

Disability Discrimination In Hiring: What Ontario Job Seekers With Health Conditions Need To Know



If you've ever left a job interview feeling dismissed, judged, or sidelined because of a health condition—you're not alone. In Ontario, disability discrimination during hiring is illegal, but that doesn't mean it doesn't happen. And for those with chronic illnesses or non-visible disabilities, bias can be even harder to detect.

At Unified LLP, our [employment lawyers in Toronto](#) have helped many job seekers who suspected they were overlooked or dismissed based on health-related concerns. In this blog, we'll explain what disability discrimination in hiring can look like, what your legal rights are, and what to do if you believe you've been treated unfairly.

Disability Discrimination Is Illegal in Ontario

Under Ontario's [Human Rights Code](#), every job applicant has the right to equal treatment—regardless of physical or mental disability. Employers are prohibited from:

- Asking discriminatory interview questions
- Making hiring decisions based on actual or perceived health conditions
- Failing to accommodate a disability during the application process

Discrimination doesn't have to be obvious. It can include subtle biases, offhand comments, or unexplained rejection after disclosure of a health issue.

What Counts as a Disability?

The Human Rights Code defines "disability" broadly. It includes:

- Chronic conditions (e.g., diabetes, epilepsy, fibromyalgia, Crohn's disease)
- Mental health conditions (e.g., depression, PTSD, anxiety)
- Learning disabilities
- Temporary conditions related to injury or recovery
- Addictions and substance use disorders

For more on this topic, see our blog: [Fired While Struggling with PTSD? Here's What the Law Says](#), which outlines how mental health and invisible disabilities are protected under Ontario law.

Illegal Interview Questions to Watch For

Some questions are simply off-limits. If an interviewer asks about your health, time off work, medication, or physical abilities without a valid job-related reason, it could be a red flag.

Here are some **examples of illegal or problematic interview questions**:

- “Do you have any health conditions we should know about?”
- “How many sick days did you take at your last job?”
- “Will your disability affect your performance?”
- “Are you on any medications that affect your energy or focus?”

You do **not** have to answer these types of questions. If pressed, a polite but firm response is appropriate:

“I’m confident in my ability to meet the expectations of the role.”

Signs of Discrimination in the Hiring Process

Even when no direct questions are asked, you may still encounter bias. Warning signs of disability discrimination hiring Ontario job seekers should watch for include:

- A shift in tone after disclosing a disability
- An abrupt end to the interview
- Comments about needing a “high energy” or “always available” employee
- Job postings that discourage applicants needing accommodations
- Unusual delays or unexplained silence after strong interviews

You Have the Right to Request Accommodation

If you require accommodations during the hiring process—such as extra time for a written test or a wheelchair-accessible interview space—employers are legally required to provide them, up to the point of undue hardship.

Employers must:

- Post inclusive job ads
- Let applicants know accommodation is available
- Handle requests confidentially
- Not retaliate or penalize applicants for asking

If you’re unsure how to request accommodation or believe you were denied fair consideration because of your request, consult an [employment lawyer Toronto discrimination](#) specialist.

What to Do If You Suspect Discrimination

If you think your health condition played a role in being unfairly rejected, here are the steps to take:

1. **Document everything:** Keep records of all communication, including emails and interview notes. Ensure to include dates and times.
2. **Write down what was said:** If a discriminatory comment was made, record it as soon as possible. Ensure to include the names and/or roles of the individuals who spoke.
3. **Request feedback:** A rejection may be valid—but if something feels off, asking for interview feedback may reveal clues.

4. **Consult a lawyer:** Don't wait too long. A qualified employment lawyer can help assess whether a claim is worth pursuing.
5. **File a complaint:** You may be eligible to file a claim with the [Human Rights Tribunal of Ontario](#) within one year of the incident.

When to Contact an Employment Lawyer

Not every awkward interview is grounds for legal action. But if you suspect you've been denied a job **because of a chronic illness**, disability, or request for accommodation, legal advice can help you clarify your options. A lawyer can:

- Review the hiring process and interview notes
- Advise you on human rights and employment standards
- Help file a complaint or negotiate compensation

For applicants dealing with health conditions, understanding your **chronic illness job interview rights Canada** wide can make all the difference.

You Deserve a Fair Chance—With or Without a Diagnosis

Discrimination based on disability is still too common—but that doesn't make it legal. Whether you live with a visible impairment or manage a chronic condition silently, you have a right to be considered based on your **skills, experience, and potential**—not your health history.

At Unified LLP, we help job seekers protect their rights and hold employers accountable for biased hiring practices. If you believe your health condition affected your candidacy, contact a [Toronto employment lawyer](#) for a free consultation.

You deserve fair treatment. We're here to help you fight for it.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: [Christopher Kim](#), [Boris Alexander](#), [Gil Fischler](#)

Unified LLP