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ACE FALL COHORT

Employer FAQ on Disability, Accommodation and Inclusion

About this FAQ

This FAQ provides general information to help employers create accessible and inclusive workplaces. Human rights requirements vary by jurisdiction and situation. Employers should consult the applicable human rights commission or seek legal advice when needed.

1. What is a disability?

A disability may be physical, mental, intellectual, cognitive, learning, communication or sensory. It may be permanent, temporary or episodic, and it may or may not be visible.

Disability can arise when a person's condition or functional difference interacts with a barrier in the workplace.

2. What is workplace accommodation?

An accommodation is a change that removes or reduces a barrier so an employee or candidate can participate fairly.

Examples include:

- Flexible hours or break times
- Accessible technology or equipment
- Changes to communication methods
- Adjusted duties or workspaces
- Remote or hybrid work arrangements
- A quiet space or reduced distractions
- More time to complete an assessment

Accommodation is about equitable access—not giving someone an unfair advantage.

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3. What is the duty to accommodate?

Employers have a legal responsibility to accommodate disability-related needs to the point of undue hardship.

This means employers must make a genuine effort to identify and consider reasonable options. The duty applies throughout employment, including recruitment, onboarding, training, job performance, advancement and return to work.

Read More: Canadian Human Rights Commission - Duty to accomodate

4. Does an employee have to disclose their diagnosis?

Usually, an employee does not need to share their specific diagnosis. Employers should focus on:

- The barrier the person is experiencing
- How the disability affects their work
- What support or change may be needed
- How long the accommodation may be required

Only request medical or supporting information that is reasonably necessary to understand and provide the accommodation.

Read more: Canadian Human Rights Commission - Workplace Accommodation: A guide for federally regulated workplaces

5. What should we do when someone requests an accommodation?

Start by listening and responding respectfully.

A practical process is to:

1. Acknowledge the request promptly.
2. Ask what barrier the person is experiencing.
3. Discuss possible accommodations together.
4. Request only the information that is necessary.
5. Consider different reasonable options.
6. Document the agreed-upon plan.
7. Check in and adjust the accommodation when needed.

The process should be collaborative, timely and confidential.

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6. Does a request have to be made in writing?

Not necessarily. A person may request accommodation verbally or in writing, and they do not need to use the word “accommodation.”

Employers should make the process clear and accessible. Written documentation can help everyone understand what was discussed and agreed upon, but it should not create another barrier.

7. Do we have to provide the exact accommodation requested?

Not always. The employer must provide a reasonable and effective accommodation, but it may not be the person’s preferred option.

Before choosing another option, discuss it with the person and make sure it meets their disability-related needs.

8. What is undue hardship?

Undue hardship is the point at which an accommodation would create a serious and unreasonable burden for the employer.

It is a high standard and depends on the circumstances. Relevant factors may include significant cost and serious health or safety risks. A minor cost, inconvenience, employee preference or resistance from co-workers is generally not enough on its own.

The factors used to assess undue hardship can differ by jurisdiction. Employers should document the options they explored and the evidence supporting their decision.

9. Are accommodations expensive?

Many accommodations have little or no cost. Examples include:

- Changing a meeting time
- Providing written instructions
- Adjusting lighting
- Allowing flexible breaks
- Changing how information is shared
- Redistributing a non-essential task

Employers should not assume an accommodation will be expensive before exploring the available options.

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10. Should we offer accommodations during hiring?

Yes. Let every candidate know that accommodations are available at each stage of the hiring process.

For example:

> We want our recruitment process to be accessible. Please let us know if you require an accommodation or a different way to participate.

Do not wait for someone to disclose a disability. Proactively offering accommodations reduces stigma and makes the process clearer for everyone.

11. Can we ask a candidate whether they have a disability?

Employers should not ask candidates to disclose a disability or provide a diagnosis. Instead, focus on whether the candidate can perform the essential duties of the position, with accommodation if required.

You can also explain the assessment process in advance and ask all candidates whether they need an accommodation to participate.

12. What information should remain confidential?

Disability, medical and accommodation information should only be shared with people who need the information to arrange or manage the accommodation.

