yourself either with a paper return or an electronic return. If you want to do this, I recommend filing online, provided you have a basic level of comfort using computers. You can always ask someone you trust to help you with this process if you want to try filing online but are not confident doing it alone. There are several different services you can use to file online. The one I recommend most often and use for my own income taxes is www.simple-tax.ca. This is a pay-what-you-want (even \$0) service. The layout is easier to understand than I have seen from other tax filing services. Disability Alliance BC has published a Help Sheet about filing 2014 taxes online which may help you get started with your 2015 taxes.

Plan your time

It may be helpful to think about filing your taxes as a two-step process. First, you need to gather all of the information about your income situation from the year (as well as any tax deductions you intend to claim). Second, you actually need to prepare and file your taxes. As a rule, it's much easier to do step two if you have already gathered all the information you need from step one. If you have not kept detailed income records from 2015 you may



"Since July 2015, we've helped clients receive a total of over \$200,000 in tax returns. Ask us how we can help you." Sam Turcott, Tax AID DABC, Program Manager

want to start this process by writing down a list of all the sources of income you remember receiving during the year. This may include disability benefits; employment income; inheritances and gifts; scholarships and bursaries; and self-employment and contract income. Your goal should be to have the most accurate picture possible of all the sources of income you had during the year and then to begin gathering the necessary information from each of those sources.

If you received provincial disability assistance or income assistance, you should get a T5007 slip in the mail. This slip will state the amount of benefits you received in 2015 so that you can include that amount on your tax return. You can call the Ministry's T5007 line at 1-877-815-2363 to ask them to tell you that amount or mail you a copy of the slip if you do not have it. If you worked during the year you may get T4 slips from the places you worked. Ask your employer for a copy of the slip if you misplaced or did not receive a slip.

Plan ahead

Filing your taxes is not like playing darts. The April 30th tax filing deadline is not necessarily a bullseye that you should aim to hit. Taking the time to get your taxes filed before the tax filing deadline can help minimize stress and frustration. If you plan to request help from a free tax filing clinic you should avoid waiting until the last minute to book an appointment.

It's best to file before the tax filing deadline to avoid any issues with the CRA. However, remember that

IMPROVE YOUR HEALTH
Physical. Physiological. Social. Well Being.

URBAN POLING

Products to you give you freedom and mobility

Davies
Home Healthcare

604-985-8771 • ortho@daviesHH.com
www.daviespharmacy.com
1417 ST. Georges Ave., North Vancouver

RENT • SALES • SERVICE • SINCE 1973

if you miss the deadline you can still file afterwards if you wish to receive any tax benefits you have missed out on.

Happy filing!

Tax AID DABC offers free tax preparation assistance for people receiving Persons with Disabilities and Persons with Persistent Multiple Barriers to Employment benefits ("PWD" and "PPMB" respectively). Tax AID DABC specializes in doing tax filing for people who need to get caught up on multiple years of taxes. However, the Tax AID DABC team will be providing assistance with 2015/16 returns periodically up to the tax filing deadline. Visit

www.taxaidabc.org to find out about times and availability.

SAM TURCOTT IS PROGRAM MANAGER OF TAX AID DABC.

Contact Us

Tax AID DABC
Phone 604-872-1278
Toll Free 1-800-663-1278
TTY line (hearing impaired only)
604-875-8835
taxaid@disabilityalliancebc.org



Tax Assistance & Information
For People with Disabilities

vancouver
foundation



You've applied to several colleges and universities as you finish your high school education. As a student with a disability, you're of course most excited about an academic program that suits your interests and aptitudes. You also want to prepare for a career.

Disabled students like all other students put these things first, but they also must consider how accessible a chosen school is. Depending on your disability and whether it has an impact on the learning environment, you may need accommodations and supports to be successful in post-secondary education.

If supports are required, it is a smart move to register with your college or university Accessibility Services/Disability Services office from the start of your program of study. These offices are there to serve and support you. They are there to help. If you have a disability, but you are sure (and have proven) you can manage on your own, then you may not need to register with such an office and disclose your disability.

When you register with Disability Services, you will need to provide documented proof of your disability to be eligible for the services that are available. Providing documenta-

Disclosure in Post-secondary Education for Students with Disabilities

BY FRANK SMITH

tion from a designated health or medical professional means that you will need to be comfortable disclosing your disability and understanding the implications of that disclosure. You can also choose to disclose at the time of registration in your program of study, but that is not necessary.

This is how the University of British Columbia describes self-disclosure during the registration phase on its website:

"You are under no obligation to disclose your disability on your application unless you believe your disability will impact your ability to meet the academic standards of your program of study. Disclosure does not impact your admission to UBC. Disclosure does not mean you are automatically entitled to receive disability-related accommodations. You must first register with Access and Diversity Services."

When you disclose that you have a permanent disability to your Disability Services/Accessibility Services office, you may be entitled to a variety of services, accommodations and/or equipment. Some typical supports include:

- note-takers in the classroom
- extra time on exams and assignments
- private rooms to write exams without distractions
- access to academic texts in an accessible format of your choice

Depending on your disability and whether it has an impact on the learning environment, you may need accommodations and supports to be successful in post-secondary education.

- counselling or tutoring services
- mental health services
- adaptive technologies

Disability Services centres will support students who have learning disabilities, are deaf or hard of hearing, have physical disabilities, have chronic health conditions, are blind or visually impaired or have mental health conditions. If you are unsure whether your disability is eligible for support, contact the office to find out.

When disclosing your disability to Disability Services staff make sure you receive documentation that confirms the accommodations/supports that will be provided and the rights and responsibilities (including the right to the privacy and protection of information disclosed) that you have as a student in the process. This should take the form of a written contract which is tailored to your individual learning needs, that you will co-sign, along with a Disability Services staff member and often a professor/teacher/teaching assistant for each of your courses. Most universities and colleges these

days are adopting an approach that allows for the disclosure of medical information only to the extent required to prove that the disability is permanent, to support the need for accommodations so that you may be successful in college or university education.

Through a recent landmark decision in Ontario through the Ontario Human Rights Commission (OHRC), with support from ARCH Disability Law Centre and York University, there are now new guidelines for students with mental health conditions in Ontario.

Stress with the professor, as you have with Disability Services staff, that the accommodations you have requested only level the playing field for you and in no way compromise on academic integrity or the level of knowledge of the course materials required.

For example, if you are a student with schizophrenia, your documentation must indicate that you have a mental health condition requiring certain accommodations, but you are not required to provide the clinical label of schizophrenia to receive services. This decision will have a ripple effect across the country in terms of required documentation for disability supports and protection of privacy (<http://www.neads.ca/en/about/media/index.php?id=335>).

Once you have registered with Disability Services and you are certain that the accommodations are right for you to complete your post-

secondary education successfully, consider carefully whether you will need to self-disclose your disability to professors or other teaching staff and/or other classmates. Having an accommodations agreement in place through Disability Services may be sufficient, along with regularly scheduled visits with the staff person assigned to your file.

However, if you think it might help to introduce issues related to your disability to your professor, and trust him/her, find a private time to chat during office hours. Remember, the amount of disclosure of your disability should only be as it applies to academic participation and performance. Stress with the professor, as you have with Disability Services staff, that the accommodations you have requested only level the playing field for you and in no way compromise on academic integrity or the level of knowledge of the course materials required.

Turn any possible perceived negatives, into positives, by emphasizing your skills and aptitudes that have nothing to do with your disability. Or perhaps, what may make you especially strong as an individual is that you have been able to advocate for yourself throughout your life as a person with a disability.

It is understandable that the issues around disclosure are very different for students who have an obvious visible disability than those who have an invisible disability. If you are a wheelchair-user, teachers and fellow students should understand your requirement for ramps and elevators in buildings and to

classrooms. However, if you have a hidden disability such as a mental health condition or learning disability, disclosure is a little more difficult.

