



411 on Disability Disclosure: Employer Edition

Introduction: Why is Workplace Disability Inclusion Important?

Today, more and more companies understand that a supportive, inclusive culture is essential to improving employee engagement, talent pipelines, and business performance. This is the premise behind diversity, equity, inclusion, and accessibility (DEIA) initiatives. These initiatives work to ensure efforts to increase inclusion are, in fact, truly inclusive of all people—including people with disabilities and those from underserved communities.

[Executive Order 14035](#), signed by President Biden in June 2021, provides definitions of these important terms in the federal context:

- **Diversity** is the “practice of including many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs.”
- **Equity** is the “consistent and systematic fair, just, and impartial treatment of all individuals.”
- **Inclusion** is the “recognition, appreciation, and use of the talents and skills of employees of all backgrounds.”
- **Accessibility** is “the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them.”

These are not only important terms, but also business imperatives, because they increase an organization’s ability to benefit from the skills and talents of all workers. DEIA principles are critical drivers for many organizations as they seek to recruit and hire new talent and retain existing employees. After all, most employees want to work in environments that promote trust and belonging. A diverse workforce sends a clear message about an organization’s commitment to inclusion. It also contributes to bottom line benefits, such as creative solutions to problems when [different perspectives](#) are included and access to an expanded talent pool—a competitive advantage at a time when [staff shortages](#) are of concern.

Disabled people are a hidden source of talent for organizations, many of whom are struggling to fill roles at all organizational levels. A [study conducted by Accenture](#) found that organizations that hire these “hidden workers” were 36% less likely to face skills shortages.

This document explores disability disclosure, an important topic that impacts organizations’ efforts to increase disability inclusion. Find out why applicants and employees may choose to disclose their disability; what factors can dissuade them from doing so; and how employers play a vital role in creating a supportive, inclusive workplace culture that welcomes disclosure.

What is Disability Disclosure?

Disability disclosure occurs when an applicant or employee voluntarily shares information about their disability with an employer. A person may disclose a disability during an interview, at the offer stage, when they start their job, or even after working for an organization for months or years.

Disability disclosure is a legally protected choice. Applicants and employees are under no legal obligation to disclose their disability to an employer, but it can be beneficial for them to do so for a variety of reasons. For example, disclosure is necessary to request reasonable accommodations that may help a disabled employee succeed and feel comfortable at work.

When an applicant or employee discloses a disability, the manager should:

- ✓ Show appreciation for the employee's willingness to share this personal information
- ✓ Explain the organization's reasonable accommodation policy and procedures
- ✓ Provide the organization's contact information for processing accommodation requests
- ✓ Remember that, similar to medical information, [disability disclosure](#) should be kept confidential

Self-Identification and Disability Disclosure: What's the Difference?

It is important to understand the difference between disability disclosure and [self-identification](#) of disability. Disability disclosure is initiated by the applicant or employee. It happens when a person voluntarily shares information about their disability with their employer for personal reasons. Self-identification is initiated by the employer when they ask applicants and employees to voluntarily and confidentially self-identify as a person with a disability to provide data for affirmative action tracking and measuring effectiveness of organization-wide disability inclusion efforts. Outside of self-identification efforts, employers should be cautious when inquiring about disability of applicants and employees. The [Americans with Disabilities Act \(ADA\) identifies several restrictions](#) on employers when it comes to asking about disability. You can learn more about self-identification of disability in EARN's [National Industrial Liaison Group \(NILG\) Information Center: Self-Identification](#).

Benefits of Self-identification

Self-identification of disability can offer certain benefits for employees. For example, disabled people may be appointed to federal jobs non-competitively through a process called [Schedule A](#). In order to prove eligibility for Schedule A, you must provide "[proof of disability](#)" documentation. According to the Office of Personnel Management (OPM), "proof of disability" is a [letter](#) (PDF) that states you have an intellectual disability, severe physical disability or psychiatric disability. This letter must be from a "doctor, a licensed medical professional, a licensed [certified] vocational rehabilitation specialist, or any Federal, state, or local agency that issues or provides disability benefits." Based on the federal model, several states, cities, and counties also have adopted affirmative hiring programs. The City of Madison, Wisconsin provides a [Best Practice Resource Guide for Affirmative Action Planning](#) (PDF) that offers some practical tips for implementing affirmative action.

What Can Employers Ask an Applicant or Employee About Their Disability?

While employers can ask applicants and employees to voluntarily and confidentially self-identify for compliance or measurement purposes, they can only make [limited inquiries about disability](#) during the [recruiting, hiring, and pre-employment process](#). After an employer offers a job to a candidate, organizations can ask medical questions or require medical exams, but only if they do so for all individuals for that job type. After the employee starts work, an employer can ask medical questions or require medical exams only in support of an employee's request for accommodation or if the employer has a legitimate belief that an employee would not be able to perform a job successfully or safely because of a medical condition or disability. These inquiries must be job-related and consistent with business necessity.

