

The Art of Disclosure and Confidentiality Part 1

Brandi D. Levingston, PhD, CRC
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Objective of Webinar

- Identify legislation that provides for the rights and protections for job seekers with disabilities.
- Outline steps in the decision-making process between the CRP and service recipient.
- Define disclosure and issues related to the person, different situations and personal preferences.
- Utilize strategies to effectively support a person in making and implementing disclosure decisions

Terms

- Disclosure: The act of opening up, revealing, or telling.
- Sensitive Information: Information that may be sensitive or confidential to someone, such as but not limited to your personal business, finances, family, health, or work.
- Confidential: Information that is private or secret to oneself.

Legislation Impacting Disclosure

- The Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- Section 508 of the Rehabilitation Act of 1973

Title I of the ADA

- Employers may not discriminate against an individual with a disability in hiring or promotion if the person is otherwise qualified for the job.
- Employers can ask about one's ability to perform a job, but prior to offering a job they cannot inquire if someone has a disability or requires medical examinations.
- Employers need to provide "reasonable accommodation" to individuals with disabilities.
- Employers do not need to provide accommodations that impose an "undue hardship" on business operations.

Disclosure Decision Making Process

- Advantages of disclosure
- Disadvantages of disclosure
- What information to disclose
- When to disclose a disability
- How to disclose a disability

Advantages of Disclosure

- Allows a person with a disability to receive supports and reasonable accommodations
- Provides legal protection against discrimination as specified in the ADA and other related laws.
- May reduce stress, since protecting sensitive information can take a lot of energy.
- Gives a person with a disability a clearer impression of what kinds of expectations people may have of him or her and his or her abilities.

Advantages of Disclosure

- Provides full freedom to examine and question health insurance and other benefits.
- Provides greater freedom to communicate should he or she face changes in his or her particular situation.
- It improves his or her self-image through self-advocacy.
- Allows him or her to involve other professionals (e.g., educators and employment service providers) in the learning of skills and the development of accommodations.
- Increases his or her comfort level.

Disadvantages of Disclosure

- May cause him or her to relive bad past experiences that resulted in the loss of a job or negative responses from peers.
- Can lead to the experience of exclusion.
- May cause him or her to become an object of curiosity.
- Can cause others to blame him or her if something doesn't go right.
- May cause others to treat him or her differently than others.

Disadvantages of Disclosure

- Can bring up conflicting feelings about his or her self-image.
- May cause others to view him or her as needy, not self-sufficient, or unable to perform on par with peers.
- Could cause others to overlook him or her for a job or group,
- May be extremely difficult and embarrassing.

What Information to Disclose

- General information about your disability
- Why you've chosen to disclose your disability
- The types of job accommodations that have worked in the past
- The types of anticipated job accommodations needed in the workplace
- How disability and other life experiences can positively affect work performance

When to Disclose a Disability

- In a letter of application or cover letter
- Before an interview
- At the interview
- In a third-party phone call or reference
- Before any drug testing for illegal drugs
- After you have a job offer
- During your course of employment
- Never

How to Disclose a Disability

- Preparation is very important
- Discuss needs and potential suggestions for reasonable accommodations
- Focus on strengths and positive language
- Practice with a trusted individual such as a family member, friend, or service provider

Disclosure Protections

- Have information about the disability treated confidentially and respectfully
- Seek information about hiring practices from any organization
- Choose to disclose the disability at any time during the employment process
- Receive reasonable accommodations for an interview
- Be considered for a position based on skill and merit
- Have respectful questioning about the disability for the purpose of determining whether accommodations are needed and if so, what kind

Role of Service Provider

- Encouraging him or her throughout the decision-making process
- Providing a “safe place” to practice disclosure conversations and role play possible scenarios
- Providing information about his or her rights and responsibilities related to disclosure

Ethical Principles

- Autonomy—right to self-rule
- Beneficence—benefit other
- Nonmaleficence—do no harm
- Fidelity—be faithful
- Justice—be fair
- Veracity--honesty

Resources

- The Job Accommodation Network (JAN)
- <http://AskJAN.org>
- National Collaborative on Workforce and Disability for Youth.
- The 411 on Disability Disclosure: A Workbook for Youth with Disabilities <http://www.ncwd-youth.info/411-on-disability-disclosure>
- National Collaborative on Workforce and Disability for Youth.
- The 411 on Disability Disclosure: A Workbook for Families, Educators, Youth Service Professionals, and Adult Allies Who Care About Youth with Disabilities <http://www.ncwd-youth.info/411-on-disability-disclosure-for-adults>
- US Department of Labor Office of Disability employment Policy <https://www.dol.gov/odep/pubs/fact/ydw.htm>