When in doubt, when navigating issues of disclosure for accommodations, speak to Disability Services staff. You may also find a staff person you can trust at your campus Students' Association to help you with academic and student life issues. Don't be afraid to make use of your Students' Association; they are receiving a portion of your student fees for their services.

While you must always weigh the benefits and risk of disclosure, know that your university and college has services in place to support you, should you require them. As a bonus, anything you learn about disclosure while in school will help you prepare for disclosure of your disability in your chosen career after you graduate.

Please visit our National Educational Association of Disability Students' website for supportive information and, remember, you can always email or call us for assistance if you need it.

FRANK SMITH IS THE NATIONAL COORDINATOR OF THE NATIONAL EDUCATIONAL ASSOCIATION OF DISABLED STUDENTS (NEADS).

LEARN MORE ABOUT NEADS

TEL: 613-380-8065

TOLL-FREE: 1-877-670-1256

FAX: 613-369-4391

INFO@NEADS.CA | WWW.NEADS.CA 

Your Legal Rights and Responsibilities Around Disclosure

BY RICHARD B. JOHNSON (LAW CORPORATION)

This article is the second in a three-part series about disabilities and the workplace.

For an overview on some of the fundamental rights of employees with temporary or permanent disabilities, please see the Winter 2015 issue of *Transition*.

In this installment, I will focus on the issue of disclosing your disability in the workplace or at school.

You have rights

To recap quickly, under the BC *Human Rights Code*, your employer cannot fire you or otherwise discriminate against you because of your race, colour, ancestry, place of

origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or criminal or summary conviction offence unrelated to your employment.

Furthermore, unless there is a good faith and reasonable justification, the *Human Rights Code* prohibits discrimination or denial of accommodation, services or facilities to the public on the basis of your race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation or age.

That said, it is acceptable (and not considered discrimination) if an educational organization operates

on a not-for-profit basis primarily to promote people with disabilities (or a certain race, religion, age, etc.). The organization is not considered to discriminate by granting a preference to members of that protected group.

What all of this means is that the law provides you, as a person with a disability, with clear protection against discrimination at work or at school.

Interviews or admissions

In my practice, I typically advise against disclosing a disability when applying for a job or admission to a school, unless the disability makes you particularly qualified for the



Make Your Home Safe for Independent Living

Are you a low-income senior or a person with a disability who wants to live safely and independently in the comfort of your home?

Do you have difficulty performing day-to-day activities?

Does your home need to be adapted to meet your changing needs?

If so, you may be eligible for financial assistance under the **Home Adaptations for Independence (HAFI)** program.

Find out today if you are eligible and if you meet all of the requirements as a low-income homeowner or as a landlord applying on behalf of an eligible tenant.

HOME
ADAPTATIONS for
INDEPENDENCE

To apply or learn more, visit www.bchousing.org/HAFI
You can also contact BC Housing:
Phone: 604-433-2218
Toll-free: 1-800-257-7756



HOUSING MATTERS

position or is related to your area of study (for example, if the school is specifically geared towards individuals with disabilities, then disclosing your disability may be quite appropriate).

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.

After hiring or admission

Once you are hired or admitted to school, your employer or faculty must be sure not to discriminate against you on the basis of your disability, without a good faith and logical reason (a good faith and logical reason usually means that the disability clearly prohibits you from doing the main tasks required of the position, and there are no realistic modifications to be made to address your restrictions).

I tend to find that disclosure after the hiring or admission process is prudent, if you anticipate difficulties at work or school due to your disability. This may be common

sense, but your employer or faculty can only be expected to accommodate your disability if they know (or should know in the circumstances) that you have a disability. By disclosing your disability, you are making it known and this engages your legal rights under the Human Rights legislation.

Unfortunately, it is common for disabled employees to experience difficulty carrying out tasks at work and to be disciplined or dismissed because of these difficulties. However, unless and until the employee tells the employer about the disability and asks for appropriate modifications to the job (or time off where appropriate), the employer cannot be said to have discriminated against the employee. The employer never knew about the disability, so it could not be said to have violated the employee’s Human Rights.

By disclosing your disability to your employer or faculty when appropriate, you are triggering your rights to accommodation and fair treatment by making your disability known. Beyond that, you are starting a discussion with your employer or school that will hopefully be an ongoing and productive process of working together to find solutions for any restrictions that arise in the course of your work or education.


For example, for my client who has degenerative disc disease and requires a modified work station, disclosing a disability is absolutely in her best interest and the needed



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.

changes usually must be accommodated by the employer.

Similarly, if my client has a learning disability and requires modified testing arrangements at school, it is very important to disclose the disability to ensure his or her success. Again, if accommodation is viable, then the school should make such accommodations to account for restrictions due to the disability.

RICHARD B. JOHNSON (LAW CORPORATION) WORKS WITH KENT EMPLOYMENT LAW IN VANCOUVER. YOU CAN REACH RICHARD AT 604-266-7006, OR HELP@KENTEMPLOYMENTLAW.COM. FOR MORE INFORMATION, PLEASE VISIT WWW.KENTEMPLOYMENTLAW.COM. 



JONNY MORRIS



CINDY PLAYER

Jonny Morris, of the Canadian Mental Health Association, BC Division interviews Cindy Player, Director, Equity and Human Rights at the University of Victoria. Cindy has had an expansive career, spanning direct service work with women and children experiencing abuse in their home, through to human rights work in the university sector.

JM Do you think it has become easier for people living with a diagnosis to make a disclosure in the workplace?

CP It is easier in many workplaces, but not all. I think it's become easier because there is a lot more discussion about mental health and mental illness in society in general. That is due in large part to the work of organizations like CMHA, individuals like Clara Hughes (the Canadian Olympic athlete who made public her struggle with depression) and people who encourage the everyday dialogue about our mental health.

I live with a diagnosis of bipolar disorder. That diagnosis happened about 25 years ago, although I was ill for quite a few years before that. I can remember when nobody ever talked about mental health at all, so you felt like if you had struggles or a diagnosis, that you needed to keep those secret. And that has changed quite a bit. That goes a long way to challenging stigma.

Mental Illness in the Workplace

"My understanding of the ways people experience discrimination is enriched by my own experiences. So disclosing that allows me to bring that whole part of my experience to my work." | BY JONNY MORRIS

JM What might drive the need to make a disclosure in the workplace?

CP Generally, if you have some kind of condition that might require accommodation, it's a good idea to let your employer know. We have become accustomed to the idea of accommodation for physical illness, but the idea of accommodating a mental illness is still fairly new. And the idea that someone who is not well with a mental illness can remain in the workplace is also relatively new.

Some might feel that they are not being their whole self by not being open about a mental health diagnosis, so they may want to disclose so they feel they're honest about who they are and what their whole experience is.

JM In the context of disclosure in the workplace, does it have to go on a record somewhere? Or can you simply say, "I'm living with a mental health problem and these are the ways that you can help me thrive in the workplace?"

CP It depends on whether somebody is seeking a formal accommodation through their employer or an informal arrangement. With many large-sized employers, there is a formal process for accommodation and a policy that guides that. In many cases, you're required to produce medi-

cal evidence of your disability. Your employer is only allowed enough information to plan how best to accommodate you in the workplace.

JM Is there anything you'd like to share about your own experience of disclosure in the workplace?

CP I've always been relatively open with people who are close to me in the workplace, but I had never disclosed to my employer before.

I've worked in human rights for a long time and I've been diagnosed for about 25 years. Even so, it took a while for me to realize that I had the right to be accommodated in the workplace, and that I had the right to work even though I had a mental health diagnosis.