Understanding Apparent and Non-Apparent Disabilities

Some people have disabilities that others can immediately recognize. A person using a wheelchair or a blind person using a cane or a service animal are examples of people with *apparent* disabilities. Other people have *non-apparent* disabilities, such as autism, learning disabilities, chronic health conditions, or mental health conditions. Non-apparent disabilities can impact the people who have them just as much as apparent ones; people with non-apparent disabilities are protected by disability nondiscrimination laws and entitled to workplace accommodations.

What Role Do Employers Play in Disability Disclosure?

Whether you are a manager, organizational leader, or HR representative, when an applicant or employee discloses a disability, your first and most important job is to listen respectfully to what the employee communicates. Make sure to respond appropriately to any requests that accompany their disclosure of disability. For instance, they may be disclosing as part of a request for a reasonable accommodation. It is important for employers and their representatives to remember the following when someone discloses a disability:

- 1 **Start with the basics.** Some employees may not be aware of their rights around disability at work. Start by educating employees about the availability of accommodations and help them understand the process of requesting an accommodation or learn more about accommodation options. Keep in mind that when applicants or employees choose to disclose a disability or request an accommodation, they may not use these terms. Educate managers so that they can recognize requests for changes in the work environment due to a disability or medical condition.
- 2 **Lead with a question.** Simply asking an employee what they need to be successful on the job is a great way to demonstrate your willingness to discuss the topic of accommodations and your organization's commitment to inclusion.
- 3 **Do not make assumptions.** People often make assumptions about the capabilities of someone with a disability based on personal bias or [ableism](#). This can result in lower performance expectations and limiting opportunities for an employee to demonstrate skills and experiences or advance. Instead, listen to the information the applicant or employee is providing without judgment and make decisions based on the facts presented and the employee's needs and preferences, rather than generalizations, stereotypes, labels, and bias.
- 4 **Apply workplace policies fairly.** An applicant or employee with a disability can still manage stress or difficult assignments at work. Provide the same opportunities to all employees, regardless of their disability status. Disclosure should not have an impact on assignments or evaluation of performance in the workplace.

- 5 **Keep all health information confidential.** When someone discloses a disability at work, consider that to be confidential medical information. Managers should not discuss any disability-related information with other managers or employees. When relevant to a [request for accommodation](#) or other work adjustment requests, HR or other organizational leadership may be included in the conversation.
- 6 **Avoid intrusive questions.** A disclosure conversation is not the time to ask the applicant or employee personal questions. Remember that it is not necessary for the person to provide specific details about their disability or medical condition, such as what medications they take or how they function in daily life, in order to request accommodations. Learn more from EARN's [Working Together](#) webpage.

Why Do People Choose to Disclose?

Applicants and employees have the choice to disclose a disability and may choose to do so for various reasons. Some disclose because they view it as an important part of their identity, others share their personal narratives, and some do so to request accommodations. Again, any information provided by an employee who chooses to disclose should be kept confidential.

People Disclose When Requesting Accommodations

[Reasonable accommodation](#) is any change in the work environment, or in the way things are customarily done, to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. In simple terms, reasonable accommodations allow people with disabilities to approach their work in a way that enables them to be productive and effective in performing their job duties.

To request a reasonable accommodation, an applicant or employee must first disclose a disability. Disclosure will often link a disability or medical condition to a work-related task – an employee may say, “because of X (disability or medical issue), I need to change my approach to Y (job duty).”

Examples of Accommodation Requests

- “In order to demonstrate my coding proficiency, I’ll need access to screen reading software during the applicant screening process.”
- “My doctor changed my medication, and I’m having trouble with my work schedule.”
- “I’m sorry for missing the meeting, I had a medical issue arise.”
- “I have a recurring medical appointment on Wednesdays, so I need to adjust my schedule.”

After someone discloses a disability for the purposes of receiving an accommodation, the employer should begin the [interactive accommodation process](#). This process is a collaborative discussion that requires participation from both the employer and the applicant or employee. The [Job Accommodation Network \(JAN\)](#) offers free assistance and resources on the accommodation process and effective accommodations for specific disabilities.

Accommodations can help organizations support employee success. A [survey](#) conducted by JAN found nearly half (49.4%) of employers reported that accommodations cost absolutely nothing to implement. Another 43.3% stated that accommodations involved only a one-time median cost of \$300. Surveyed employers also reported that the benefits from making workplace accommodations far outweigh their associated costs.

It is important to note that some employees tell their employer about a disability proactively, in the event they need an accommodation in the future. If this occurs, be sure that the employee is aware that they can request an accommodation at any point in their employment journey.

People Disclose to Share their Stories

All people tell stories about themselves (their lives, families, work) to help define how others see them. In relating stories, an applicant or employee may choose to share relevant information about a disability or medical condition. When they do this, they are representing themselves fully, which can reduce stress from trying to protect part of their identity and help them focus on the job. It is important to honor the person's willingness to share this information. Remember not to take the information provided out of context and do not make assumptions about the person's ability to succeed in the workplace based on what you think you know about the disability. Disclosure as part of storytelling should still be considered confidential information, do not share it with others.

