

Hidden Disabilities at Work

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John from accounting is curious to know why Mark takes pills three times a day. He doesn't know Mark suffers from a rare heart condition. Bill in the construction crew has to take a break twice a day to take an insulin shot, which sometimes frustrates other workers, because they think he is getting extra breaks in violation of union policies.

These are fictional situations, but millions of Americans suffer from hidden disabilities or health conditions that can affect their workplace routines. Hidden disabilities include epilepsy, bipolar disorder, arthritis, attention deficit disorder and lupus. Educating coworkers, supervisors and employers on this topic is challenging and can sometimes put workers in sticky situations.

The Americans with Disabilities Act (ADA) requires that reasonable accommodation be provided, if necessary, for all people with disabilities, whether hidden or visible. Reasonable accommodations must be determined on a case-by-case basis and can range from making facilities accessible for wheelchairs to job restructuring or modifying equipment.

Unfortunately in today's workplace, if a disability is not observable, many people have difficulty understanding the need for accommodation, and some employees think coworkers are receiving favoritism.

“If a person requests an accommodation, the employer can work in partnership with the individual,” says Betsy Jaros, vice president of corporate development for Minnesota Diversified Industries, a company that promotes opportunities for workers with disabilities. “In some cases, it may be as simple as a special chair, or a stool for their feet, or maybe adaptive equipment on a phone to ensure the person can hear. Wherever there are performance issues, it's critical to begin a dialogue with the individual as quickly as possible. A person with a disability does not want their disability to excuse performance on the job -- they are as concerned with excellence and productivity as their employer.”

Jaros offers these tips for employees and employers who may be working with a worker with disabilities:

- All parties need to keep the discussion performance-based. Never assume a disability in the workplace will cause substandard performance.
- Maintain "people-first" language and preferred disability terminology. People have illnesses, medical conditions and varying cognitive abilities. For example, say "person with bipolar disorder" versus "she is bipolar."
- When disclosure occurs, the supervisor -- if not already familiar with the ADA -- must find a resource.

Unfortunately, disability discrimination charges are increasing at both federal and state levels, and even though HR personnel are continually educated on the ADA, not all employers are in tune with laws and regulations.

Marshall Tanick, an attorney with the Twin Cities law firm Mansfield, Tanick and Cohen, PA, and an author of numerous articles related to disabilities in the workplace, says any discussion about a worker's disability should be brought up only with HR personnel and discussions should focus on potential and needed accommodations, not prognoses, therapies or current concerns.

"Once an employee is hired, the employee may want to subsequently bring up the hidden disability," says Tanick. "An employee might want to explain the nature of the disability and what type of accommodations may need to be made, such as an occasional absence for appointments. However, the employee should not indicate, directly or indirectly, that the disability prevents them from doing the essential functions of the job, because, if it does, then they are not legally protected under ADA or any disability laws."

However, some employees feel that talking about the disability with coworkers can be helpful, because it may lead to understanding and a willingness to work together to help accommodate them and make them as productive as possible.

"People develop relationships and feel the need to share their personal and daily issues with coworkers," says Jaros. "Some people are very close with those they work with, and for some, being open about it helps them deal with it better."

"The most common reason a person may want to disclose their disability is that it allows an individual to request or discuss accommodations," says Jaros. "When this occurs, it is important the employer or coworker only request disability information related to the individual's ability to perform the job."

Hidden Disabilities in the Workplace

Do you or your coworker have a hidden disability? Some disabilities are not obvious. In fact, hidden disabilities are common and can affect work or daily living. Having a disability may not affect your job performance. However, others may need job accommodations to perform the essential functions of their job.

It is much easier to keep your job than to find a new one. Rather than quit your job, you can request accommodations and/or modifications to be able to perform the major functions of your current job. You may also qualify for another job with your current employer where you can perform the required duties with or without accommodations.

