



Employers' Legal Responsibilities

The information provided throughout Tool #3 (Legal Issues) has been provided simply because many employers ask questions on this topic. The legal aspects are actually quite straightforward, with a few key points to keep in mind. This information can help make any hiring process easier, protects the interests of employers, and ensures that the rights of all individuals are respected. Also included are references regarding where to find more information if needed.

Several key points regarding the legal obligations of Canadian employers:



- A person with a disability is not required to tell an employer about a disability if he / she can do the work required without accommodation, and the disability does not pose a danger at work to the individual or others.
- An employer has an obligation to accommodate all disabilities up to the point of “undue hardship” – this includes visible and non-visible disabilities.
- An employer has the right to ask questions about the job function, and the employee’s abilities to do these.
- The employer does not have the right to ask about the name of a disability or the medical diagnosis.
- Any information the person with a disability shares is confidential and protected.



Each jurisdiction (each province/territory and federal) in Canada has multiple SOURCES OF GUIDANCE, including:

- Employment legislation, which provides for basic workplace rights.
- Human rights legislation, which is designed to combat discrimination.
- Workplace safety/workers’ compensation legislation, which provides for occupational health and safety and workplace disability insurance.



It is important to review the laws applicable to an employer’s specific region. Although provincial laws vary, there are CORE FUNDAMENTAL CONCEPTS that can generally be found, including:

- Everyone should be treated respectfully and fairly regardless of a disability.
- Accommodations should be provided to those who require them, up to the point of “undue hardship.”
- Accommodations may be needed at any stage in the employment relationship, including during recruitment.
- Occupational or job requirements should be reasonable and meaningful, rather than arbitrary.
- Permanently injured workers have a right to return to work.

This document is provided for information purposes only. The content provided is not legal advice and should not be used or relied upon as such. Applicable law may differ from jurisdiction to jurisdiction; if you are seeking legal advice, you are advised to consult a lawyer in your province or territory.

Canadian Human Rights Commission, A Place for All: A Guide to Creating an Inclusive Workplace, ©2006.



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HIRE for TALENT has made every effort to use the most respectful words possible while writing these materials. We realize, however, that the most appropriate terminology may change over time. We developed these materials with the intent to respect the dignity and inherent rights of all individuals.