



## *Letter Of Application And/Or Resume*

### **Disclosure Of Disability In The Letter Of Application And/Or Resume**

Developing an effective resume and letter of application is one of the main steps required to secure a position of employment. An applicant is required to demonstrate their skills, abilities, relevant experiences and interests and ensure that it is tailored to the particular position requirements.

To create an effective resume and letter, applicants need to develop the content that is appropriate and professional but also enlightening and relevant to the employer. It is important to research the market, the position, and employer expectations as well as implement self-assessment strategies to create a detailed, well-researched and focused application for the employer.

Applicants who have a disability may also start to consider their options around disclosing a disability at the point of writing their letter of application and resume.

### **Should Disclosure Occur**

It is generally **not** considered standard practice for applicants to disclose their disability in their resume and/or application letter unless:

- it is relevant to the position
- work related adjustments are required to ensure equal opportunity in the selection process and/or
- the organisation is supportive of equity practices.

Disclosure of disability should not be the central issue of concern in the process of seeking employment. As with all steps in the job recruitment process, the emphasis in applying for employment should be on the skills and experiences of the applicant to meet the requirements of the position.

### **Application Forms**

Some organisations require applicants to complete an application form as part of the recruitment process. Application forms are often used by organisations to obtain specific information about applicants, to readily make a direct comparison between applicants on the same issues and/or to assess their ability to express themselves in a concise manner.

Some application forms may also contain specific questions about disabilities and health issues. The following questions and answers may assist applicants with a disability and employers in understanding their rights, roles and responsibilities in asking and responding to disability specific questions in application forms:

### **Can Employment Application Forms ask About Disability?**

Application forms should only ask questions about an applicant's disability if the information required assists to identify any work related adjustments required to ensure equal opportunity in the **selection process**.

*'Employers should be cautious about including disability related questions in application forms, other than for the purpose of inviting applicants to identify any adjustments required to ensure equal opportunity in the selection process itself. Routine or standard questions should be reviewed to ensure that they are included for a good reason and not for discriminatory reasons. The Disability Discrimination Act (D.D.A.) (Section 30) specifically makes it unlawful to request information for the purpose of an act which is or would be unlawful.'*

(1)



Application forms may tend to ask disability specific questions to determine an applicant's ability to perform the inherent requirements of the job. Employers need to consider whether disability specific information is relevant to the inherent requirements of the position and if so whether it is more appropriate to ask these questions in an interview, rather than on an application form.

*'Employers should note that questions which may be reasonable and permitted at interview, for example to examine whether a person's disability affects their ability to perform the inherent requirements of the job or to determine whether reasonable adjustment is required and possible, will not necessarily be regarded as reasonable or permitted in an application form'. (2)*

A routine or direct question about disability, such as "have you ever had a mental illness?" in an application form may exclude or disadvantage applicants with a disability. If a question has this effect it may be considered discriminatory. These questions also tend not to relate to the inherent requirements of the position nor assist in identifying any work related adjustments required.

The Federal Privacy Act 1988 and other similar state privacy legislation requires government, large organisations and some smaller organisations to provide a statement on any form indicating how personal information will be used. Employers therefore are required to take reasonable steps to inform applicants about why they are collecting personal information, such as disability specific information, how they are using the information, whom they are disclosing the information to and how the information is to be stored. For further information refer to the [Privacy and Confidentiality document](#) in this resource and/or the Federal Privacy Act website at <http://www.privacy.gov.au/>

### **Is There a Legal Responsibility for an Applicant to Disclose their Disability in an Application Form?**

There is **no** legal obligation for an applicant to disclose their disability in an application form. An applicant may choose to ignore the disability specific questions or answer the question(s) as 'Not Applicable'.

All applicants, including applicants with a disability, are however responsible for investigating and understanding the inherent requirements of the position to determine whether they are able to perform them in the position of employment. Applicants with a disability who require work related adjustments to meet the inherent requirements of the position may choose to disclose their disability when accepting a job interview, in the interview or when the position of employment has been offered.

### **Why Applicants Choose To Disclose**

***Stefan has decided to submit an application and his resume for a position with his local council. The position specifically requires applicants to have a good understanding of the barriers experienced by young people with a disability when seeking to participate in their local community. Stefan therefore, chooses to disclose his own disability to demonstrate his awareness of the issues and his resourcefulness in addressing them.***

An applicant may choose to state or imply their disability status in their resume and/or application letter to:

- reflect on their life experiences which may be relevant to the position
- give reason for possible breaks in their employment history, which may be evident in their resume
- demonstrate its relevance to the position of employment
- demonstrate personal qualities, abilities, problem solving skills and other work based skills that may have been developed as a result of the applicants disability experience



- \*\*identify workplace adjustments that would be required if the applicant was successful
- request a need for adjustments to occur in the selection process itself.

**\*\*Note:** The Federal Human Rights and Equal Opportunity Commission suggests that; *“generally it (would) be more appropriate to discuss reasonable adjustment issues in an interview rather than in an application process, except so far as issues concern any need for adjustment in the selection process itself”*. (3)

## Why Applicants Choose NOT To Disclose

***Assunta considers that her disability will in no way effect her ability to successfully meet the selection criteria for the position in marketing for which she intends to apply. She recognises that the adjustments she may require will be best discussed at the time of interview or appointment. For this reason Assunta has decided not to disclose her disability in her application.***

An applicant may choose NOT to disclose their disability in their resume and/or application letter because:

- it is not appropriate or relevant in meeting the job application criteria
- a fear that the information may be perceived in a negative or discriminatory manner
- a fear that their application may be shortlisted out due to their disability
- the prospective employer may focus on the applicants disability, not on their abilities
- the disability has no effect or impact on the applicants ability to do the job.