Examples of Hidden Disabilities

For a list of impairment specific accommodations, see Accommodation Information: A - Z. Or explore the Searchable Online Accommodation Resource (SOAR) <http://askjan.org/soar/>

Hidden disabilities occur in many forms. The following is a sampling:

AIDS/HIV	Anxiety Disorders
Arthritis	Attention Deficit Disorder (ADD)
Attention Deficit-Hyperactivity Disorder (ADHD)	Autism Spectrum Disorder
Bipolar Disorder	Brain Injury
Cancer	Chronic Fatigue Syndrome
Chronic Pain	Depression
Diabetes	Epilepsy
Fibromyalgia	Gastrointestinal Disorders
Hearing Loss	Heart Conditions
Learning Disabilities	Lupus
Lyme Disease	Migraine Headaches
Multiple Chemical Sensitivity	Multiple Sclerosis
Post-traumatic Stress Disorder	Respiratory Disorders
Sleep Disorders	Vision Impairments

Disclosing Disabilities

The main reason to disclose a disability is to request a reasonable accommodation. A reasonable accommodation allows an employee with a disability to do the job. If you can perform the essential functions of the job without accommodations, you may not want to disclose you have a disability.

- You must disclose you have a disability to be protected under the Americans with Disabilities Act.
 - You only need to disclose medical conditions that require an accommodation.
 - You do not need to disclose your disability to coworkers.
 - Be prepared to discuss reasonable accommodations with your employer. Suggest solutions that will allow you to perform the essential functions of the job.
 - Learn about the types of reasonable accommodations and how to discuss accommodations to perform the job.
 - Some examples of workplace accommodations are to modify the work schedule, provide information in a written format, use assistive devices and technology, or sit rather than stand to perform a job.
- Weigh the pros and cons of discussing your disability with an employer.

Pros of Disclosing:

- To receive reasonable accommodations to perform the essential functions of the job
- To establish a positive and open relationship with the employer
- To provide legal protection against discrimination

Cons of Disclosing:

- You may be viewed as less capable than others.
- You may be treated differently due to misconceptions about disabilities.
- You cannot take back your disclosure once your disability is known.

When to Disclose

You can disclose at any time. If you decide to disclose **during the interview process**, mention your disability briefly. Give examples of how you've performed job duties in the past, especially tasks related to the job for which you are interviewing.

Some employers may require new hires to pass a medical exam or other tests related to the job. If test results indicate that you have a disability, read more about pre-employment disability-related questions and medical examinations.

According to the ADA, the employer:

"cannot withdraw the job offer solely because you revealed you have a disability. Instead, the employer can withdraw the job offer only if it can show that you are unable to perform the essential functions of the job (with or without reasonable accommodation), or that you pose a significant risk of causing substantial harm to yourself or others."

If you decide to disclose **after you are hired**, it is best to request a reasonable accommodation when you are in need of one, but before problems with job performance occur. Explain how the accommodation will assist you in meeting the work goals.

Does the ADA protect people with severe mental illness?

The definition of disability in the ADA includes people with mental illness who meet **one** of these three definitions:

1. A physical or mental impairment that substantially limits one or more major life activities of an individual
2. A record of such an impairment
3. Being regarded as having such an impairment

A mental impairment is defined by the ADA as "any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

Some things to remember:

- Your employer has to make reasonable accommodation only if they know about your mental illness.
- Employers do not have to accommodate disabilities that they don't know about.
- If an employee with a known disability is having a hard time doing his or her job, an employer may ask whether the employee is in need of a reasonable accommodation.
- Also, if the employer has reason to know that the employee has a disability, they may have an obligation to discuss reasonable accommodation. Mostly, however, it is up to the person with the disability to tell the employer that an accommodation is needed.
- An employer cannot ask questions about your medical or psychiatric history during an interview.
- An employer can ask you objective questions that help the employer decide whether you can perform essential duties of a job. An employer may ask you about your ability to meet the physical standards for jobs involving physical labor, your ability to get along with people, or your ability to finish tasks on time and to come to work every day.