Co-workers may need to know that a work arrangement has changed, but they generally do not need to know the person's diagnosis or private medical information.

A simple response to questions from co-workers is:

> We support employees according to their individual needs. We cannot discuss another employee's private information.

13. What if an accommodation needs to change?

Accommodations are not always permanent or fixed. A person's needs, job duties or workplace may change over time.

Set a reasonable review point and ask:

- Is the accommodation removing the barrier?
- Is it still meeting the person's needs?
- Has anything changed?
- Is another option needed?

A review is a check-in, not a requirement for the person to repeatedly prove their disability.

14. What is the difference between accommodation and inclusion?

Accommodation responds to an individual barrier.

Inclusion means designing workplace systems, practices and cultures so fewer people encounter barriers in the first place.

For example, providing an accessible version of a document when requested is an accommodation. Creating all documents accessibly from the beginning is an inclusive practice.

Employers need both.

15. How can we make our workplace more inclusive?

Start with practical steps:

- Make accommodation information easy to find
- Include accommodation offers in job postings and interview invitations
- Review policies and processes for barriers
- Create documents and communications in accessible formats
- Train managers on disability inclusion and accommodation
- Offer more than one way to participate in meetings and training
- Involve people with disabilities in workplace decisions
- Act on feedback and report back on progress

16. What does "Nothing Without Us" mean for employers?

It means including people with disabilities in all initiatives and decisions—not only projects specifically about disability.

Employers should involve people with disabilities when designing, reviewing and measuring workplace policies, programs and practices. Participation should be accessible, voluntary and meaningful.

17. Isn't accessibility mainly an HR responsibility?

No. HR has an important role, particularly in recruitment, accommodation and employee practices, but accessibility is shaped across the organization.

It can show up in:

- Leadership decisions and priorities
- Recruitment and onboarding
- Management and supervision
- Meetings and communication
- Technology and digital systems
- Facilities and physical spaces
- Procurement
- Learning and development
- Customer or public services
- Policies and procedures

Accessibility becomes more sustainable when responsibility is shared and people understand what they are accountable for within their own roles.

18. What if we identify more accessibility barriers than we can address at once?

You do not need to fix everything at the same time.

Prioritize by considering questions such as:

- Is someone currently being excluded or unable to participate?
- How significant is the barrier?
- How many people or processes could benefit?
- What time, resources or approval would be required?
- Are we ready to take responsible action?
- Could the proposed change create another barrier?

Choose a focused first step, assign someone to lead it, and decide when you will review whether it worked.

A small action that removes a real barrier is more useful than a long list of intentions with no clear ownership.

19. How do we know whether our accessibility efforts are working?

Do not measure progress only by what you completed. Look at what changed.

For example, instead of only asking, "Did managers attend accessibility training?" also ask:

- Are managers using what they learned?
- Are accommodation requests being handled more consistently?
- Are employees experiencing fewer barriers?
- Do people know where to go when they need support?
- Are accessibility issues being identified earlier?
- Are leaders responding when barriers require decisions or resources?

Use the smallest amount of evidence that will help you make a useful decision. This might include a short employee check-in, a review of workplace practices, de-identified accommodation information, feedback themes or a simple audit.

Most importantly, when people provide feedback, report back on what you heard, what you are doing and what happens next.

20. What role should leaders play?

Leadership support becomes meaningful when it is visible.

Leaders can:

- Communicate that accessibility is an organizational priority
- Name a sponsor or person responsible for moving an action forward
- Provide appropriate time, authority and resources
- Remove organizational barriers when they arise
- Include accessibility in regular leadership conversations
- Ask for evidence about what is changing in practice and experience
- Review progress and make decisions about what happens next

Accessibility is more likely to become part of everyday practice when leaders move beyond general support and make specific commitments.

Where can employers get more information?

Employers should consult the guidance that applies to their location and sector:

- Canadian Human Rights Commission — federally regulated employers
- Nova Scotia Human Rights Commission
- New Brunswick Human Rights Commission
- Newfoundland and Labrador Human Rights Commission
- Accessibility Confident Employers Project — free workplace tools, resources and training