

Know Your Rights

Disclosure and Accommodation at Work

*For financial professionals in the federal public
service and at NAV CANADA*



Slido Code : ACFOACAF



The union for financial professionals.
Le syndicat des professionnels de la finance.



Thinking Differently at Work

Guide for Neurodivergent Employees

ACFO-ACAF 2025



Giving Thanks – Frank Polson



Legal Framework



Navigating Disability Disclosure

Right to Privacy

You are not required to disclose medical information to your employer unless you are creating a health and safety risk or request an accommodation.

Fitness to work
Canada Labour Code
Employer's obligation
to ensure a safe
workplace

*If required, how much information
must you disclose?*

Functional
abilities/limitations
Human Rights (CHRA)
and Collective
Agreement.

Navigating Disability Disclosure

How much information are you required to disclose? It depends...but generally

You're not required to disclose a specific disability diagnosis.

You have a right to privacy and confidentiality of disability-related information shared with your employer.

You have no obligation to disclose disability-related or other needs or medical information that do not relate to the duties of the job or your fitness to work.

You may need to disclose if you are fit to work (e.g. in the case of a return to work or OSH concern), if you have a disability and how it impacts certain job functions (functional limitations and abilities).

Your functional abilities and limitations should be assessed by a medical professional, and, in some cases, your employer may be within its right to ask for further information or assessments.

Accommodation of a disability in the workplace is a human right that requires a conversation and exchange of information between the employee and employer.

If your disability is impacting your work and you choose not to disclose or share relevant information, your employer may have met the duty to accommodate. Further, the duty to accommodate is generally only triggered once you disclose having a disability and request accommodation.

The duty to inquire is a legal obligation that requires employers to take proactive steps to determine whether an employee needs accommodation in the workplace, even if the employee hasn't explicitly requested it

Navigating Disability Disclosure

Benefits of disclosing

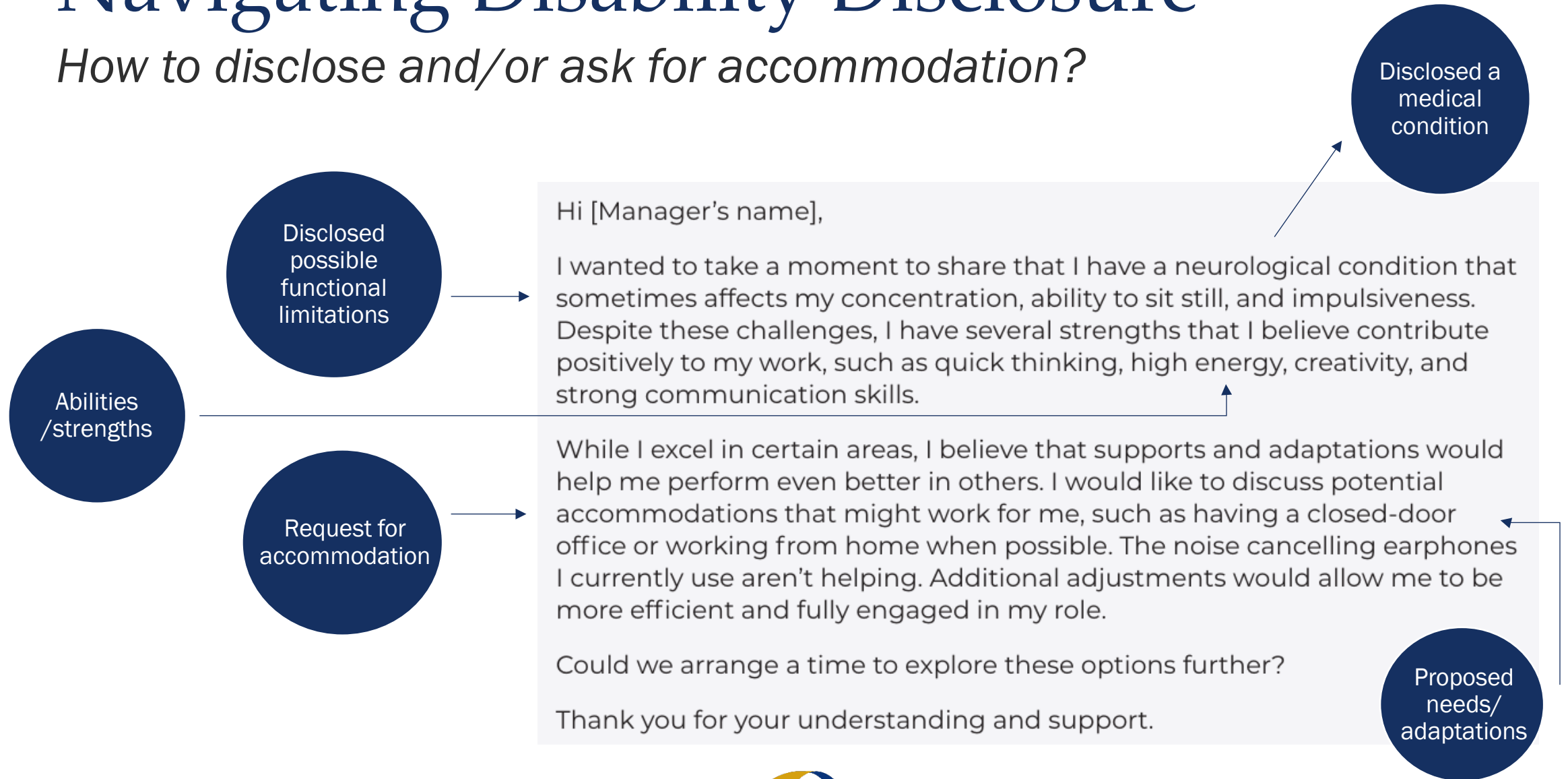
- + Receiving accommodations
- + Greater inclusion in the workplace
- + Health and well-being
- + Bring your whole self to work

