DISCLOSURE
Rights, Responsibilities & Planning
During transitions disclosure of a disability is often required – to seek support or reasonable accommodations/adjustments – at work, education and training.

The individual can and should be able to exert control over the level of information disclosed and to whom that information is disclosed. They should also be able to identify what impact their disability has in their day to day life and what accommodations/adjustments are required. Some careful contemplation will contribute to increased confidence and enhanced self advocacy skills.

'Choosing Your Path. Disclosure: It's A Personal Decision' website provides information about options and pathways that people with disability can use in disclosing their disability in post secondary education and employment.

http://pubsites.uws.edu.au/ndco/disclosure/
What the law says

- A person with disability is not legally required to disclose their disability unless it affects their ability to do the tasks that must be carried out to get the job done.
- These are often referred to as the ‘inherent requirements of the job’.
- Not all of the requirements of a job will be inherent.
- The focus should be on achieving results rather than the means for achieving those results.
What happens after disclosure?

Employers have obligations under the Disability Discrimination Act 1992:

- They can not discriminate directly. This means they cannot treat a person with disability less favourably than a person without disability would be treated in the same or similar situation.
- They can not discriminate indirectly by having a requirement or practice that is the same for everyone but which is less favourable in its impact on a person with disability.
- They must make reasonable adjustments for a person with disability where required, and
- Take action to avoid and prevent harassment of individuals with disability.
What questions can be asked about a person's disability or injury?

Employers can only ask questions about a person's disability or injury if the questions relate to:

- any adjustments needed to ensure fair and equitable access to training, education or employment
- if or how the disability may impact on the inherent requirements of a task, job or safety
- any adjustments that may be needed to adequately perform the inherent requirements of the job/task.

Any other questions about a person’s disability are inappropriate, including questions about:

- how the person acquired their disability
- specific details of the person's disability.

This is the same as students having to meet ‘fitness for placement’ requirements.
Disclosing

• Disclosing a disability or medical condition can be a life long process.

• Every time you enter a new work or study setting, or meet new people, you may need to make decisions about disclosing personal information.

• Disclosure is usually about accessing supports that enable you to participate effectively in training, education and employment.
Deciding to disclose

- The decision to disclose may be a difficult one. The choice will be different for everyone because they have different experiences and different needs.

- Disclosing is a personal decision - you are the only one who can make it.

- Don’t give in to pressure to disclose for the sake of other people - you are the one who will live with the positive and negative outcomes.
**What to consider**

- What
- Why
- When
- How
- Where
- Who

**What**

Only what is needed – always be professional – your employer isn’t your best friend

Impact of Disability
Anticipated Barriers
Adjustments/Accommodations you feel will be valuable

You do not need to provide details of your disability, medical condition or learning disorder just that you have it and you require adjustments.

You may be required to provide supporting evidence that your disability creates the impact.

**Why**

Licensing or Regulatory Requirements
*i.e. operating certain machinery*

You have concerns about safety

You know there will be an impact but can be accommodated via reasonable adjustments

**When**

Timing is dependent on individual circumstances
If your disability will impact on your ability to interview effectively - consider disclosing

If you think it will only impact when you are employed - wait till you have been offered the job

If you do not think it will impact you may choose not to disclose

**How**
You can choose do it by yourself, with an advocate or document it in a letter – it is up to you

The information disclosed needs to be treated respectfucly, confidentially and sensitively.

**Where**
This is a personal matter, dealing with sensitive information and where possible should be treated as private and confidential
The discussion should take place in a private, safe and confidential place.

**Who**
The key people who manage your role
ie. Direct Supervisor & Manager

Regulatory & Registration Bodies

You may want to consider disclosing to colleagues but this is a personal choice
Advantages & Benefits of Disclosure

- timely access to support
- adjustments can be negotiated and implemented
- if staff respond positively you may feel more confident about your work. You may meet other people with similar experiences through disclosure
- if people you trust know more about who you are, you may have better relationships with them
- making your needs known will help ensure that the employer is responsive to the needs of others with disabilities
- being seen as a responsible employee
Having a Plan

Having a plan helps you decide each of these things and determine when it is necessary.

- Know your disability
- Understanding the impact
- Know what supports, accommodations and adjustments are useful
- Determine what is reasonable for you
- Learn to articulate impact and requirements

Developing confidence about disclosure demonstrates self-management, initiative and capability.
Tips

- Take responsibility for Disclosure
- Develop a written script & practice
- Have some supporting documentation
- Keep it simple, current and relevant
- Have realistic expectations
- Check out the Job Descriptor/Website
- Seek assistance if you do not feel confident
- Contact peak industry bodies to find out more about inherent/core requirements
- Be prepared with solutions
- Know your employee rights and responsibilities
Resources

"Choosing Your Path. Disclosure: It's A Personal Decision" website provides information about options and pathways that people with disability can use in disclosing their disability in post secondary education and employment.

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Questions?