

## 3.4 Employee's Duty to Cooperate in the Accommodation Process



Applicants and employees don't have an obligation to disclose a disability. However, in some cases this would become a legal obligation:

- If the applicant needs an accommodation during the interview process or at any other time during the job application process.
- If the employee needs an accommodation in the workplace or at any other time in relation to his or her employment.

*An individual with a disability is required to provide sufficient information about their disability in support of their accommodation request so that the employer can properly and promptly fulfill their "duty to accommodate" up to the point of "undue hardship."*

Applicants and employees are legally obligated to disclose a disability to an employer if:

- The disability is likely to affect their work performance or their ability to carry out any specific job duty.
- The disability could potentially create a health or safety risk to themselves or to any co-worker.

### Take the Challenge!

#### True or False

Employees must disclose a disability if it could create a health or safety risk to themselves or to any co-worker.

**True.** In the presence of a health or safety risk, employees are legally required to inform the employer about the disability.

#### Sources:

<sup>1</sup>Canadian Human Rights Commission, *A Place for All: A Guide to Creating an Inclusive Workplace*, ©2006.

<sup>2</sup>Extracted from the website of the National Educational Association of Disabled Students (NEADS). [www.NEADS.ca](http://www.NEADS.ca)

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