Consequences of disclosing

- × Stigma
- × Disability-related discrimination
- × Being or feeling excluded in the workplace
- × Discomfort

Navigating Disability Disclosure

How to disclose and/or ask for accommodation?



Navigating Disability Disclosure



Navigating Disability Disclosure

*You're not legally required to disclose medical information to colleagues.
If you chose to do so, here's a few things to consider :*

Be clear and concise	Emphasize your strengths	Explain your needs and how your colleague can assist
Set boundaries	Encourage questions and invite your colleague to ask them if they need clarification	Be prepared for different reactions
Choose the right time and place	Create a positive and constructive dialogue about your needs	Maintain professionalism

Navigating Disability Disclosure

Example of what you might want to share with a colleague

Hi [Colleague's Name],

I wanted to share something with you to help us work better together. I have a neurological condition that sometimes affects how I process information or respond in fast-paced meetings. It really helps me to have an agenda ahead of time—especially if I know where my input might be needed—so I have time to think through the items. Otherwise, I think about all these great ideas afterwards but didn't have an opportunity to share with the team.

It also helps me to have notes or a summary afterward so I can make sure I didn't miss anything.

Do you think that might be possible?

Navigating Disability Disclosure

You are required to provide adequate medical information to allow the employer to consider accommodation options.



Your Employer does not have the right to contact your physician for medical information without your explicit consent and prior approval.

Your employer may request information about your functional abilities and limitations from your health care professional.

Any information received regarding your medical condition and abilities must be kept confidential by the Employer and not shared with anyone who does not play a role in the process of accommodating you

