

## Know your workplace rights

### A resource for patients by patients

---

At CAPA, we are patients too and we know that a diagnosis of arthritis means changes at work. Because of this, we launched a [survey](#) on arthritis in the workplace to explore the experiences of people with arthritis. From this survey, we developed resources to help those living with arthritis including:

- 1 [Adapting the work environment for arthritis](#)
  - 2 [Self-care for work](#)
  - 3 [Know your workplace rights](#)
  - 4 [Workplace wisdom from patients](#)
- 

## Employer requirement for workplace accommodations or adjustments

Making changes at work is important when living with arthritis. In Canada, employers need to make reasonable accommodations for employees in the workplace (legally called the **duty to accommodate**). Workplace accommodations or adjustments are adaptations to the work environment to allow people with a health condition or disability to carry out their job duties. Reasonable accommodation differs from one workplace to another. Legally, employers need to show that job standards or requirements must be:

- connected to the job
- put in place with the sincere intention that it's needed for the job
- needed to do the job, and

**“Know your stuff before discussing it with your employer so you know your rights.”**

The workplace accommodations selected also can't cause undue hardship to the employer.

## Accessing workplace accommodations or adjustments

To access workplace accommodations, talk to your supervisor to make a request. You don't need to disclose your health condition to access workplace accommodations. However, you will need to inform your supervisor or manager of your workplace needs. They may ask you to provide certain information - you may need a health care worker to write a note with this information:

- limits of what you can or cannot do (e.g. decreased stamina or fatigue, grasping, pain, standing)
- whether you can do the essential job duties with or without accommodation
- the type of accommodation(s) that may be needed to do the essential job duties

Remember that **not** informing your supervisor may mean that you have difficulty in accessing workplace accommodations. This is a challenging decision that only you can make.

**"You shouldn't have to state your disease and personal details to everyone in order to have workplace modifications."**

**"I spoke with my manager several times before they really understood my limitations. It's not easy but eventually they understood."**



**IMPORTANT:** You are **NOT** required to disclose your diagnosis to access workplace accommodations. Your physician should be seeking your permission before disclosing information to your employer about restrictions, limitations and/or other information needed to manage the accommodation process. Permission should be sought for each disclosure of medical information to your employer.

**These questions can guide you through a decision to disclose information about arthritis to your supervisor:**

### **Workplace culture**

- How have other employees been treated in the past when they revealed health-related difficulties with work?
- Is the workplace friendly and close-knit, or formal and business focused?
- Are employees with disabilities respected and fully included?

### **Workplace relationships**

- What kinds of relationships do you have with your supervisor and co-workers?
- Were there any tensions in these relationships before the diagnosis?
- Who do you feel you can trust with personal matters?

### **Workplace policies**

- Does the workplace have policies and practices for helping ill or injured employees stay at work?
- Is there an accommodation policy?
- Is there an anti-harassment policy?

### **Personal Preferences**

- Do you prefer to keep personal matters private at work?
- Do you feel that sharing personal information with fellow employees is best?
- Do you feel comfortable talking about your situation?

---

Reproduced with permission from Oldfield, M., MacEachen, E., Kirsh, B., & MacNeill, M. (2017). Helping employees with fibromyalgia manage their reputations through disclosure dances. *OOHNA (Ontario Occupational Health Nurses Association) Journal*, 36(1), 28-33.

## Short-term absences

In certain instances, you may need to take time off from work to go to attend medical appointments, manage flares or care for yourself. That time away from work, can also called short-term absences and may differ depending on the province or territory in which you work. This [table](#) lists the amount of leave available in each province, and includes links to the different Ministries of Labour. It is important to remember that:

- Employment laws are minimum requirements. Your employer cannot offer less than the requirement. Your employer may also offer **more than** the minimum requirements so be sure to check your employment contract, employer policy or collective agreement for more information.
- Your job is protected but the leave of absence may be unpaid.
- You may be asked to provide a medical note from your doctor or other health care worker to confirm the need for a leave of absence.

**“Put yourself and your family first.  
Take time off when you need it.  
Stop feeling guilty.”**

If you feel your employer is not respecting the law or discriminating against you based on your disability, you can access the complaint process [table](#) in your province or territory of work.



**IMPORTANT:** Your employer may also have short-term disability insurance. Check with your supervisor or manager, or human resources department, to verify what might be available.

## Long-term absences

You may be in a situation where you may need a longer absence because of your arthritis. There are government programs that provide income to people with illness who are unable to work.

- [Sickness benefits](#) is part of the Employment Insurance (EI) program and provides income to people unable to work because of sickness, injury, or quarantine. You could be eligible for up to 15 weeks of financial help through this program.
- [Canada Pension Plan \(CPP\) disability benefits](#) provides income to people who have made contributions to the CPP and who are disabled and cannot work at any job on a regular basis.

You may also qualify for other financial support. Check out the [Benefits Finder](#) and see what might be available to you. Remember to check with your supervisor or human resources department to learn more about your employer's long-term disability insurance (if one exists).

---

## Related resources

- Episodic Disabilities Employment Network fact sheet on "[What you should know about accommodation in the workplace](#)"
  - Episodic Disabilities Employment Network fact sheet on "[Paid sick leave and short-term disability insurance: financial supports for short-term absences](#)"
  - Episodic Disabilities Employment Network fact sheet on "[Long-term disability insurance: support for longer absences from work](#)"
  - [Cancer and Work](#)
- 

This resource is subject to the [CAPA Legal and Privacy Policy](#).

*Updated: August 2019*