



Disclosing Parkinson's to Employers¹

The decision of whether to disclose to your current or prospective employer that you have been diagnosed with Parkinson's is an important one. The goal of this pamphlet is to provide you with information to help you decide whether to disclose your diagnosis. Of course, in the end, 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.

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 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 such disabilities. 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.

So, you should decide whether to disclose your diagnosis 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. 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 Parkinson's arise in your 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.

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. This allows you to 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:

- ▶ At the time of the job application;
- ▶ When offered an interview;
- ▶ During an interview;
- ▶ At the time of a job offer;
- ▶ After you begin work;
- ▶ After a problem or change on the job; or
- ▶ Never.

¹This information was produced in collaboration with the law firm of Blake, Cassels & Graydon LLP.

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 (ie your supervisor, Human Resources), rather than 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 should find out about Parkinson's, 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.

On a personal level, keep in mind that others may be noticing your symptoms and may talk amongst themselves, guessing as to what you might "have." Disclosure may be a way of taking back control 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 the symptoms of Parkinson's you are experiencing.

As long as your employer is aware that you have Parkinson's 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, practically speaking, it is difficult to do so if you as an employee have not provided information regarding your

need to be accommodated. As such, you should consider whether you need modifications to your workplace when deciding whether to give information to your employer.

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 on "Workplace 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, it is important that you have a plan. Generally, try to stay positive and focus on your skills and qualifications rather than presenting Parkinson's as a weakness. It will also be helpful to:

- ▶ Anticipate any concerns the employer may have and provide information, resources and strategies;
- ▶ Explain why you decided to disclose your diagnosis;
- ▶ Evaluate the barriers associated with Parkinson's and then explain how your diagnosis may impact your capacity to work;
- ▶ Identify and explain workplace accommodations that you may require;
- ▶ 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 when dealing with issues such as these. For further information, please contact PSBC at 1.800.668.3330 or info@parkinson.bc.ca.