

Disclosure in the Workplace

Recorded by Ebony Wade

Slide 1 (announcer)

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Slide 2

Welcome everyone. My name is Ebony Wade and I'm an IPS Trainer with the Illinois Department of Human Services Division of Mental Health. Today I will be talking about disclosure in the workplace for people with disabilities who are working or thinking about getting a job.

Slide 3

There are several learning objectives for this webinar. One is to identify the need for disclosure of disabilities in the workplace. Another is to understand the timing of disclosure as part of an individual's employment process. Yet another is reviewing the types of reasonable accommodations that support and sustain employment. Finally, learning about laws that prohibit discrimination against workers with disabilities and the protections they offer.

Slide 4

Job seekers with disabilities can face tough decisions. One of these is deciding whether to disclose a disability. Ultimately, the decision about whether to disclose or not is up to the individuals affected. This is true regardless of whether they have a visible disability, such as people with cerebral palsy who use wheelchairs, or a non-visible disability, such as people living with a mental health condition.

Slide 5

There are responsibilities for both employees and employers that come with disclosure. One responsibility for employees is being aware of how their disability affects their everyday life. Another responsibility is determining what kinds of accommodations they need to perform their job tasks. A third responsibility is communicating what types of accommodations they need to perform their job duties. Employers also have responsibilities related to disability disclosure. They must offer equal opportunity to workers to enjoy the benefits and privileges of employment. Employers also must provide reasonable accommodations to employees with disabilities upon request. Employers also must treat information about employees' disabilities and accommodations with confidentiality and respect.

If a person needs an accommodation to apply for a job or to perform job tasks, they will need to disclose their disability to an employer at some point. However, there are many things to consider. On the one hand, disclosing information about disability during the hiring process can cause an applicant to be screened out and not hired. On the other hand, taking a risk and disclosing a disability during the hiring process can help to ensure that a person has an informed and supportive boss. If employers don't know that a worker has a disability, they have no legal obligation to provide an accommodation. So, in order to get the advantages of an accommodation, workers need to be willing to disclose their disability.

Slide 6

This brings us to a discussion of what reasonable accommodations are and how to request them.

Slide 7

Let's start with a definition. Reasonable accommodations involve changes to the process of applying for a job, modifications to the job itself, and alterations to the work environment. These changes allow qualified job applicants to participate in the hiring process. They also enable employees with disabilities to perform essential job functions once they land the job.

Slide 8

Let's look at some examples of reasonable accommodations during the job application process. Here, accommodations might involve changes to application forms, tests, testing times, and recruitment policies. One example is an accommodation ensuring that job interviews occur in physically accessible locations. Another example is using sign language interpreters during job interviews for people who are deaf or hard of hearing. Another example is allowing a support person to be present for emotional reassurance during a job interview.

Slide 9

Next are some examples of accommodations in actual employment settings. For example, accommodations can be made to a physical workspace, such as having wheelchair ramps or electronic doors for easier entry. Modifications can also be made to work equipment or processes, such as braille readers or flexible work schedules.

Accommodations can also change the way people interact at the workplace. For example, supervisors might provide instructions verbally instead of in writing or vice versa. Employers can permit job coaches or service animals to be present at the work site to help people do their jobs. Also, approving time off for a person to get treatment and to recover from a medical or mental health hospitalization are examples of accommodations.

Slide 10

Some people may wonder when an employer is required to grant a worker's request for an accommodation. An employer generally does not have to provide a reasonable accommodation

unless an individual with a disability asks for one. This means that employers are only required to provide work-related accommodations if people disclose their disability.

It's also important to know that employers are not obligated to provide an accommodation if the worker still can't do the job after getting the accommodation. For example, a bank isn't required to lower counter spaces for a worker who uses a wheelchair, if that worker doesn't have the needed math skills for the position.

Requests for accommodations are usually statements describing what adjustments or changes the worker needs because of a medical or mental health condition. The request for a reasonable accommodation can be made on a worker's behalf by family members, friends, health professionals, rehabilitation counselors, labor union representatives, or other individuals. For example, a doctor's note stating that an employee can work "with restrictions," and then describing those restrictions, can be considered a request for a reasonable accommodation.