Diagnosis or unrelated medical details are not legally required to be disclosed

Understanding the Duty to Accommodate

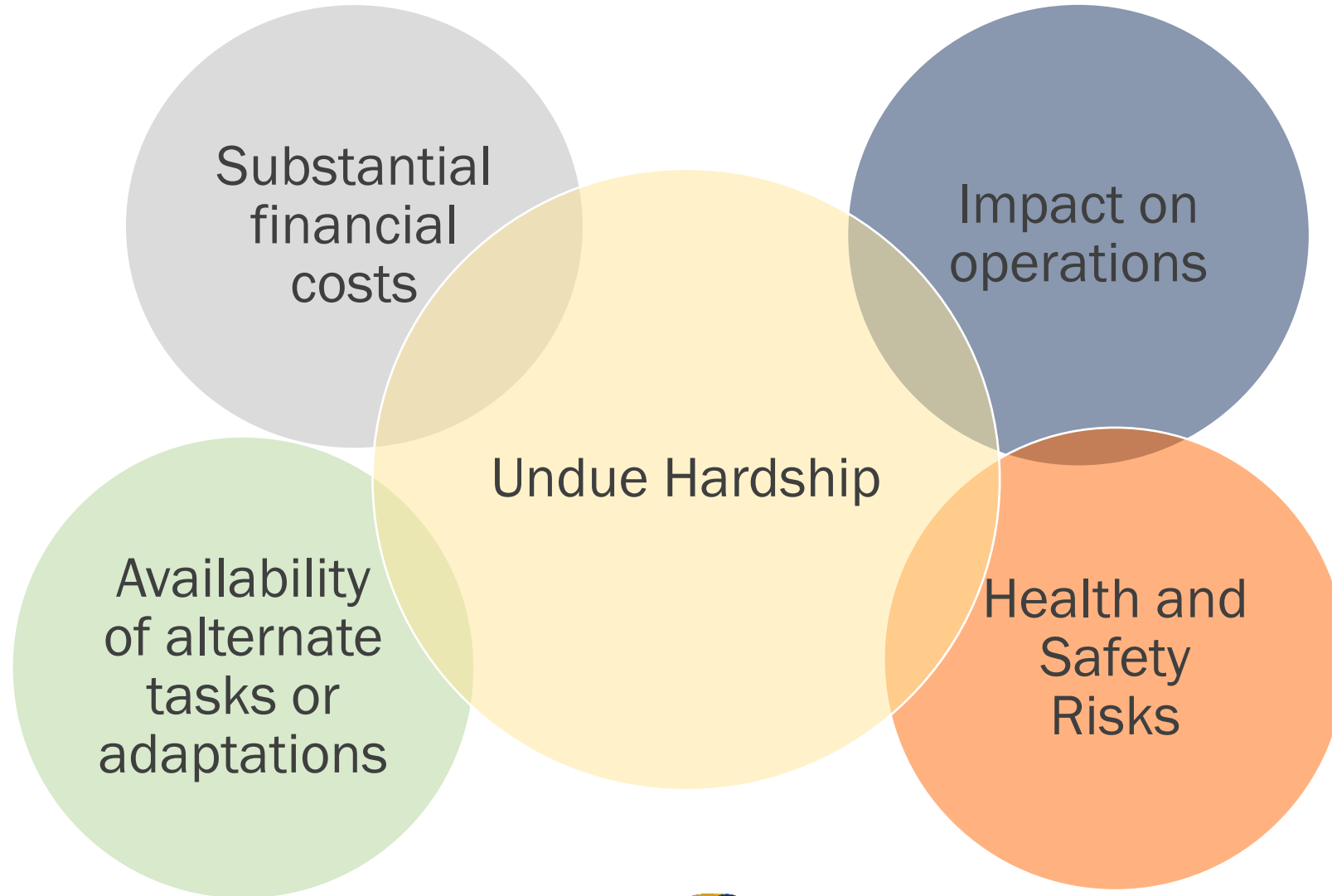
- **Legal obligation** on your **employer to provide reasonable accommodations** in the workplace for employees who require it **due to their disabilities** (or other prohibited ground of discrimination), including neurodivergent conditions like autism spectrum disorder (ASD), Attention-Deficit Hyperactivity Disorder (ADHD), dyslexia and other neurological differences.
- **Disability is broadly defined** by human rights legislation to include a **wide range of conditions**, both visible and invisible, whether past, present, or perceived, and is broad and inclusive, recognizing that it is a **complex and multifaceted experience that varies** greatly from person to person.
- **Legislative scope:** The **duty to accommodate applies only to prohibited grounds** of discrimination protected under the human rights legislation (e.g. disability).

Limits to Duty to Accommodate



Your employer is required to provide a workable solution, not a “perfect” one; the goal is to make work “possible”, not necessarily “ideal”.

Limits to Duty to Accommodate



Exemption to Duty to Accommodate

- Some job requirements cannot be accommodated. “Bone fide” job requirements that all employees must meet because it’s an essential requirement of the job.

For examples – highly factual on case by case :

- It’s a “bone fide” job requirement for a firefighter to be able to lift a certain weight to rescue people.
- It’s a “bone fide” job requirement for a senior external auditor (EAV) to have a CPA certification as this certification is required to sign off on audits and meet auditing standards.