I didn't disclose until well into my working life. In part, I felt that I didn't have much to lose anymore, whereas earlier I was worried about losing my job. My job involves a lot of judgment and I feared questioning of my decisions. But I got to a place where I felt that the benefits of disclosing outweighed the cost of continuing to hide that part of my experience and identity. I actually feel that living with a mental health diagnosis is an asset to the work

that I do. My understanding of the ways people experience discrimination is enriched by my own experiences. So disclosing that allows me to bring that whole part of my experience to my work.

JM If someone hasn't made a disclosure yet, are there any key pieces of advice they might reflect upon before making that disclosure?

CP I think disclosure is a very individual choice and my advice would be to reflect on the possible benefits and costs of disclosing.

I think it's good to remind yourself you're not asking for something that is special, but something that is a right. You have a right to a workplace that is free of discrimination and a right to be accommodated if you need it.

I've worked in human rights for a long time and I've been diagnosed for about 25 years. Even so, it took a while for me to realize that I had the right to be accommodated in the workplace, and that I had the right to work even though I had a mental health diagnosis. Rather than being a negative thing that I bring to my work which I was fearful that many people would perceive it as, in fact it's a real asset to my work and makes me feel more honest and effective to be open about that.

JM How might people be better able to recognize when they are bumping up against the effects of stigma or the effects of discrimination?

CP That is a good question and a very difficult one to

answer. I know that sometimes I've felt perhaps there is some stigma that comes into the relationships in the workplace when I have disclosed.

If you experience greater scrutiny in your job or questioning around aspects of your job performance that only comes after disclosure, I would wonder if that is stigma.

JM If an employee in the workplace is having a challenging time, where can they go for help?

CP One recourse would be the BC Human Rights Tribunal. There are more and more decisions around workplace issues for people living with mental illness. If you have a large employer, you may be able to deal with a problem through human resources, or there may be a policy against harassment and discrimination which may apply to your experience. There may also be employment law that applies to particular situations.

The important thing to remember is that it's not okay to experience discrimination in the workplace because you have a mental illness. If you are experiencing that, start to look at possible routes of recourse.

JONNY MORRIS IS THE SENIOR DIRECTOR, POLICY, RESEARCH, AND PLANNING AT THE CANADIAN MENTAL HEALTH ASSOCIATION BC DIVISION. HE PROVIDES LEADERSHIP FOR PROVINCIAL MENTAL HEALTH AND SUBSTANCE USE ADVOCACY AND CHANGE INITIATIVES. JONNY HAS A LONG RESEARCH AND PRACTICE HISTORY IN SUICIDE PREVENTION, HAS TRAINED AS A COUNSELLOR AND HOLDS A SESSIONAL TEACHING APPOINTMENT AT THE UNIVERSITY OF VICTORIA. HE HAS DIRECT EXPERIENCE PERSONALLY AND AS A FAMILY MEMBER. T

Book Your DABC Workshop

Disability Benefits

We provide workshops across BC on provincial and federal disability (CPP-D) benefits. We also do workshops on the Registered Disability Savings Plan (RDSP) and the Disability Tax Credit (DTC), and income tax filing clinics through our new Tax AID DABC program. We can tailor these free workshops to fit your needs and knowledge level.

To book your workshop, please contact Val at 604-875-0188 or feedback@disabilityalliancebc.org.

Strategic Inclusive Training for Emergencies

This workshop teaches employers and community organizations how to create inclusive emergency plans for the workplace or building occupancies.

C-MIST and the Duty to Accommodate

Learn about inclusive emergency planning and what Canadian and BC laws say about local governments' responsibility to provide emergency response programs in a way that are accessible to all citizens.

See details on these emergency preparedness workshops at www.disabilityalliancebc.org/epworkshops.htm or please contact Karen Martin at 604-875-0188, karen@disabilityalliancebc.org. T



A MESSAGE FROM THE GENEROUS SPONSORS OF THIS TRANSITION

The Notary Foundation of BC

Travel Tips to Help Leave Worries at Home

Whether you're taking a vacation from BC's seemingly incessant rain and cold, or heading out for business or family reasons, we all know airports, borders, unfamiliar hotels and foreign languages can be stressful and daunting. This can be especially true for people with disabilities, their families or caregivers.

Notaries across the province help their clients prepare for travel and other important life events, and have compiled a set of useful tips to help you travel with confidence, regardless of where you're going.

"Travellers who'll be out of province or out of Canada for an extended period of time and those who may be at greater risk of needing medical care should ensure they have

appropriate documents in place before they travel," says Tammy Morin-Nakashima, President of BC Notaries and a Notary in Steveston. "A Power of Attorney and healthcare plans can be particularly important for these travellers."

"There are few travel experiences worse than being stuck out of country in an accident or with a serious medical condition with no one having legal authority to act on your behalf to coordinate care, ensure payment with insurance companies, pay medical or travel bills, and arrange to get you home," adds Laurie Salvador, a Sidney Notary.

A Power of Attorney, which can be drawn up by a BC Notary or lawyer, allows a capable adult to appoint a person or persons to handle their *financial and legal matters* in the event they are unable to do so themselves or need assistance. The document also specifies whether

these individuals are allowed to act separately or required to act together.

"BC Notaries quite often encounter situations where Power of Attorney is needed for someone travelling outside of the country," says Akash Sablok, a Notary in Vancouver.

"Because of the financial authority conveyed, it is critical that the traveller fully understand what powers they are granting with this document and have complete trust in the person they are appointing."

Travellers should also make two photocopies of all travel documents in case of emergency or if their documents are lost or stolen. Leave one copy with a friend or relative at home, and carry the other copy separately from the originals. This includes your passport ID page, foreign visa (if applicable), itinerary, hotel confirmation, airline ticket, driver's license, credit cards and traveller's cheque serial numbers.

It's also important to understand which medical services your health

insurance will cover in another country and to purchase additional health insurance, if needed.

Another useful tool for travellers' peace of mind is a Representation Agreement which appoints a Representative, or multiple Representatives, to make decisions regarding your finances, health and personal care in the event you're unable to communicate your own wishes. This is especially important if you are single or don't have children. If your children are in conflict with one another, they would not be good decision-makers.

Depending on how the Representation Agreement is prepared, a designated Representative's authority can include:

- routine finances
- decisions regarding healthcare, personal care and limited legal affairs
- refusal or consent to life-support treatment and care
- consent to less common medical procedures/treatment
- consent to treatment the adult approved while capable, but since losing capacity has refused to consent
- deciding on living arrangements for the Adult including choosing a care facility

A BC Notary can help determine the appropriate scope for specific Representative(s).

Regardless of the type of documents you prepare before you leave, it's crucial that someone you trust can access them if needed. As a service, some Notaries will store these documents for clients, but the Executor or Attorneys also need to have that information.

If you take medications, make sure to pack more than enough for the trip in case of unexpected delays. Carry medications in their original labelled containers in a carry-on bag, in case baggage is lost or delayed. A letter from a physician may be needed, since some countries have restrictions on bringing prescription or non-prescription medications into the country. Before departing, travellers are advised to contact the foreign government office of the country they plan to visit to make sure the medications or medical supplies they intend to bring are allowed. If an individual needs to use needles or syringes, carry a medical certificate explaining the needles or syringes are for medical use.

The Government of Canada's website has more information for Canadians receiving medical care outside of the country: www.travel.gc.ca/travelling/health-safety/care-abroad.

Getting all of these documents in order before a vacation can take some of the worry out of travelling outside the country this winter.

TO FIND A NOTARY, OR FOR MORE INFORMATION, VISIT WWW.NOTARIES.BC.CA



BC NOTARIES' Travel Tips

- Prepare a Power of Attorney designating someone who can manage your finances, if needed, while you're away.
- Prepare a Representation Agreement or other advance care plan designating someone who can determine your healthcare, if you can't speak for yourself.
- Make sure someone at home can access these documents, if needed.
- Make copies of important travel documents and store them separately from the originals.
- Ensure you have appropriate medical travel insurance.
- Check to make sure you can bring your medications and medical supplies into your destination country and get a doctor's authorization if needed.