Examples of reasonable accommodations for people with severe mental illnesses are:

- Providing self-paced workloads and flexible hours

- Modifying job responsibilities
- Allowing leave (paid or unpaid) during periods of hospitalization or incapacity
- Assigning a supportive and understanding supervisor
- Modifying work hours to allow people to attend appointments with their psychiatrist
- Providing easy access to supervision and supports in the workplace
- Providing frequent guidance and feedback about job performance

What do I do if I believe I have experienced employment discrimination?

Any person who believes that he or she has experienced employment discrimination based on a psychiatric disability has a right to file an administrative "charge" or "complaint" with the U.S. Equal Employment Opportunity Commission (EEOC) or a state or local anti-discrimination agency. Such individuals also may file a lawsuit in court, but only after filing an administrative charge. You may also find it useful to contact:

- U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, DC 20507
Phone: 202-663-4900
Website: www.eeoc.gov
- U.S. Department of Justice
Disability Rights Section
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYAVE
Washington, DC 20530
Phone: 800-514-0301
TDD: 800-514-0383
Website: <http://www.justice.gov/>

Understanding chronic illness and its impact on job performance

People with chronic illness often have a good understanding of their condition and will understand the impact of their condition on work performance and what workplace adjustments they may need at interviews or on the job.

A chronic illness is by definition one that is ongoing. You may end up working with job seekers with a wide range of illnesses like:

Asthma	Cancer
Chronic Fatigue Syndrome	Cystic Fibrosis
Diabetes	Hepatitis
HIV/AIDS	Motor Neuron Disease
Multiple Sclerosis	Muscular Dystrophy
Rheumatoid Arthritis	Systemic Lupus Erythematosus (SLE or Lupus)

Each illness has its own particular characteristics and symptoms and can affect people differently. Some generalizations can be made about how work performance may be affected.

A person with chronic illness may experience periods of wellness where they are able to fully participate in employment and periods of illness where participation may be affected and greater flexibility in the workplace required. If the illness is degenerative, as many are, then work may only be a viable option for a limited period of time. There may also be psychological issues related to reactive depression and adjustment to the onset of a chronic illness. There may be grief regarding the impact of the condition on themselves, family and significant others. There may also be the effects of ongoing pain, medication or fatigue to be considered.

Put the person first

When developing a job search plan or offering post-employment support, it is necessary to be flexible and treat each person with chronic illness individually. Tailor your approach to individual needs and capacities and focus clearly on each person's goals and abilities. This should also entail reassessing and adapting plans and support as necessary and linking people with relevant specialist services.

Tap into existing support networks to assist achieve vocational ambitions. Use current and valid assessments and reports (school, previous employer feedback, medical, and rehabilitation or work capacity to help you gain a full understanding of the person's strengths, barriers and any assistance they will require along the road to employment.

Directly discuss with the job seeker pre-employment and post-placement strategies for dealing with any medication, pain management and 'time-off' issues, or other special requirements associated with their illness.

Pre-employment strategies

You can assist job seekers with chronic illness find suitable and durable employment by developing an individualized pre-employment plan that incorporates the following:

- an exploration of realistic job options—this process needs to include a consideration of how medical health care requirements will be met
- a job development strategy covering resumes, interviews and job search techniques, including the job seeker's and your roles in these activities
- consideration of disability disclosure
- requirements for workplace adjustments or modifications
- transportation, public transportation, options if the job seeker is unable to use public transportation
- consideration of post-placement support needs

Job search

Sometimes people with chronic illness may have unrealistic ideas about jobs in which they could succeed. This may occur more often in instances where the person had a strong pre-illness work history. Unrealistic work ideas may be a result of the person not yet coming to terms with any post-illness changes to their capabilities or to a lack of awareness of the impact of change.

Whatever the cause, it is crucial to carefully explore each job seeker's work skills and interests through personal discussion. Check any post-illness employment referees or talk frankly to treating health professionals. For those job seekers who are still coming to terms with their illness, consider adjustment to disability counseling. For others with limited or no recent work experience, it may be beneficial to arrange work experience or voluntary work to assist in determining future job choices. Work experience may also assist in clarifying the most appropriate number of hours and time of day the person is able to work. Further to this, work experience also allows exploration of the potential new work environment.