People Disclose to Express Pride in a Disability Identity

People with disabilities are increasingly embracing disability as part of their social identity. Disability identity, or [disability pride](#), is especially common for those who are involved in the broader disability community. For people without disabilities, a disability is often seen as something unfortunate or challenging. For those who have embraced a disability identity, disability is a critical aspect of who they are and a defining aspect of their life. Many want others to perceive their disability as unique, believing that their experience contributes to the diversity of an organization.

People Disclose Unintentionally

A person may choose to speak openly about their disability in their personal life, but not at work. Discussing a disability on social media, affiliating with a disability organization or sharing disability information privately are not the same as formally disclosing a disability to an employer. Employers should not share this information within the organization or use it to make [operational decisions regarding the employee](#).

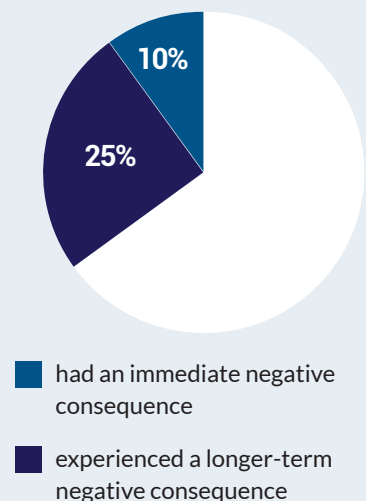
Why Do People Choose Not to Disclose?

There are a variety of reasons why people may choose not to disclose a disability. A [study of employment issues for people with disabilities](#) (PDF) found that disabled people are concerned that sharing information about their disability changes the way they are viewed at work and could impact their ability to succeed professionally. The top factors that posed a barrier to disclosure in this study were:

- Risk of being fired or not hired
- Concern that employers would focus on the disability
- Risk of losing health care benefits
- Concern that promotional opportunities would be impacted
- Risk of being treated differently by a supervisor or coworker

The same study also found that when respondents with non-apparent disabilities disclosed a disability at work, 10% had an immediate negative consequence, and 25% experienced a longer-term negative consequence.

Respondents with non-apparent disabilities who disclosed a disability at work



[More recent research](#) (PDF) supports this study. People who disclosed their disability at work often find their ideas ignored and have difficulty advancing in their careers. It is no wonder people with non-apparent disabilities have [lower rates of disclosure](#) than those with apparent disabilities. [Recent research](#) found that 88% of people with non-apparent disabilities choose not to disclose their disability.

Adding complexity to the decision to disclose a disability, people with disabilities who also belong to a historically underserved group perceive disclosure as riskier. The [intersection](#) of identities can influence feelings of physical and emotional safety, as well as the sense of belonging in the workplace. [Studies from the education field](#) have shown that being both disabled and a member of another historically underserved group does in fact affect a person's opportunities for achievement.

A [study of workplace practices](#) revealed that organizational culture and climate significantly shape people's willingness to share information about their disability. An [inclusive workplace culture](#) is a critical element of a person's choice to disclose or self-identify as having a disability.

How Can Employers Encourage Disclosure?

To facilitate disclosure of disability, employers should create an environment of inclusion, acceptance, and belonging that allows every employee to choose to share information about themselves at work.

To create a more comfortable environment for disclosure, employers can:

- Demonstrate support for employees who choose to disclose. Some individuals have experienced disclosing a disability as the [beginning of the end](#) of their professional growth. Opportunities to advance become limited, work assignments are suddenly reduced, and eventually the employee is pushed out of the job. Avoid these consequences by addressing managers and coworkers' internal bias and ableist ideals to help combat negative outcomes following disclosure.
- Promote positive relationships with managers and coworkers. Research shows that employees are [1.5 times more likely](#) to disclose a disability to someone with whom they have a good relationship, such as a manager. Managers play a critical role in their employees' day-to-day experiences; their [relationships](#) inform employees' willingness to disclose a disability. When managers and employees show mutual respect, the decision to disclose becomes a little easier. Employers can also encourage positive relationships and foster an inclusive workplace culture by offering [training about workplace disability inclusion](#) to all employees.

When employees embrace their disability identity at work, they may decrease their stress levels, since deciding not to share a part of themselves can result in [increased anxiety and reduced well-being at work](#) in the long-term.

Conclusion

Employers that encourage employees to disclose disabilities are asking them to trust their employer to honor their abilities, maintain confidentiality, and make employment decisions in good faith. To earn this trust, clearly communicate your organization's [commitment to workplace disability inclusion](#), implement a transparent and easy-to-understand [reasonable accommodation policy](#), and provide [organizational training](#) for all employees on disability inclusion as a corporate value. Organizations should also encourage strong [performance management and coaching relationships](#) between managers and supervisors and their teams. Together, these efforts will encourage disability disclosure by helping to build a sense of trust, safety, and belonging for all employees.

Visit EARN's [Inclusion@Work Framework for Building a Disability-Inclusive Organization](#) to learn more.

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