Students' Ideas to Improve Ferry Accessibility

BC Ferries and University of Victoria engineering students work to improve accessibility.

Last fall, BC Ferries worked with first year students at the University of Victoria (UVic) on a project to improve accessibility for customers with mobility challenges. UVic's Faculty of Engineering was looking for a real-life business challenge for the class of 450 engineering students to work with a client and come up with innovative solutions. We value our work with UVic as an opportunity for community involvement and mentoring.

The students were presented with the current scenario for transporting passengers in need of assistance between the ticket booth, terminal and the ship. BC Ferries has wheelchairs available at its Metro Vancouver, Vancouver Island and Sunshine Coast terminals, and onboard our larger vessels for customers traveling without a vehicle. These wheelchairs must be reserved in advance as a limited number are available.

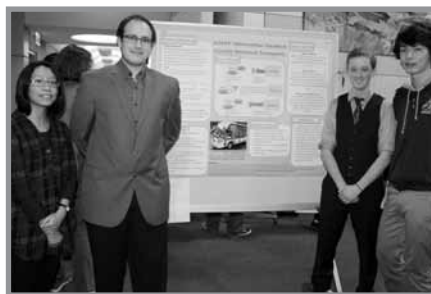
Part of the challenge lies with the walking route from the foot passenger ticketing counter to the waiting lounges and ships. The vessels are in dock an average of 35 minutes, and approximately 400-800 foot passengers disembark, while 400-800 passengers board immediately

after the arriving passengers. This creates a high degree of congestion in narrow corridors, especially because customers often have luggage.

The average walking distance from the ticket counter to the pre-boarding lounge is 600-800 metres which can create time pressure for

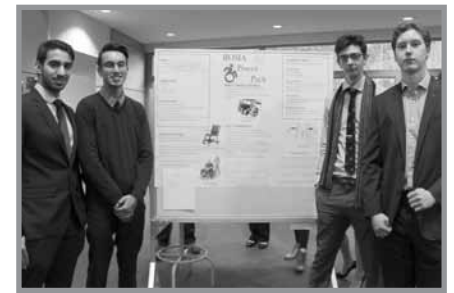


Karen Tindall, BC Ferries' Director of Customer Care, awards the winning teams with their prizes.

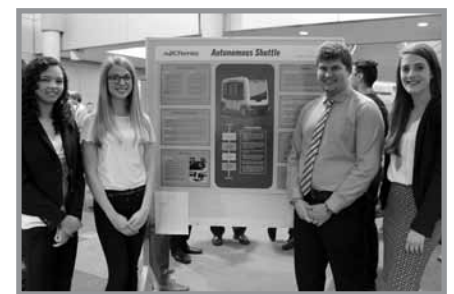


Tied for first place, the Alternative Disabled Electric Personal Transport (ADEPT) project features a vehicle transport system to be used at BC Ferries terminals. *L to r:* Caitlyn Quach, Juan Comish, Nicholas Hall and Akik Sato-Guadreau.

wheelchair users. The slope of the overhead walkway from the pre-boarding lounge to the vessel also varies with the tide and can range up to 15 degrees. This can create difficulty for passengers who use wheelchairs and also creates a risk of strain injuries for employees assisting with pushing the wheelchair.




Tied for first place, the ROMA Power Pack is a device designed to reduce time and difficulty for passengers who use wheelchairs to board the ferry and features an electronic speed control motor to assist in pushing wheelchairs. *L to r:* Stephen Penner, Gavin Angman, Nasser Khanezan and Isaac Merd.



The second prize project featured an Autonomous Shuttle to transport customers with mobility challenges from the terminal to the ship. *L to r:* Genevieve Luyt, Natasha Stefani, Tristan Giles and Zenara Daley.

The boarding ramps and aprons have a variety of transitions that produce uneven surfaces, creating obstacles for passengers who use wheelchairs and additional hazards for employees assisting these customers. The inventory of wheelchairs can become unbalanced depending on the number of wheelchairs required at each terminal and on each vessel, leading to a shortage of wheelchairs at peak times. We currently request customers check baggage, but they often want to keep their baggage with them. The wheelchair technology and assistance program currently in place

is not meeting these challenges and a new process or mobility aid is required to meet the needs of customers, now and into the future. With these challenges in mind, the students were tasked to come up with innovative solutions that would not require BC Ferries to add additional employees. With assistance from BC Ferries managers, the students worked on the project from September to December 2015 and presented their final designs, prototypes and ideas to BC Ferries at an awards ceremony on December 4, 2015.

The students worked in small teams and the projects were evaluated by judges from BC Ferries, the UVic Faculty of Engineering, and representatives from local engineering and accessibility organizations. The winning projects included alternative transportation devices, as well as a powered mover for wheelchairs. Winners received prizes donated by UVic and BC Ferries. The projects will be reviewed for implementation at BC Ferries early in 2016. 

Injuries from a car accident can affect you and your family. Call Klein and get the compensation you deserve.



Injured in a Car Accident?
Call Klein

“Thank you for handling my case and understanding my situation. You worked wonders to assist me and it will not be forgotten.”

– Lori

KLEIN • LAWYERS LLP
Personal Injury & Class Action Law

604.874.7171
www.callkleinlawyers.com



Top Personal Injury Firm

Most Outstanding Class Action Law Firm

Disclosure of Disability and Using Assistive Technology

BY GARY BIRCH
AND LAURA BUNN



Over the 30-year plus history of the Neil Squire Society providing services to persons with disabilities, we have noticed the issue of people's unwillingness to disclose their disability to their employers, particularly people who have hidden disabilities. This creates a significant impediment to these individuals receiving services and the supports they require. One of the major streams of service that the Neil Squire Society provides is the assessment, recommendation, set up and training on assistive technology and other enabling technology to maximize the productivity of people with disabilities in the workplace.

The issue of disclosure, in the context of providing assistive technology, has been brought up in several ways when we are working with people with disabilities who could benefit from these types of supports. People approach us after presentations believing they could benefit from our services, but they are very reluctant to disclose to their employers that they are in need of assistance. We have heard a range of reasons, but the following are the three most common.

- "There is no way my employer would pay for me to have the equipment I need."
- "I'm afraid my employer will think I'm not able to do my job anymore, if I let her/him know I need some equipment."
- "Sounds good, but I wouldn't want my co-workers to be jealous that I'm getting equipment to help me be more productive." Or "I'm concerned my co-workers will look at me differently because I have special

equipment at my workstation. It's going to make me look 'odd' and I'm afraid of being treated differently."

We and many other organizations have been working with and reaching out to employers, businesses and organizations. Our goal is to increase awareness among employers and staff about the benefits of implementing assistive technology in the workplace and ensuring that all employees are receiving the supports they require to be as productive as possible.

In addition, we have seen the emergence of programs across Canada that are beginning to target employers directly with educational opportunities to explain why it is in their best interest to create an environment where their employees feel empowered to disclose to them and discuss their needs. In fact, there are programs that have been put into place that go beyond education to the capacity to provide some funding for small-to-medium sized employers to buy this assistive technology, if it truly poses a hardship to them. A program that we began administering in May 2015, called Technology@Work, is beginning to address these issues. Specifically, this program is designed to:

- support employment for people with disabilities in British Columbia who are currently or just about to start working or volunteering
- provide funding for eligible assistive technology products and services to individuals who have work and volunteer-related barriers
- provide services to help people determine the most suitable

assistive technology for them, and provide information to employers who are interested in creating more accessible working environments

In the first few months of the Technology@Work program, many employers used this program to help support their employees, not only for funding purposes, but also to ensure they are getting the best possible solution for their employee's needs.

We find that, with employees that have fears or concerns about disclosing a disability or accommodation need to an employer, the best approach is always education.

