



## Disclosing Your Disability to Employers

The decision of whether to disclose to your current or prospective employer that you have been diagnosed with Parkinson's is an important decision. The decision is highly personal and will depend on your individual circumstances. Most important is that you are as comfortable as possible with your decision.

**The goal of this help sheet is to provide you with information to assist you decide whether to disclose your diagnosis. This help sheet is not designed to provide legal advice and cannot be used as any definitive statement of the law. In many circumstances, it may be necessary to seek legal advice about how best to address the issues raised below.**

### Why Disclose

As a result of your Parkinson's, you may begin to experience certain physical, emotional or cognitive changes. Human rights law makes it illegal for an employer or prospective employer to discriminate based on certain characteristics, including on the basis of physical or mental disability. Parkinson's is considered a disability at law. This means that if you do decide to disclose your diagnosis:

- a prospective employer must assess your qualifications without regard to your diagnosis, and,
- a current employer may not treat you differently because you have Parkinson's.

In deciding whether to disclose your diagnosis you should be secure in the knowledge that:

- the law is designed to protect you from discrimination, and,
- you will have recourse (options) under the law if you do suffer discrimination because of Parkinson's.

### Advantages and Disadvantages of Disclosing

When deciding whether to disclose, consider your immediate and long-term goals and how they may be impacted by disclosure. If you need your employer to change some aspect of your job right away to allow you to continue working, you may decide to disclose right away. For example, it may be that you find that your symptoms get worse later in the day but that you are fine in the morning. In consultation with your doctor, he or she recommends that you start your work day earlier in the morning. In order to ask your employer to change your shift from 9 to 5 to say, 8 to 4, you likely will need to explain why you need this change which may require you to disclose your diagnosis.

Someone who does not require any modifications in the near future may decide to wait to disclose.

The following are just some of the reasons why you may decide to disclose the diagnosis of Parkinson's:

- for peace of mind;
- as a precautionary measure in the event that situations related to your Parkinson's arise in the workplace;
- in order to access accommodations (changes) that you require due to your diagnosis;
- to demonstrate that Parkinson's does not hinder employment; and/or,
- for protection if there are any changes to your employment made because of your diagnosis or a perceived disability.

Similarly, some people may not share their diagnosis because of:

- fear of discrimination or stigma;
- the possibility an employer or prospective employer will focus on Parkinson's and potential issues arising from it rather than your actual work performance;
- a work situation in which there is no need for adjustments at the current time; or,
- a desire to maintain your privacy.

### Your Rights

Deciding whether to disclose your diagnosis is up to you. You control when you disclose, who in your organization to disclose your diagnosis to, and how much information you disclose.

#### When

You may choose to disclose your diagnosis at any of the following times:

- (a) at the time of the job application;
- (b) when offered an interview;
- (c) during an interview;
- (d) at the time of a job offer;
- (e) after you begin work;
- (f) after a problem or change on the job; or,
- (g) never.

#### Who

Depending on your circumstances, you may prefer that very few people in your workplace know about your diagnosis, or that everyone you work with is aware of it.

In order to legally trigger an employer's duty to accommodate your needs as they relate to your diagnosis, you must disclose that you have Parkinson's to a representative of your employer (i.e. your supervisor, human resources manager), rather than just a mere colleague.

At first, you may decide to limit your disclosure to that one person and then work with that person to determine who else needs to find out about it, such as your supervisor, human resources manager and/or colleagues.

- If your employer has an equity advisor you may consider speaking with that person.
- Similarly, if you are represented by a union, you may benefit from discussing your situation with a union representative.
- While these individuals must protect your privacy, be clear about who you want the information disclosed to so there are no misunderstandings. It is also important to consider how much information should or needs to be disclosed. For example, if your tremors get worse because of a certain trigger that requires accommodation most people at work will only need to know that you need an accommodation (modified hours or job duties) not why you need the accommodation.

It is also important to keep in mind that others may be noticing your symptoms and may talk amongst themselves, guessing as to what you might “have.” It may be that you decide to disclose your illness as a way of taking back control in such situations by letting them know about Parkinson’s and helping them to know what impact it has on you.

## What

It is up to you to determine how much about your diagnosis you are comfortable disclosing. You do not necessarily have to share your diagnosis with your employer and may prefer to limit what you share to your specific symptoms, and what you need from your employer in order to minimize the impact of your symptoms on your work.

As long as your employer is aware that you have a disability and understands what you need to be accommodated (what changes you require to do your job) they are obligated by law to accommodate you.

- Your employer may require information from a medical practitioner to confirm your need for an accommodation or to gather information about how best to accommodate you in specific circumstances.
- Make sure that your medical practitioner is aware of your wishes regarding disclosure before they speak with your employer.

## Consequences of Non-Disclosure

You may choose to disclose your diagnosis because there are certain consequences of non-disclosure.

**Accommodation.** An employer has a duty to accommodate you but that duty does not arise until you tell your employer that you need help. Practically speaking, it is not possible to provide accommodations when an employee has not provided information regarding the need to be accommodated. As such, you should consider whether you need modifications to your employment to allow you to do your job when deciding whether to give information to your employer about your diagnosis.

**Safety.** Sometimes the symptoms of Parkinson’s can impact your ability to perform your job. Employers are permitted to require employees to disclose circumstances that will impact the employee’s ability to perform their jobs safely. If this applies to your job, remember that your employer has a duty to accommodate you so that you may stay working despite not being able to perform certain tasks. For more information about the extent of that duty, please see our help sheet titled “*Making Changes in the Workplace to Adapt to Parkinson’s: The Process of Accommodation*”.

Similarly, prospective employers interviewing for jobs that require certain abilities are entitled to ask interviewees questions related to the performance of those tasks. You should be prepared to answer those questions during interviews for relevant positions, but remember that a prospective employer cannot discriminate against you due to Parkinson’s. If you are not comfortable answering the question, do not do so.

## How to Do It

If you decide to disclose your diagnosis to your employer or to a prospective employer, it is important that you have a plan. Generally, try to stay positive and focus on your skills and qualifications rather than presenting your Parkinson’s as a weakness. It will also be helpful to:

- (a) anticipate any concerns the employer may have and provide information, resources and strategies;
- (b) explain why you decided to disclose your diagnosis;
- (c) evaluate the barriers associated with Parkinson’s and then explain how your diagnosis may impact your capacity to work;
- (d) identify and explain workplace accommodations that you may require;
- (e) give examples of successful workplace adjustments with previous employers, if possible.

## Conclusion

In some cases you may not know the best way to approach disclosure of your Parkinson’s. If this happens, you may need to seek legal advice in order to better understand your rights and obligations.

Parkinson Society British Columbia has partnered with the law firm of Blake, Cassels & Graydon LLP in order to provide people with Parkinson’s access to free legal advice in appropriate cases when dealing with issues such as these.

If you are a member of PSBC and would like more information on legal advice, please contact [info@parkinson.bc.ca](mailto:info@parkinson.bc.ca)

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