Most job seekers will benefit from personal involvement in preparing suitable resumes and using a range of job search methods. Where the illness has led to gaps in the employment history, discuss with the job seeker how to address this in the resume and later in job interviews. A good rule of thumb is to involve a person to the maximum level of their abilities in the whole job search experience.

Job interviews

When it comes to actual job interviews or face to face meetings with employers, people with chronic illness will usually not require any advocacy support to fully understand the job requirements and 'sell' themselves to a prospective employer.

They might occasionally request your presence at an interview or meeting to help explain to an employer the nature of the illness, how it will impact on work performance and what reasonable adjustments might be necessary.

All job candidates, whatever their interview skills, can benefit from interview practice opportunities and from understanding what job interviews entail from start to finish. Also

make sure the job seeker has a good understanding of what are acceptable and legally permissible interview questions in relation to their disability.

Disclosure issues

There is no single answer to the question of disability disclosure for people with chronic illness.

For some, this may not be a critical issue if their disability is apparent. In this case it may be a matter of working out a way of discussing information about a person's disability with prospective employers in a manner with which the person is comfortable.

For others, whose illness may not be readily apparent, disclosure can become a real issue that warrants careful consideration. While it is always a personal decision to disclose and the potential impact of disability may not be considered relevant during an interview, it may become an issue later on in the job. In this case, developing appropriate disclosure strategies is important to ensure that the worker receives the training and support they need to make the job placement succeed.

Post-placement strategies

Job commencement—support needs

Starting a job can be a testing time for any new employee and for some with chronic illness, there may be the need for settling anxiety in addition to any employer incentives you may arrange. This will vary depending on the job seeker, the severity of the illness and the nature of the workplace. It is unlikely job seekers with chronic illness will require extra initial on the job skills training.

The ideal situation is when the employer takes ownership of employee induction and provides the same level of training they would for any new employee. New employees with chronic illness may need your assistance on long term support strategies to manage their illness. They may need breaks from work for occasional or regular medical appointments or treatment. This may require some flexibility with use of paid and unpaid leave provisions, an agreed timetable of employer and employee communication while absent and carefully staged return to work plans.

For example, someone with a chronic kidney disease may have to attend dialysis three times a week. The treatment may only be available during the day and if their paid sick leave expires then single day use of annual leave may be necessary. Someone experiencing a severe asthma attack may only need a short period of time off work now and again using regular sick leave provisions. Someone with rheumatoid arthritis may at some stage need to have one or more hip or knee replacement operations and require an extended recuperative period of unpaid leave.

Such support might initially include proactive education of the employer and co-workers on the impact of a person's illness with the aim of avoiding misunderstandings on the job. This may involve full or partial disclosure to break down possible misunderstandings in the workplace.

Ongoing support

Once an employee with chronic illness has commenced work and been given all necessary initial assistance, you can increase their chances of maintaining employment by providing ongoing support.

Ongoing support requirements and the way this support is delivered should be discussed with the employee. With this group of employees you need to consider that their support needs may alter at times, due to changes in their condition. Ongoing support may include:

- visits, email or phone calls to monitor performance and if required, to provide personal support
- assistance with resolution of work related problems
- ongoing coaching of employers and co-workers on relevant disability issues
- advice on job redesign (tasks, processes, hours, flexible work schedules, or flexible use of leave)
- provision or arrangement of ergonomic or workplace assessments
- workplace adjustments (structural modifications, special aids/equipment, communication strategies)
- assistance with time management, task prioritization, memory aides or stress management
- off site or on site counseling or performance feedback
- referral to external services or linkage into internal support mechanisms
- assistance with training and expansion of duties, including regular performance reviews and appraisals

For more information:

<http://www.msnbc.msn.com/id/21837760/ns/business-careers/t/working-through-chronic-illness/>