In the cases where individuals know exactly what they need, the program does not get as involved in researching a solution, but will still support the employer and the individual with acquiring equipment. In addition, this program has a mandate to proactively reach out to employers and provide them with education on assistive technologies. We explain how they can be used by current and new employees who have disabilities to address workplace barriers.


We find that, with employees that have fears or concerns about disclosing a disability or accommodation need to an employer, the best approach is always education. The first step we take is understanding the employee's concern: Are they worried their employer will think they are incapable? Are they worried their employer will want to lay them off because of the presumed costs associated with providing accommodations?

Once we understand their concerns, we can provide them with helpful information on how to approach their employer. Some clients prefer to approach their employer independently. Other clients prefer us to give them information in writing which they can show their employer, and some prefer us to contact their employer directly to discuss their needs.

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...."

An employee does not need to disclose the name of their specific disability that they may have, but rather explain their challenges in terms of limitations. For example, "I have difficulty with my reading vision, so it can be hard for me to see text and icons on the computer. There is a software program available that can help to magnify and change the contrast of the text and icons on the computer screen. This will allow me to read the information much faster, helping me to be more efficient."

GARY BIRCH IS EXECUTIVE DIRECTOR OF THE NEIL SQUIRE SOCIETY. LAURA BUNN IS AN OCCUPATIONAL THERAPIST WITH THE SOCIETY. LEARN MORE AT WWW.BCTECHATWORK.CA. 

ABOUT TRANSITION

Editorial Statement

The views and opinions expressed within the pages of *Transition* are not necessarily those held by the total membership or Board of Directors. The material presented is meant to be thought-provoking and to promote dialogue.

Planning Team

Jane Dyson, Shelley Hourston, Nicole Kiyooka, Ann Vrlak

Editor and Layout

Ann Vrlak

Cover Design

Fiona Gamiet

Subscriptions and Ads

Transition is published four times a year by Disability Alliance BC. Subscriptions are \$15/year (individuals) and \$25/year (groups).

Any advertising in *Transition* is for readers' benefit and does not constitute an endorsement by the Disability Alliance BC.

Submissions and Reprints

Comments, articles and graphics are welcome for consideration. Publication not guaranteed.

Transition content may be reprinted without prior permission, as long as the material is published in its entirety, along with this citation: "From *Transition* magazine, Disability Alliance BC, [edition date]."

Contact Us

Disability Alliance BC
204-456 W. Broadway,
Vancouver, BC V5Y 1R3
T: 604-875-0188 F: 604-875-9227
TRANSITION general:
transdisabilityalliancebc.org
Ads:
transitionads@gmail.com
Web:
www.disabilityalliancebc.org/transition
DABC general:
feedback@disabilityalliancebc.org

Small Business Owners and Disability

| BY GARRY ANGUS

Did you know that approximately 60% of all small business owners in BC are managing ongoing health or disability issues? Probably not. Owning and operating a small business is a difficult undertaking that requires an extensive support network, continuing education, flexibility, commitment, deep resources and, at the start and end of the sales day, the energy to meet and greet your customers with a smile on your face to meet their ever-changing needs.

Being one's own boss is not for everyone and, in fact, 95% of all

Unless one wants to be stereotyped and potentially stigmatized as the “disabled business owner,” there is no advantage to self-disclosing to customers that you are managing ongoing health or disability issues.



people considering self-employment never make it to the first sale. Those that have succeeded rarely speak about their personal lives, but they and I will tell you it takes excellence, determination and passion to succeed in small business. And it is rarely a good idea to self-disclose one's personal life situation to potential and existing customers.

For those small business owners that are also managing ongoing health or disability issues, the care they must take to preserve, conserve and meter out their energy is of the utmost importance to continuing the operation and keeping themselves in balance and able to work another day. For people with the right pre-requisites for success, self-employment can be very rewarding and it is definitely challenging.


When is self-disclosure useful? Unless one wants to be stereotyped and potentially stigmatized as the “disabled business owner,” there is no advantage to self-disclosing to customers that you are managing ongoing health or disability issues. If your business is directly targeted for one demographic, for example, those with similar health issues or the disability advocacy cause, revealing such information may not be detrimental to attracting new customers with diverse needs. However, unnecessary disclosure will limit the growth of the business and a business is like a garden of

potential: unless it is given the right ingredients for growth, it will eventually die. When a customer comes to buy a product or service, what they want is excellent customer service and a friendly memorable shopping experience, not the list of historical or current challenges the owner faces.

Small business owners need support. A common challenge for people with disabilities is finding financing or business education and training that recognizes you may need extra measures to create equal opportunity for success. I am proud to share that the program I manage is adapted to serve such needs. The Community Futures Entrepreneurs with Disabilities Program (EDP) provides support where needed to qualified business people in need of repayable business loans, specialized business training and support with disability issues in order for the business to carry on.

Self-disclosure is the key to being considered for EDP support services. The support we offer our clients is confidential. It will remain our secret.

For more information on Community Futures EDP, please visit www.cf-edp.ca.

GARRY ANGUS IS PROVINCIAL COORDINATOR OF THE BC COMMUNITY FUTURES ENTREPRENEURS WITH DISABILITIES PROGRAM. 

Helping Youth with Developmental Disabilities

The transition to adulthood is an important time for young people with developmental disabilities and their families. It can be both exciting and challenging—a time of uncertainty, but also new possibilities. Decisions must be made about where the young adult will live, whether they will continue their education or find a job, what kinds of activities they would like to try, and how they can meet new friends and be part of a community.

Services to Adults with Developmental Disabilities, STADD is a provincial government program that can help youth and their families plan for these decisions and have a smoother transition to adulthood.

STADD helps young people develop transition plans so they are prepared to make decisions about their future as they move into adulthood. STADD also provides more streamlined access to information, government services and other supports.

STADD started as a pilot project in four sites—Nanaimo, Kamloops, Surrey and Prince George—and more sites are planned for the future. STADD is a cross-ministry and multi-agency program that involves community outreach through school districts, health authorities, employment centres and Delegated Aboriginal Agencies.

Navigators begin by meeting with youth and their families to develop a full picture of the young person

STADD helps young people develop transition plans so they are prepared to make decisions about their future as they move into adulthood.

which includes their needs, hopes and dreams. A support team is identified or created and may include teachers, health workers or other government staff, as well as people who play an important role in the youth's life and can support the youth's transition into adulthood.

The Navigator, the youth, the family and the support team work together to develop a transition plan which could include housing, education, employment, health services and financial supports.

Everyone works together to implement the transition plan and access the services and supports needed to achieve the goals identified.

To find out more about STADD, and whether the STADD service is available in your community, please call 1-855-356-5609 or 250-356-5609. If you already have a service provider (such as Ministry of Children and Family Development, Community Living BC, Ministry of Education), they can also refer you to STADD. **T**

A TEACHER'S EXPERIENCE WITH THE STADD PROGRAM

I am a secondary life skills educator for 13 to 19-year-old students who live with developmental disabilities. As I reflect back, I am struck by the significant difference having a STADD Navigator has meant in the lives of my students and their families.

Prior to having access to a Navigator, I was doing the best I could to know everything about everything that was involved in preparing a few individuals for a transition out of school, while still supporting other youth of a variety of ages and stages in school.

Having access to Navigators has changed that. Starting when a student is age 16, I now have a professional ally that can join in on the conversation with individuals and their families about "what's next?" There is another voice encouraging families to come to the table and have an open dialogue about their hopes and fears, and another support person available to build a meaningful connection with my students before they leave the familiarity of school.

I am impressed by the commitment the Navigators I have worked with have shown to my students and their families. It gives me great confidence knowing that there is someone that genuinely cares about moving forward with the youth that I have spent so long working with.

