

Navigating Disclosure in the Workplace

Overview

A key consideration during the job seeking process is how, when, and why to disclose a disability to an employer. Such a seemingly simple choice can significantly impact one's ability to effectively obtain and maintain employment. The different stages of the employment process and the potential impacts of disclosure at each stage deserve thoughtful reflection.



What is disclosure?

In the workplace setting, disclosure refers to the act of making a disability known to the employer or potential employer, typically for the specific purpose of receiving an accommodation.

Why should I disclose a disability?

The decision to disclose a disability, such as a hearing loss, is a highly personal one. Many factors need to be taken into account when making a decision about whether or not to disclose. Some helpful questions to consider during this decision-making process include:

- Is my hearing loss apparent when someone meets me?
- Will I need an accommodation to interview effectively or perform the functions of my job?
- What are the potential risks of not disclosing my hearing loss?
- Is the employer actively seeking to hire qualified individuals with disabilities?

It is important to remember that the accommodation process in the workplace is triggered when a person requests accommodations. Generally, an employer is not required to provide an accommodation if an individual does not disclose a hearing loss and request an accommodation.

When should I disclose?

When to disclose a hearing loss is another highly personal choice. It can be very helpful to focus on the true purpose for disclosing in the workplace setting: to obtain a reasonable accommodation in order to have equitable access in the job seeking process or perform the functions of the job. It can be helpful to consider various scenarios that are likely to occur during the job seeking process, as well as on the job. Here are some examples:

- Submitting a cover letter and resume via e-mail to an employer.
- Participating in a phone interview.
- Being interviewed by a panel of individuals.
- Attending a group meeting in the office.
- Answering phone calls.

Each person who is deaf or hard of hearing will have different communication needs for each of these situations. By considering potential situations, the individual can best determine when to disclose a disability and request an accommodation. Remember, disclosure of a hearing loss is not required until there is a need for an accommodation in order to obtain equal access in the job market and workplace setting.

How do I request an accommodation?

For many individuals who are deaf or hard of hearing, the time to disclose a hearing loss and request an accommodation is when an invitation to interview is extended. It is important to remember to phrase the accommodation request in a direct, courteous, and professional manner. Avoid using

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strong statements such as “you must provide me” or “the law says you must” when making an accommodation request.

Be prepared to offer specific information regarding accommodation needs. It is also helpful to have several methods for achieving equal access. Some examples might be interpreters, speech-to-text services, video remote interpreting, an assistive listening device, and instant messaging. When requesting services such as interpreting or speech-to-text, have the contact information for local providers ready to share with the employer or potential employer.

Finally, be prepared to discuss other aspects of communication that occur on the job such as in meetings, making phone calls, and conversations with co-workers.

The Law

There are several laws which provide for accommodations to individuals with disabilities on the job. These laws include:

Americans with Disabilities Act- Title I
Section 501, 504, and 503 of the Rehabilitation Act

Important Terminology from the Americans with Disabilities Act

A **qualified individual with a disability** is a person who has appropriate skills, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the *essential functions* of the position with or without reasonable accommodation.¹

A **reasonable accommodation** is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.¹

A **qualified interpreter** is someone who is able to sign what is spoken by the hearing person to the individual who is deaf, and who can voice to the hearing person what is being signed by the person who is deaf. Certification is not required if the individual has the necessary skills.* To be qualified, an interpreter must be able to convey communication effectively, accurately, and impartially, and use any necessary specialized vocabulary.¹

Resources

ADA.Gov: Information and Technical Assistance on the Americans with Disabilities Act
<http://www.ada.gov/>

Youth, Disclosure, and the Workplace: Why, When, What, and How
<http://www.dol.gov/odep/pubs/fact/ydw.htm>

Regulations Governing Interpreter Requirements, State-by-State
<https://rid.org/advocacy-overview/state-information-and-advocacy/>

References

¹ ADA.Gov: Information and Technical Assistance on the Americans with Disabilities Act. Retrieved from <http://www.ada.gov/>