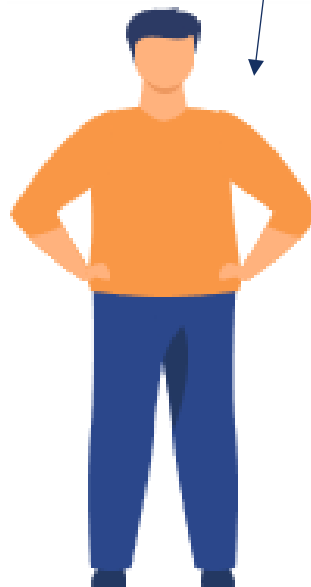
Requesting Accommodation

Roles and Responsibilities

The primary responsibility for DTA



Employee



Employer



ACFO-ACAF - Union

Requesting Accommodation

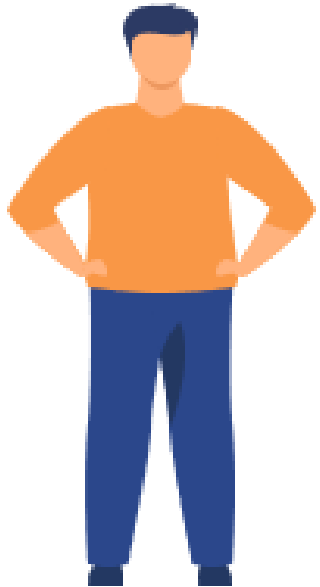
The role of the employee



- Inform your employer (preferably in writing) of your differences and needs resulting from a disability requiring workplace accommodation.
- Provide sufficient information on your medical differences and needs. In doing so, you may need to engage your doctor in identifying the needs stemming from the disability. You are not required to disclose your diagnosis, only your medical abilities and how they impact your ability to do your job. In some cases, the need for accommodation is obvious and there is no need for additional documentation.
- Accept and try reasonable accommodations in the workplace (you are not entitled to preferred solutions).
- Participate and cooperate in the accommodation process by providing ongoing feedback and proposals on what works and what doesn't.
- Meet agreed-upon performance and job standards once accommodation is provided.

Requesting Accommodation

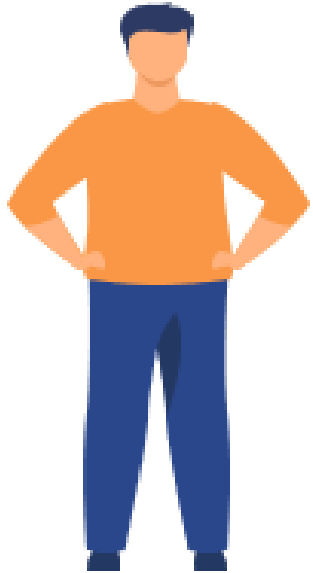
The role of the employer



- Inquire if an employee is displaying behaviour that may necessitate accommodation.
- Provide respect, dignity, privacy, confidentiality, and autonomy.
- Provide an inclusive and barrier-free workplace based on equity, dignity, and respect that is free from bias, harassment, and discrimination.
- Accept accommodation requests in a timely way and in good faith. This may include creating a temporary solution until a permanent or long-term one is available.
- Request only information that is required to identify and implement the accommodation, including medical restrictions and length of time the accommodation may be required.
- Take reasonable measures – short of undue hardship – to accommodate the employee's disability.
- Where accommodation would cause undue hardship, the employer must explain this clearly to the employee and be prepared to show why this is the case.
- Develop and implement an accommodation plan with the involvement and collaboration of the employee.

Requesting Accommodation

The role of the employer



- Take an active role in making sure that alternative approaches and possible accommodation solutions are investigated, and research various forms of possible accommodation and alternative solutions.
- Pay the cost of any required medical information or documentation resulting from a request for accommodation in the workplace.
- Your Employer is not required to change the fundamental requirements of the job (bona fide occupational requirements) but rather how the job is performed so long as it allows you to perform the fundamental requirements.
- The Employer should not substitute their own personal views for those of the employee's treating physician.

Requesting Accommodation

The role of the union (ACFO-ACAF)



- Ensure that the employer is meeting its duty to accommodate to the point of undue hardship.
- Support the accommodation process, including taking an active role in suggesting alternative approaches, and cooperating fully when solutions are proposed.
- Ensure that the Employer is actively involving the employee and the union in its efforts to accommodate and assess the needs of employees on an individual case-by-case basis.
- Advocate for and support the employee in all aspects of the accommodation process.
- Ensure the Employer agrees to and implements a reasonable accommodation in a timely way.
- Ensure personal health information related to the accommodation remains confidential.
- Ensure requests for accommodation are properly made by the employee and file grievances where the employer has failed to accommodate.



The ACFO Labour Relations team is
available to assist CT group and NAV
CANADA FI members with workplace issue
or questions:

labourrelations@acfo-acaf.com