Erin Price, Kamloops School District teacher



Returning to Work with Chronic Pain

Tips for Navigating the Workplace Environment

BY M. WESLEY BUCH, PH.D., R. PSYCH AND SUSAN SCHELLINCK, OT



On behalf of Pain BC, we are delighted to contribute to this *Transition* on disability disclosure in workplace and educational environments. We bring a history of working with clients who have chronic pain, many of whom attempt to return to work. Work return is one possible overarching goal of our work towards maximum functioning despite pain.

There is much to celebrate when a client with chronic pain is ready to try a work return. This is a marker that rehabilitation is going well enough to consider some form of work. However, work return presents a new set of challenges that can be daunting.

Rehabilitation during work return tends to consist of problem-solving and skill review regarding issues such as pacing in a work environment with performance expectations, pain flare-up management, time management, and communication with work mates and management. And, this communication may involve personal disclosure about why a client was off work, the nature of injuries and pain, associated treatments, current health status and work return intentions.

Workers with persistent pain often wonder what to say upon work return—how and if to disclose why they’ve been off work. Disclosure is such a personal and vulnerable thing to do, especially about health

Workers with persistent pain often wonder what to say upon work return—how and if to disclose why they’ve been off work.

conditions. When one of us (Wes) returned to a large corporation after a brief but fierce episode of depression, he needed to decide whether to mention anything about his depression. He struggled with fears of stigma and worried about his professional reputation as a psychologist who had succumbed to depression. If stigma is about other people writing your injury/illness story, one very self-empowering option is to make an educational opportunity out of work return. And this is what Wes did. He turned his work return into an opportunity to educate people about depression in a way that was appropriate for each person’s inquiry about his health. It was a calculated risk that worked out quite well. But just because it worked out well for Wes, does not mean it is easy or appropriate in every case of work return.

What’s the problem with workplace disclosure?

People returning to work with chronic pain may fear being judged as weak, inadequate, taking advantage of the system to get time off work or even fraudulent. In fact, some workers may secretly judge themselves. “What’s the matter with me. Maybe my pain really *is* all in my head; maybe I’m really

not that bad.” But such thinking is self-defeating, demoralizing and distorted.

People returning to work with chronic pain may also fear being secretly flagged as someone to be replaced by a more able-bodied person or someone inappropriate for promotions. When return to a pre-injury employer is not possible, some work return advisers may even recommend not disclosing mental or physical problems to a new prospective employer.

What’s the opportunity with workplace disclosure?

The word chronic in chronic pain could be replaced with “complex.” Once pain becomes chronic, the area of pain is only part of the story. Suffering can be a small or large component of how well a person manages. Suffering can present as physical, cognitive or emotional struggles that may limit productivity some days and be non-existent other days. Most of this suffering is invisible. This can be confusing for people in pain, their employers and co-workers.

When a person with chronic pain talks about the episodic and invisible nature of managing pain, it not only increases awareness, but

assists with understanding the person's self-management efforts. For example, breathing exercises or short periods of mindfulness (10-30 seconds) can be a valuable tool to maintain and enhance productivity. However, they can also look like a lack of effort or giving up. A short discussion on the complexity of pain and compensatory strategies can assist with creating a work environment that is supportive.

People returning to work with chronic pain may also fear being secretly flagged as someone to be replaced by a more able-bodied person or someone inappropriate for promotions.

Employers and co-workers can ease this return to work transition by remembering that, for the most part, people returning to work with chronic pain retain their knowledge and skill sets from past and current occupations. Adding chronic pain to the list of things to manage in a workday can be daunting.

Work return disclosure tips

Exercise due diligence about whether to disclose at all when returning to work and, if so, to whom. Talk to trusted allies who can help you decide.

Scripting. Write down what you intend to say. Ask yourself what people need to know to treat you appropriately at work? What kind of quick facts do they need? Keep it short. Keep it upbeat. Often work mates just want to know that you're ok to work now.


Rehearsal. Memorize several disclosure scripts for different kinds of inquiry that you expect from work mates. Rehearse the scripts out loud by yourself and then with someone else.

Perception checking. When you're feeling anxious, you are more likely to misunderstand what others intend to communicate. Ask for quick clarifications if you feel someone was insensitive or critical.

Dealing with hurt feelings. When in the process of work return or disclosure, people mistreat you, intentionally or unintentionally, a normal human response is to feel hurt. Seek help if hurt remains unresolved and is interfering with your work performance, quality of work life and/or is poisoning relationships at work.

Evaluation and celebration. How is your work return going and your disclosures to different people? What about your efforts to be a workplace educator? What are you learning? What went well and not well? What needs to change? How can you celebrate your good efforts thus far?

Please visit our website to learn more about PAIN BC and our work with people living with chronic pain: www.painbc.ca.

M. WESLEY BUCH, PH.D., R. PSYCH IS A REGISTERED PSYCHOLOGIST WITH A CAREER IN CLINICAL AND REHABILITATION PSYCHOLOGY WHO SEES PEOPLE WITH CHRONIC PAIN IN PRIVATE PRACTISE. SUSAN SCHELLINCK, OT, IS AN OCCUPATIONAL THERAPIST WORKING SOLELY WITH PEOPLE WITH CHRONIC PAIN AT AN INTERDISCIPLINARY PAIN PROGRAM. 



A New Tool to Support your Return to Work

Returning to work when you're in pain can be daunting. You may worry about what's happened to your health and how it affects your ability to do your job. You might have questions about how to talk with your employer and colleagues about your situation and what you need.

Live Plan Be is a new online self-management tool for people living with pain. No matter where you are on your journey with pain, you choose what to focus on and how you want to participate. Whether you're ready to transition back to work or are trying to get a handle on your symptoms, **Live Plan Be** is a safe, private, self-paced online tool that can help.

Live Plan Be is a free resource created by Pain BC and funded by the Ministry of Health. It was developed in collaboration with people in pain and pain specialists, and is based on current research in pain management. **Live Plan Be** has four major components:

- Pain education: Learn about topics most relevant to you.
- Peer support: Share stories, ideas and chat with people who understand what you're going through.
- Self-assessments: Track your symptoms and their impacts to better understand what's going on with your health.
- Action planning: Set realistic goals for yourself that move you toward a better quality of life.

Pick and choose what works for you, but know that you have a supportive community waiting to welcome you. Visit www.liveplanbe.ca to start your journey.

Should I Reveal My Invisible Disability?

BY KALENA KAVANAUGH AND MONIQUE NELSON

Choosing to disclose an invisible disability is an intensely personal choice. The path taken can vary depending on whether a youth is seeking additional supports, such as accommodations in post-secondary education, the assistance of an employment service or advice on how to advise an employer.

The benefit of disclosure in a school-based setting is the information is confidential and can help maximize a student's success. This, in turn, leads to additional skills and qualifications that are valuable in the marketplace.

Of course, to access student accommodations, disclosure is required. Sharing confidential information in this context can create a more positive post-secondary experience and the likelihood of the information going beyond staff and faculty who need to know is very low.

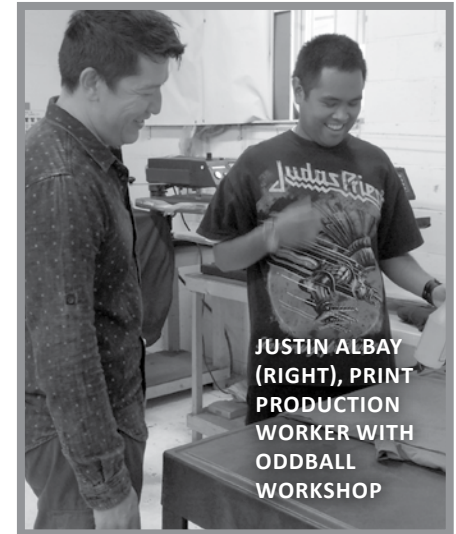
The Ready, Willing and Able (RWA) inclusive employment initiative has developed a business case to demonstrate the value of inclusive hiring to businesses. A wide range of performance measures that demonstrate the benefits to diversifying one's workforce—reduced turnover, lower absenteeism, solid job performance, attention to workplace safety and loyalty, to name a

few—should have employers actively recruiting from this labour pool. So why then, are only one in four of the roughly 500,000 working age adults with intellectual disabilities or autism spectrum disorder (ASD) in Canada employed? (Source web: http://readywillingable.ca/wp-content/uploads/2015/07/RWA_BusinessCase-OnlinePDF.pdf)

Given that many businesses haven't yet declared they are "ready, willing and able" to capitalize on the talents of persons with disabilities, job seekers are left wondering if disclosing an invisible disability is in their best interest.

