



Not to Disclose in Employment

The decision to disclose a disability in the employment sector is a personal choice. Disclosure is an individual decision, depending on the circumstances, the context and how comfortable the person feels about it.

When, how and if disclosure is to occur is often affected by such factors as:

- the type of disability
- the type of employment opportunity
- the need for adjustments to be implemented for the job interview
- whether the disability is apparent or not and how this might affect the prospective employer's judgment of the person's ability to perform particular duties
- the need for work place adjustments or supports
- the attitudes of the interviewer(s), co-workers or managers(1).

The decision to disclose or not is often not a final decision but one that can be re-evaluated over time, based on the person's work and personal circumstances. It is important that the factors that determine whether disclosure occurs or not be explored before a decision is made. Identifying possible consequences and investigating legislative rights, responsibilities, experiences of other employees and employers with disabilities, and disability services and support networks may assist in determining whether disclosure should occur or not.

Many people with disabilities have weighed up these factors and made the personal decision that disclosure of disability should not occur whilst seeking, accessing and maintaining employment.

Terazita has decided not to disclose her disability in the workplace, as it will in no way impact on her capacity to undertake the role in which she is employed. Terazita has put in place many structures in her life to enable her to manage her disability at all times, and is convinced that there is no need for her to disclose her disability at work.

Reasons Against Disclosure

Employees may choose not to disclose their disability for a number of reasons, including:

Discrimination:

- fear that disclosure may result in discrimination or denied opportunities, such as a job promotion
- fear of being denied certain entitlements.
- experience of being discriminated against in past positions of employment
- fear that the employer may focus on disability and not abilities.
- fear that staff and management may treat them differently or negatively because of their disability.
- fear that an employer will see them as a liability and a potential expense

Attitudes:

- fear that their disability may provoke curiosity or unnecessary concern in others.
- belief that employers may have preset and unrealistic attitudes about people with disabilities
- fear that they may be treated differently by colleagues, possibly patronised or given unfair advantages in the job
- the person may not have come to terms with their disability
- perceived or real lack of understanding in the workplace about disability issues

- fear of being marginalised, particularly with certain disabilities that are steeped in stereotypical attitudes
- fear they will be patronized
- feel that they will be treated more appropriately if they do not disclose because they won't be exposed to the attitudes and stigma associated with some disabilities

Performance

- the disability would have no effect or impact on their ability to do the job
- they do not require work related adjustments to perform in the position of employment

Other

- their disability is not visible
- they have developed support structures external of the workplace and therefore do not need to disclose their disability in the workplace

Responsibilities

- When deciding whether to disclose or not, 'responsibilities' need to be taken in to account when weighing up the factors.

Responsibilities of the Employee when Choosing NOT to Disclose Their Disability

Non-disclosure can have some significant effects on both employees and employers. It can lead to the following:

- realising there may not be a chance to negotiate work related adjustments
- if there is a crisis related to the persons disability such as deterioration in an existing disability or medical condition, it may be difficult to implement work related adjustments quickly
- if the disability is impacting on the job, an employer may perceive this as poor work performance and work related adjustments would not be implemented
- guarded about informal personal discussions with colleagues for fear of disclosing their disability
- if the disability could reasonably be seen to cause a health and safety risk for other people in the workplace, failing to disclose that risk could be a breach of an employees obligations under the Occupational Health and Safety Act
- inability to use their position and experiences to assist in raising the awareness and support of employment of people with disabilities.

Employer Responsibilities If an Employee Does Not Disclose a Disability

- Where an employee has not disclosed a disability, employers are **not** responsible for providing employment related adjustments. It is not the responsibility of employers to justify why no employment related adjustments were provided during the period when the employee had not disclosed their disability.

Footnotes

(1) Post Secondary Education Disability Network Western Australia (1998) Unlock Your Future, Access Employment Career and Job-Finding Information for Graduates with Disabilities and Medical Conditions, Whether to Disclose URL: <http://www.studentservices.uwa.edu.au/disability/access/page1e.htm>