

National Business
& Disability Council
at The Viscardi Center

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Do Ask! Do Tell!

**Do's & Don'ts About What is Disability
Disclosure**

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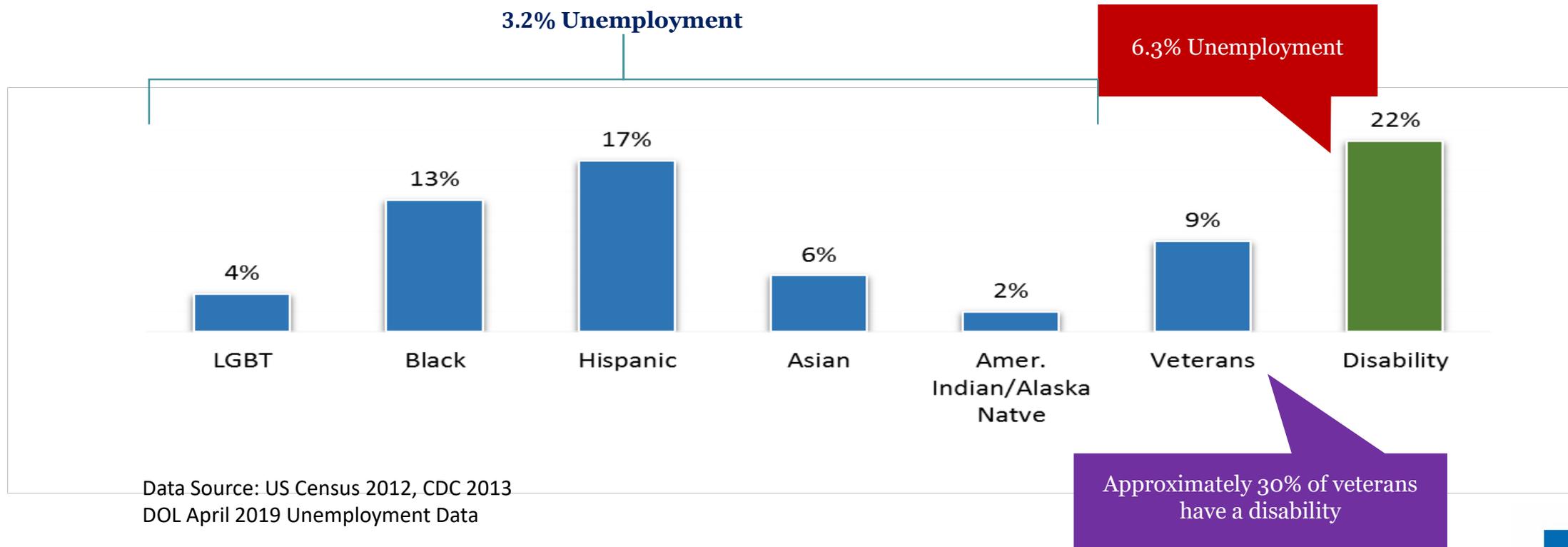
Objectives

- Why Disability Inclusion Matters
- ‘Self- identify’ vs. ‘Self-disclosure’ and why each is important
- Best in class’ self-disclosure campaigns
- Reasonable Accommodation
 - What It Looks Like
 - The Interactive Process
- Case Studies



Why disability inclusion matters

There are 56 million people in the U.S. with a disabling condition – representing 22% of the U.S. population.



