



## *Offer of Employment*

An offer of employment by an employer provides an opportunity for applicants to comfortably discuss and negotiate employment issues before accepting the position. Employment issues may include;

- salary levels
- working conditions
- career pathways in the organisation
- the number of hours expected
- union information
- overtime or flexi time arrangements
- industry Awards
- superannuation schemes
- salary packaging
- performance outcomes

If an applicant is unsure about what or how to negotiate their specific employment issues prior to acceptance of employment, investigation on the Internet, contact with other similar organisations, discussion with the appropriate union, other workers and colleagues may assist.

For an applicant with a disability, discussion and negotiation of disability specific requirements may also need to occur at the time when the position of employment is offered.

### **Should Disclosure Occur When A Job Offer Is Made**

Disclosure of disability when a job offer has been made provides a safe period for the applicant to discuss disability issues without jeopardising their ability to demonstrate their skills and aptitude required to do the job.

Disclosure of disability tends to occur most often when a job offer has been made to identify and negotiate work related adjustments require.

### **Why Applicants May Choose To Disclose When An Offer Of Employment Has Been Made**

***As a result of the positive experience Craig had during the selection process for this position, he is confident that he can disclose his disability without fear of discrimination. Craig believes that disclosing at this time may be helpful in identifying his required work related adjustments and to provide the employer with information related to the status of his disability.***

An applicant may choose to disclose their disability when a job offer has been made to:

- identify and negotiate work related adjustments
- inform the employer as a precautionary measure should any disability specific issues arise whilst they are in the position
- evaluate whether the employer and/or workplace is supportive of working with people with disabilities.



## Why Applicants May Choose NOT To Disclose When An Offer Of Employment Has Been Made

*Gina has decided not to disclose her disability at this time, as she does not require any work related adjustments to successfully undertake the job.*

An applicant may choose **NOT** to disclose their disability when a job offer has been made because:

- the disability has no effect or impact on the applicant's ability to do the job.
- they fear the information may be perceived in a negative or discriminatory manner
- the applicant may not require work related adjustments.
- The applicants' disability may be in remission and therefore not considered relevant or appropriate to disclose to the employer.

## What To Disclose

Applicants need to be prepared about how they would like to disclose their disability when offered a position of employment. It is important that the information presented is clear, concise and relevant. It is not essential to disclose in-depth medical or personal information about a disability unless specific requirements need to be addressed.

Information presented to the appropriate person when offered a position of employment may include:

- what the disability is
- why the applicant has chosen to disclose their disability
- how the disability and life experiences may positively impact on the position
- the type of work related adjustments required
- using examples of how work related adjustments have benefited the applicant in previous positions of employment, education environment and/or other experiences.

## To Whom Should Disclosure Occur?

It is important for applicants to identify the right person to disclose to. The most appropriate person to disclose a disability could be the employer, supervisor, human resources and/or equity representative. The person who has offered the position of employment may not necessarily be the appropriate person to disclose a disability.

## The Purpose Of Disclosing

The main purpose of disclosing a disability when a job offer has been made is often to highlight the need for work related adjustments in the job. Other purposes may tend to be more personal such as:

- disclosing as a precautionary measure should any disability specific issues arise whilst in the job
- evaluating whether the employer and/or workplace is supportive of working with people with disabilities.

It is essential that applicants state their **purpose** in disclosing to achieve a beneficial outcome. Disclosure is most effective when the applicant is

*"...knowledgeable about their disability and (is) able to articulate both their disability-related needs and their (skills)."(1)*



## **Rights And Responsibilities Of The Applicant When Disclosing A Disability When A Job Offer Has Been Made**

### **Applicants have a right to:**

- have information about their disability treated confidentially and respectfully
- appropriate work related adjustments and support in relation to their disability, to enable them to effectively demonstrate their skills and abilities in the job
- appropriate and respectful questioning of their disability for the purpose of identifying work related adjustments required.
- have information about their disability used by the employer/supervisor only for the purposes of implementing work related adjustments in the workplace and to assess whether the inherent requirements of the position could be met.

### **Responsibilities:**

- if an applicant requires work related adjustments in the workplace, it is their responsibility to be prepared to discuss this with the organisation, either when the position is offered or when employed in the position
- applicants are responsible for identifying appropriate and reasonable work related adjustments when negotiating with the organisation.

## **Role And Responsibility Of The Employer**

### **Role:**

- to be non intrusive and respectful of the applicant when they have disclosed their disability
- to discuss with the applicant the type of work related adjustments that may be required. Discussions may include identifying appropriate adjustments, identifying timelines for the implementation of adjustments and obtaining information from the applicant about how to organise the most appropriate services, particularly if the employer is unfamiliar with what may be available e.g. obtaining information from an applicant with a vision impairment about appropriate technology services that could assist in implementing the required assistive technology in the workplace
- to organise the work related adjustments required for the job. If this task is to be delegated to a staff member, it is the role of the manager to ensure that the information is relayed in an accurate, non-discriminatory manner and that the task is followed through
- to finance any work related adjustments negotiated by the employee with a disability and the employer.

### **Responsibility:**

- federal and state privacy acts provide a standard for organisations to be responsible in collecting, using and disclosing personal information as well as keeping information secure, being open about the collection and information handling practices and ensuring anonymity where possible
- an employer's main obligations under the Disability Discrimination Act (DDA) are:
  - not to discriminate directly by less favourable treatment
  - not to discriminate indirectly by treatment which is less favourable in its impact
  - to make reasonable adjustments where required
  - to avoid and prevent harassment.



- an employer is responsible for thoroughly assessing the applicant's request for work related adjustments before claiming 'unjustifiable hardship'. This includes assessing:
  - direct costs
  - any offsetting tax, subsidy or other financial benefits available in relation to the adjustment or in relation to the employment of the person concerned
  - indirect costs and/or benefits, including in relation to productivity of the position concerned, other employees and the enterprise
  - any increase or decrease in sales, revenue or effectiveness of customer service
  - how far an adjustment represents any additional cost above the cost of equipment or facilities which are or would be provided to an employee similarly situated who does not have a disability
  - how far an adjustment is required in any case by other applicable laws, standards or agreements
  - relevant skills, abilities, training and experience of a person seeking the adjustment(2).

#### **Footnotes**

(1) Scholl & Mooney, Undated Draft Document, Disclosure in work based learning programs <http://www.cew.wisc.edu/ya/pdf/brief3.pdf>

(2) Human Rights and Equal Opportunity Commission (2003) [Disability Rights, Frequently Asked Questions- What Does Unjustifiable Hardship Mean?](#)