Slide 11

Why should you consider disclosing in the workplace? One reason is that you want your employer to provide you with reasonable accommodations to do the job. Another reason is so that you can benefit from protections that are part of the Americans with Disabilities Act or ADA. In order to have these advantages, people must disclose their disability to their employer.

Slide 12

You may be wondering when is a good time to disclose that you are living with a disability to someone at your job or a job for which you are applying. This depends on the individual and their unique situation. If you're a job seeker, you'll want to weigh the pros and cons of disclosing at each stage of the job search, application, and hiring process. Once you're hired, you might decide to disclose during the training period, after your probation ends, or when your job responsibilities change. Listed here are some stages when you'll want to consider disclosing. These include when you're submitting a cover letter with your application, before a job interview, during the interview, after you have a job offer, once you're working, or never.

Slide 13

What you decide to tell others when you disclose is up to you and it is different for everyone. We suggest that you keep information regarding your disability as general as possible. For example, you don't need to disclose your diagnosis, symptoms, or the treatments you're receiving. Instead, explain how your disability affects your ability to perform your job tasks *without* accommodations. Next, describe what types of accommodations have been helpful for you in past jobs. Finally, explain what kinds of accommodations will help you perform your current job responsibilities. If you have a disability that is visible to others, it is often beneficial to share during the job application and hiring process how you plan to accomplish the duties of the job. This will help affirm with the employer that you are well-suited for the job.

Slide 14

You can also disclose your disability on a “need-to-know” basis. This means that you only tell your employer what he or she needs to know at the current time. For example, let’s say you have a standing appointment with your psychiatrist. After you’re hired, you inform your supervisor that you have a medical condition requiring a doctor’s visit every three months, and ask to take a few hours leave and make up the time. Later on, you may need to change medications and know you’ll have trouble getting up in the morning. At that point, you might tell your supervisor that you need a temporary change in your work schedule until you adjust to a new medication you’re taking. Handling disclosure this way means providing additional details regarding your disability as the need arises, and only as it applies to your work-related accommodation needs.

You’ll also want to disclose to an individual who has the authority to grant your request for an accommodation, or at least support your request to the person in authority. Often, this is a supervisor who is responsible for hiring, promoting, or terminating employees.

Slide 15

Sadly, some people experience discrimination because of their disability. Let’s turn to this topic and how it relates to employment and disclosure.

Slide 16

By disability discrimination, we’re referring to people being treated differently from others in employment settings because of their disability, perceived disability, or association with others who have a disability.

Slide 17

Let’s discuss some examples of disability discrimination. It can occur in many different aspects of employment, such as getting a raise, being fired, receiving a promotion, getting new equipment, or receiving valuable training. Another example that occurs during the hiring process is asking job applicants questions about past or current medical conditions, or requiring them to have medical exams. Another example includes refusing to provide reasonable accommodations to employees who have disclosed their disability and asked for a change that would allow them to work.

Slide 18

If a person has a disability and is qualified to do the job, there are federal and state laws designed to protect them from job discrimination. These are called disclosure protection laws. The Americans with Disabilities Act prohibits discrimination against qualified individuals with disabilities who work for state or local government, employment agencies, and private businesses with 15 or more employees.

Slide 19

There's also a law called the Rehabilitation Act. This law defines a disabled employee as someone who has a physical or mental impairment that causes a substantial limitation of one or more major life activities. So, for example, discrimination under the ADA for someone who has a disability, as defined by the Rehabilitation Act, includes refusing the request for a reasonable accommodation that would allow someone to do their job.

Slide 20

I'd like to acknowledge the resources I used in today's webinar.

Slide 21

Finally, I'll leave you with my contact information. Again, my name is Ebony Wade. I'm an IPS trainer with the Illinois Department of Human Services, Division of Mental Health. My office is located at Chicago Read Mental Health Center 4200 N. Oak Park Avenue in Chicago, IL 60634, and my email address is ebony.wade@illinois.gov.

Thank you for joining me today.

Slide 22 (announcer)

Thank you for listening. You can obtain additional recordings, or download a transcript, by visiting the Illinois Supported Employment Transformation web site.

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