## To Whom Should Applicants Disclose?

If an applicant chooses to disclose their disability on their resumes, application letters and/or application forms, they are effectively disclosing their disability to the employer and/or selection committee convener as well as the interview panel.

It is the responsibility of the employer or selection committee convener to ensure that any personal information is kept private and confidential and that this information does not negatively impact on the selection process.

## What to Disclose

If an applicant chooses to disclose their disability in the application or resume, the disclosure should not be about the disability in general. Disclosure should only relate to the inherent requirements of the position and how work related adjustments might overcome any perceived problems.

An applicant may provide more specific information about their disability in their letter of application to address the specific criteria points.

E.g. 'I am efficient in the use of technology with the assistance of a specialised program called 'Dragon Naturally Speaking' and 'Text Help'.

An essential requirement may be that the applicant has a disability or an understanding of disability issues.

E.g. "My insulin dependency was seen as a plus when applying for a job as a Project Officer in Aboriginal Community Diabetes Programs". (4)



## The Purpose Of Disclosing

The main purpose of disclosure at the point of applying for a position of employment is to:

- demonstrate how the applicant's disability is relevant to the position
- highlight the need for work related adjustments to be required during the selection process e.g. consideration may be given for an applicant who has quality experience but does not have a substantial employment history due to their disability or illness
- take advantage of an organisation's equitable employment opportunities and practices.

## Applicant: Rights And Responsibilities When Applicants Disclose Their Disability In A Letter Of Application Or Resume

### Applicants have a right to:

- know about the collection of their personal and disability specific data and how it is used by the organisation. The Federal Privacy Act and other similar state Acts require organisations and agencies to provide a statement on any form indicating how personal information will be used. If this information is not made available, the applicant has the right to inquire about the processes
- determine whether they wish to disclose their disability in an application letter, resume or application form.

The Disability Discrimination Act (DDA) 1992 requires that a person's disability should be taken into account where, and only where, it is relevant and fair to do so. The DDA makes discrimination unlawful at all stages of the employment process, from recruitment and selection to discrimination during employment or in dismissal.

### Responsibilities:

- applicants are responsible for ensuring that they fully understand the inherent requirements of the position and determine whether they have the ability to perform them when applying for a position of employment. Inherent requirements can include qualifications, hours of work per week, travel requirements etc. It should be noted that work related adjustments may often assist the applicant in meeting the 'inherent requirements' of the position. Refer to the [Disability Discrimination Act document](#) in this Resource or the [Human Rights and Equal Opportunity Commission](#) website for further information
- If an applicant has disclosed their disability in their letter of application, resume and/or application form to highlight the need for work related adjustments in the workplace, it is the applicants responsibility to be prepared to discuss this when it is addressed, either in the interview, when the position is offered or when employed in the position.
- If an applicant has chosen not to disclose their disability in their letter of application, resume or application form, and requires work related adjustments in the workplace, it is their responsibility to be prepared to discuss this with the organisation, either when a job interview has been offered, in the interview, when the position is offered or when employed in the position.



## **Employer: Role And Responsibilities When Applicants Disclose Their Disability In A Letter Of Application Or Resume**

### **Role:**

- the role of the organisation is to provide a statement of information about why any personal information is collected, how the information will be used, who will have access to the information and how the information will be kept secure
- the role of the employer or selection committee convener is to ensure that the selection of applicants for interview is conducted in a fair and equitable manner.

### **Responsibilities:**

- the Federal Privacy Act 1988 and other similar state 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 providing anonymity where possible
- if a person has disclosed their disability in their letter of application or resume, it is the employers responsibility to ensure that the applicant is not excluded from the application process due to their disability. The employer and interview panel are required to assess all applications, including any applicants identified as having a disability, by evaluating whether the information presented in the application addresses the inherent requirements of the position
- an employers main obligations under the Disability Discrimination Act (1992) is:
  - not to discriminate directly by less favourable treatment
  - not to discriminate indirectly by treatment which is less favourable in its impact
  - to make work related adjustments where required
  - to avoid and prevent harassment.

These obligations, regarding people with a disability and also associates of people with a disability, apply in relation to the application process by

*"Determining who should be offered employment, including advertising, provision of job information, application forms, interview arrangements, selection tests, examinations and other inquiries" (6)*

### **Footnotes**

(1) Human Rights and Equal Opportunity Commission, Frequently Asked Questions, [Can an employer ask questions about a person's disability? Website:](#)

(2) Human Rights and Equal Opportunity Commission, Frequently Asked Questions, [Can an employer ask questions about a person's disability? Website:](#)

(3) Human Rights and Equal Opportunity Commission, Frequently Asked Questions, [Information for equal opportunity and reasonable adjustment purposes:](#)

(4) Mungovan, A., Anderton, D., England, H., O'Day, A., (2000) Education to Employment Package, Disclosure of Disability

(5) Tertiary Initiatives for People with Disabilities (1995) Graduates with Disabilities in Search of Employment, Graduate Careers Council of Australia p5

(6) Human Rights and Equal Opportunity Act, [What are an employers obligations under the DDA, website:](#)