If you are thinking about disclosing your disability to an employer, you might like to pause for a moment to think about whether or not it is necessary to do so and, if so, when is the best time to share this information and how. What you hope to prevent is an employer's or work mates' assumptions about your performance based on a label or misconceptions of your disability-related challenges.

In British Columbia, the *BC Human Rights Code* protects residents against discrimination in the workplace based on a disability. If you can perform your work tasks without any accommodations above or beyond those available to your co-workers, disclosure is not necessary. However, if your disability recurs periodically, and you may be unable to work or require a leave



JUSTIN ALBAY
(RIGHT), PRINT
PRODUCTION
WORKER WITH
ODDBALL
WORKSHOP

What you hope to prevent is an employer's or work mates' assumptions about your performance based on a label or misconceptions of your disability-related challenges.

of absence beyond what would be typical sick leave, then it is necessary to disclose and there may be a significant risk in doing so.

Is it beneficial to disclose regardless? Sometimes it is. If you are considering government-funded employment services for people with disabilities, disclosure is needed to qualify. The support of an employment specialist can help with specific challenges, such as requesting a working interview to demonstrate your skills, instead of a standard interview; explaining gaps in your employment; assisting an employer by creating a task analysis; coaching or teaching vocational skills; developing a visual schedule or other cues; and, developing natural supports at the job site.

If a disability impairs social interaction or communication, it may be wise to disclose this early on.

Although a job seeker can prove they are able to do the work at hand, a lack of “soft skills” can impact workplace relationships and lead to tension. Being a part of the team may mean that others need to know about your challenges, in order to better understand and accept your contributions.

Employers who are open to diversifying their workforce recognize that the upfront investment is minimal and well worth the effort. Government-funded employment services charge no fees to employers for their service. Employers who have partnered with associations like *posAbilities* Employment Service have found that some additional time invested to set up natural supports in the workplace can yield very positive results.

Some accredited employment services can offer supports to the employee or employer for up to three years which is a huge benefit in maintaining employment. This timeframe provides ample opportunity for the employee or employer to seek assistance from an employment specialist and to troubleshoot challenges that can arise at work. Examples could include teaching the employee additional skills as their career develops or responding to changes in operational needs.


If you’ve decided that you need to disclose your invisible disability, consider these three tips to ensure the best possible outcome:

- **Know your audience.** Think about how receptive your employer will be and whether or not an ally such as an employment specialist would be helpful in assisting you with disclosure.

- **Choose your time.** When is the best time to disclose your need for accommodation? Before you are hired, or during or after probation? Further, consider the typical rhythms of the business day or business cycle. For example, it may not be best to bring this up the week before Christmas.
- **Develop your key messages.** You have the opportunity to define your disability. Prepare for this conversation by knowing your strengths, presenting them first and then setting out the challenges your employer can help you with. Write a script and practice it before you engage your employer.

Seventy-five percent of employers surveyed by the RWA initiative have reported that they have had a very positive experience with inclusive hiring. If you need a coach in your corner, contact us and we’d be happy to have a conversation with you.

KALENA KAVANAUGH IS MANAGER OF POSABILITIES EMPLOYMENT SERVICE AND MONIQUE NELSON IS DIRECTOR OF COMMUNITY ENGAGEMENT, POSABILITIES. MORE INFORMATION AT [HTTP://POSABILITIES.CA](http://posabilities.ca), [INFO@POSABILITIES.CA](mailto:info@posabilities.ca), 604-299-4001.

POSABILITIES EMPLOYMENT SERVICE ASSISTS INDIVIDUALS WITH DIVERSE ABILITIES TO PREPARE FOR, SECURE AND MAINTAIN COMPETITIVE EMPLOYMENT. READY, WILLING AND ABLE IS A NATIONAL INITIATIVE OF THE CANADIAN ASSOCIATION FOR COMMUNITY LIVING AND CANADIAN AUTISM SPECTRUM DISORDERS ALLIANCE AND THEIR MEMBER ORGANIZATIONS. 

SUBSCRIBE



Get all that TRANSITION has to offer, 4 times a year. Choose to receive TRANSITION in print, by email or read us online.

Please add me to your mailing list. I am enclosing my \$15 annual subscription fee.

Name _____

Organization _____

Address _____

City/Prov _____

Postal Code _____

Phone _____

Email _____

Please check one:

I’d like to receive TRANSITION in the following format:

- PDF (by email)
- I’ll read it online
- Paper (by mail)

Please make cheques payable to Disability Alliance BC (DABC) and send to TRANSITION, c/o DABC, 204-456 W. Broadway, Vancouver, BC V5Y 1R3.

THANK YOU!



DABC CHAIR
PAT DANFORTH

Join DABC's Visionaries Circle

To promote the dignity and independence of people with disabilities.

Be part of our Visionaries Circle with monthly giving: the best kind of support you can offer. Even a small amount goes a long way and provides a more stable funding base we can count on to plan and provide our programs and services.

Joining is easy.
You choose how.

- You can set up monthly donations in seconds at www.CanadaHelps.org by searching for "Disability Alliance BC."
- Or, set up a monthly credit card donation by contacting Nancy at 604-875-0188.

Thank you for your support!

A Proposed British Columbians with Disabilities Act

| BY ROB SLEATH

Many of us with disabilities continue to face many types of barriers in our communities—physical, legal, communication, attitudinal, technological and more. Some people hope to address these barriers by filing discrimination complaints with the BC Human Rights Tribunal. However, should one person or group be required to seek a legal solution, one barrier at a time?

In BC, this is often the only alternative. However, imagine if our province had a strong, effective and enforceable British Columbians with Disabilities Act.

In November 2015, a grassroots group of individuals with diverse disabilities ratified 13 principles for a yet-to-be-developed British Columbians with Disabilities Act. A non-partisan campaign branded Barrier-Free BC was launched and began calling upon BC's Legislative Assembly to create a strong, effective and enforceable Act. A British Columbians with Disabilities Act would set out a comprehensive legislated plan to remove existing barriers and to prevent the creation of new ones.

Both the *Canadian Charter of Rights and Freedoms* and the *BC Human Rights Code* make it illegal to discriminate against people with disabilities. However, those laws do not set specific, detailed standards for accessibility.

In the last decade, some Canadian provinces have enacted disability acts. At the federal level, the Honourable Carla Qualtrough has been given the mandate to create an engagement process with provinces, territories, municipalities and stakeholders leading to the passage of a Canadians with Disabilities Act. When enacted, it will require programs, services and facilities that only fall under federal jurisdiction to be accessible to Canadians with disabilities.

Premier Clark announced her government's initiative, *Accessibility 2024*, in 2014. While this was a positive step, the initiative is neither mandatory nor enforceable. The print material circulated that day, with the heading *Inclusive Government*, stated the government would "consult on options for a made-in-BC approach to accessibility-related legislation."

Barrier-Free BC believes it is time for the Legislative Assembly to just say "Yes!" to the enactment of a Disabilities Act.

For more information, we invite you to visit www.barrierfreebc.org. You will find our principles, an Action Kit and an opportunity to support our proposal. Inquiries are welcome at barrierfreebc@gmail.com.

