

# Mental or physical disabilities and discrimination



Alberta Human Rights  
and Citizenship Commission

## INFORMATION SHEET

Anyone who believes he or she has been discriminated against because of a disability may make a complaint to the Alberta Human Rights and Citizenship Commission. Physical or mental disabilities are protected grounds under Alberta's *Human Rights, Citizenship and Multiculturalism Act*.

### What is a disability?

**Physical disability** is defined in the *Act* as any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog or wheelchair or other remedial appliance or device.

**Mental disability** is defined in the *Act* as any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

In Alberta, employers, landlords, tenants and service providers are expected to make reasonable efforts to accommodate individuals with disabilities unless it would cause undue hardship.

It may be possible to make adjustments to a building to accommodate people with disabilities. On the job, workloads may be rearranged, so that duties that cannot be performed by an employee with a disability are handled by another worker.

**Examples:** A ramp may be built to a building entrance to make it accessible to wheelchairs.

A typist in a wheelchair may find filing impossible. However, another typist could do the filing and the worker with the disability could assume responsibility for a larger volume of typing.

An employee suffering from a mental illness might require altered job responsibilities, on a partial or permanent basis.

For more information about accommodating people with disabilities, see the information sheet *Employment: Duty to accommodate* and the interpretive bulletin *Duty to accommodate*.

### Health and safety

Employers are not expected to hire or continue to employ anyone whose disability notably increases the probability of health or safety hazards to themselves, other employees and/or the public.

For example, someone subject to epileptic seizures that are not fully controlled with medication could not be expected to safely perform a job working on a scaffold or driving a truck. Someone with a serious mental impairment may not be permitted to be responsible for children in a day care setting.

It is up to the employer to demonstrate that the individual's disability would threaten the safety of that employee or others at the worksite.


## Hiring a person with a disability

In job applications, interviews or ads, employers are not allowed to ask about an applicant's present or past physical or mental conditions, disease, kinds of medication, treatments, worker's compensation claims or sick leave.

For example, if a job requires physical dexterity or the capacity to handle stress, these requirements should be clearly stated in the job's description or employment advertisement. If a potential employee has the experience and skills for the job, there should be no "special tests" to see if he or she has the capacity to do the job. However, an employer may ask an applicant if he or she can safely complete the duties as outlined in the job description.

Any test for dexterity, medical exams for physical ability or stress-handling tests must be job-related.

Applicants should be advised that once hired, passing such tests or exams would be required.

Contact the Alberta Human Rights and Citizenship Commission for advice regarding physical or mental disabilities or for information on other agencies that may be able to assist, such as the Premier's Council on the Status of Persons with Disabilities. For more information, see the information sheet *Pre-employment inquiries*. 

## Contact the Commission

For more information, please contact the **Alberta Human Rights and Citizenship Commission**. We are an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

### Northern Regional Office

800 Standard Life Centre  
10405 Jasper Avenue  
Edmonton, Alberta T5J 4R7  
**(780) 427-7661 Confidential Inquiry Line**  
(780) 427-6013 Fax

### Southern Regional Office

Suite 310, 525 – 11 Avenue SW  
Calgary, Alberta T2R 0C9  
**(403) 297-6571 Confidential Inquiry Line**  
(403) 297-6567 Fax

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

For province-wide free access from a cellular phone, enter \*310 (for Rogers-AT&T) or #310 (for Telus).

### TTY service for persons who are deaf or hard of hearing

(780) 427-1597 Edmonton  
(403) 297-5639 Calgary  
1-800-232-7215 Toll-free within Alberta

**E-mail** [humanrights@gov.ab.ca](mailto:humanrights@gov.ab.ca)

**Web site** [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

*Please note: A complaint must be made to the Alberta Human Rights and Citizenship Commission within one year after the alleged incident.*

The *Human Rights, Citizenship and Multiculturalism Education Fund* has provided funding for this publication.