

Citation: Banks, Kevin, Richard Chaykowski & G Slotsve, “The Disability Accommodation Gap in Canadian Workplaces: What Does it Mean for Law, Policy and an Aging Population?” (2013) 17 CLELJ 295

Abstract: The “accommodation gap” refers to the shortfall between those accommodations which persons with disabilities require in order to work, and those workplace accommodations which they actually receive. This paper argues that the accommodation gap raises important issues for policy-makers in Canada, given the growing participation of older workers in the labour market and the fact that the incidence of disability increases with age. Such issues include the loss of productivity, higher poverty rates, increased cost of social programs, and failure to achieve the goals of human rights legislation. Using the results of an extensive analysis of data obtained from Statistics Canada’s 2006 *Participation and Activity Limitation Survey*, the authors inquire into three questions: (1) Is there a workplace accommodation gap in Canada, and if there is, how big is it and whom does it affect? (2) Is it associated with age or aging, and therefore likely to be aggravated by the aging of the Canadian population? (3) Are its causes likely to elude complaint-driven enforcement of human rights law because they are systemic? In answering these questions, the study finds that a large number of Canadians (about 35%) do not receive accommodations they need to work productively, or at all. Furthermore, the results show that the older the worker and the more severe his or her disability, the greater the accommodation gap. The authors suggest that this finding supports the view that employers’ decisions on whether to provide accommodation are influenced by economic considerations, stereotypes about the link between age and disability, the fact that certain types of accommodation may conflict with workplace culture, and other factors. Finally, the paper contends that the enforcement mechanism currently in place is probably inadequate to deal with the accommodation gap, in view of the systemic nature of many of its causes. The authors set out a number of alternative options which may be more effective in closing the accommodation gap, and propose that those options be considered as part of a comprehensive policy review.