ROB SLEATH IS A MEMBER OF THE BARRIER-FREE BC STEERING COMMITTEE. 



SUPPORT DABC

BECOME A DABC MEMBER

Numbers matter. The more members we have, the stronger our voice in the community.

Please become a Disability Alliance BC (DABC) member today. You can be a voting member or a non-voting member, and we welcome both individuals and groups.

I accept your invitation to join the DABC and enclose my membership fee of \$15 (individuals) and \$25 (groups).

I am also including a tax-deductible donation of \$_____. (Donations over \$10 are tax deductible).

Please return your payment/donation with this form to:
DABC, 204-456 W. Broadway, Vancouver, BC V5Y 1R3.

You can also become a member or donate online at:
<http://www.disabilityalliancebc.org/supportadvertise.htm>.

THANK YOU FOR YOUR INVALUABLE SUPPORT

Please check the applicable boxes:

- New membership or Renewal
 Voting Member or Non-voting Member

Voting members are people with disabilities and self-help groups where at least 50% of members have a disability.

Name _____

Organization _____

Address _____

City/Prov _____ Postal Code _____

Phone _____ Email _____

ABOUT US

Our mission is to support people, with all disabilities, to live with dignity, independence and as equal and full participants in the community. We champion issues impacting the lives of people with disabilities through our direct services, community partnerships, advocacy, research and publications.

FRONT LINE SERVICES

Our Advocacy Access Program provides one-on-one assistance with provincial and federal (Canada Pension Plan Disability) income supports and other benefits. Our Tax AID DABC program helps PWD and PPMB recipients to file their income taxes year-round.

PROGRAMS AND PROJECTS

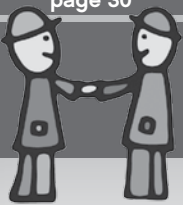
Our projects respond to community need and increase people's ability to participate and contribute.

MAKING NEW PARTNERSHIPS

We keep connected with a large network of community organizations across BC and regularly provide them with updates about issues of importance to the disability community.

FREE PUBLICATIONS

We publish a range of capacity-building self-help guides and advocate resources, in reader-friendly language. Resources are provided free of charge, either by mail or from our website.



HOW DID WE DO?

Did this special edition of *Transition* help you to better understand the issues around disclosure of disability? Our intention with this edition was to give people with disabilities a tool to understand your legal rights and responsibilities about when to disclose or not, and the implications of that decision.

We are very interested in hearing your opinions and feedback. This short tear-out survey will take just a few minutes to complete and all surveys received by April 25, 2016 will be entered into a draw for a gift certificate to London Drugs or Starbucks.

Thank you for your invaluable input.

Sincerely 

Jane Dyson, Executive Director, DABC

TEAR PAGE ALONG PERFORATION

1. Which of the following best describes how your overall understanding of disclosure changed, after reading this edition?

- Not at all
- I have a somewhat better understanding
- I feel I understand it much better

2. Which legislation prohibits discrimination against people with disabilities?

3. What does "undue hardship" mean?

4. How well do you understand the pros and cons of disclosing your disability in the context of employment or education?

- Not very well
- I understand the basic concepts
- I understand it very well

5. Do you feel you now have enough information to make your own decision about disclosing, in an employment or education setting?

- Yes
- No
- Not sure

6. If you are interviewing for a job or applying for school, when are you legally obligated to disclose your disability?

7. Do you have a better understanding of resources available to you for assistance or information around disclosure?

- Yes
- No

8. If you would like to be entered in the gift certificate draw, please provide your name and contact information.

NAME

How would you like us to contact you, if you are the winner? Please choose one and provide your information.

Phone number _____

Email _____

2. BC Human Rights Code (see page 12).

3. Undue hardship refers to the amount or type of effort an employer or educational institution must make to accommodate your disability. The law says you must be accommodated unless that accommodation creates an "undue hardship" for the employer or educational institution. (see page 6).

6. You are not obligated to disclose. However, there are different points in the employment process where this may be wise, especially if you require some accommodation. Your employer also (of course) cannot be legally required to accommodate your disability if they do not know about it (see page 6).

Answers

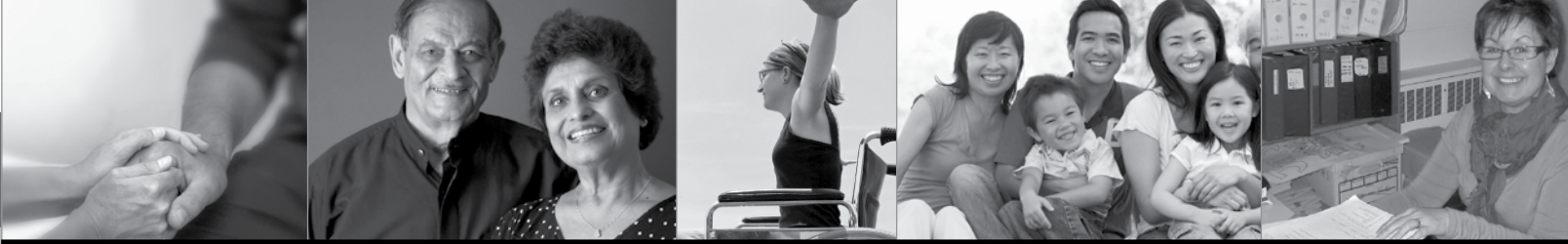
Please return this survey to Val at DABC by April 25/16 by mail, fax or email.

Disability Alliance BC, 204 456 W. Broadway, Vancouver, BC V5Y 1R3

Fax 604-875-9227

Email feedback@disabilityalliancebc.org





We couldn't do it without you.

Thank you to these organizations, government departments and companies who support our work on behalf of people with disabilities.

BC Association for Individualized
Technology and Supports for People with
Disabilities

BC Government and Services Employees
Union

BC Housing, HAFI Program

BC Hydro Employees Community Services
Fund

Ministry of Justice, Province of British
Columbia, with Civil Forfeiture Proceeds

Canadian Labour Congress

Canadian Union of Public Employees of BC

Canadian Union of Public Employees of BC
Local 1936

City of Vancouver

Community Futures British Columbia

Council of Canadians with Disabilities

Davies Home Healthcare

Government of Canada's Social
Development Partnership Program-
Disability Component

Health Sciences Association of BC

Home Medical Equipment Dealers
Association of BC

Hospital Employees Union, People with
Disabilities Committee

Klein Lawyers LLP

The Law Foundation of British Columbia
Mahadev Wheelchair Accessible Vans

Murphy Battista LLP

No Frills Pharmacy (Loblaws)

Notary Foundation of BC

Planned Lifetime Advocacy Network

Provincial Health Services Authority

Simpson Thomas and Associates

Sodexo

TELUS Employees Charitable Giving
Program

Trial Lawyers Association of BC

United Way of the Lower Mainland

Vancity

Vancity Credit Union Fairview Community
Branch

Vancouver Coastal Health

Vancouver Foundation

Vancouver Taxi Association



**We gratefully acknowledge
the financial support of the
Province of BC.**



we are all
connected

Suite 204, 456 West Broadway, Vancouver, BC V5Y 1R3
(604) 875-0188 • fax (604) 875-9227 • tty (604) 875-8835
trans@disabilityalliancebc.org • www.disabilityalliancebc.org



Need Help Preparing Your Income Taxes?

If you are receiving Persons with Disabilities (PWD) or Persons with Persistent Multiple Barriers (PPMB) benefits, Tax AID DABC can help you.

Tax Assistance and Information for People with Disabilities provides free, year-round, in-person assistance and information with income tax filing.

See details inside this Transition or visit www.taxaiddabc.org.



Tax Assistance & Information
For People with Disabilities



BillionPhotos.com
Fotolia.com

Thank you to the Province of BC for their continuing support.