Disability Inclusion matters globally

USA

- **56 million people** in the US with some type of **disability**—**one in five Americans**
- Of the 69.6 million families in the US, **20.3 million families** have at least one member with a disability

Worldwide

- More than **a billion people** worldwide live with some form of disability - or about **15% of the population**
- **785 million (15.6%) persons 15 years and older** live with a disability
- **95 million (5.1%) children 0–14 years** live with a disability

Source:

US Census 2000 Data and Harris Report, National Organization on Disability, Open Doors Organization 2015 Market Study; World Health Survey; Global Burden of Disease



The world is evolving its view on disability as an environmental disconnect



CONVENTION on the RIGHTS of
PERSONS with DISABILITIES

Disability is an **evolving** concept, and that disability results from the **interaction** between persons with impairments and **attitudinal and environmental barriers** that hinders full and effective participation in society on an equal basis with others'

Opportunity

Organizations must address attitudinal and environmental barriers in order to secure equal and full participation for individuals with disabilities. **Adjustments and accommodations are key to full participation.**



2014 Regulations changed the game for over 300k companies

Section 503 is dramatically changing the way our nation employs people with disabilities.

Topic	Description
UTILIZATION GOAL	Establishes a nationwide utilization goal of 7% across all job groups and types
DATA COLLECTION	Document and update annually the number of IWD's applying, and those hired
INVITATION TO SELF-IDENTIFY	Invite applicants to self identify pre & post offer Every 5 years invite employees to self identify
INCORPORATION OF EO CLAUSE	Requires specific language be used when incorporating the EO clause into a subcontract by reference
RECORDS ACCESS	Must allow OFCCP to review documents related to a compliance check
ADAAA	Revising the definition of disability and certain non-discrimination provisions of implementing regs



Today, some of the world's most recognized brands are focused on disability inclusion



Often the terms Self ID & Disclosure are used interchangeably. Yet, they are very different.

- Self id is typically a **check the box** exercise
- It is **prompted by the employer's** request (application, onboarding, annual surveys)
- It is **form based** and job seekers or employees **don't ever have to discuss their disability**



Self-Identification



Disclosure

- Disclosure is about initiating a dialogue between the employee & employer
- It is **prompted by the jobseeker or employee**
- **Disclosure is about trust** (does your environment foster trust?)
- **Disclosure is about education** (sharing experiences & what they may need in the workplace)



Each approach has its own benefits and its perceived weaknesses

	BENEFITS	WEAKNESSES
Self- Id 	<ul style="list-style-type: none">▪ Enables companies to establish a baseline and understand their population▪ Allows the individual to remain relatively anonymous	<ul style="list-style-type: none">▪ Allows the individual to remain relatively anonymous▪ No dialogue about disability, inclusion, or workplace supports
Disclosure 	<ul style="list-style-type: none">▪ Fosters an open dialogue▪ Allows the individual to openly discuss their disability, what they might need etc.	<ul style="list-style-type: none">▪ Disability is uncomfortable we need to be prepared for disclosure conversations▪ Staff at large must be trained and prepared to engage in these conversations



Common approaches to self id initiative

1

Employer Requests Check the Box:

- Distribute the form for applicants and new hires
- Survey every 5 years

2

Employee Initiated:

- Self serve in HRIS system
- Participate with ERG/BRGs

3

Employer Led Campaigns:

- Campaign to communicate the why, what and how
- Focus is still on “completing” the form

Success Elements

- **Champion** to Lead & Support
- Effective & Appropriate **Messaging** (why the company wants this data)
- **Confidentiality**
- **PROVIDE RESOURCES**



Disclosure can be another element of a self-id campaign but must be effectively communicated

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Employer Requests Check the Box & Open Dialog:

- Encourages discussions with managers, team members, HR etc.
- Encourages accommodation requests

1

Leadership Actively Participates:

- C-suite involvement – they disclose
- Or share personal stories of family, friends and their work successes

2

Resources Are Provided:

- Training
- Just in time training
- FAQ's etc.

3



Open communication about a disability is often referred to as “The Interactive Process”

Compliance



Previously Linked to Accommodations ONLY

- Open dialog between the employer and employee (note: for the process to be interactive both parties must be involved)
- The process must be documented

Disclosure



The Act of Openly Sharing Information

- The interactive process enables the employer and employee to share information and discuss professional needs
- Disability specific information may be shared
- Disclosure should always be the idea of the employee



Pitfalls to avoid

- Grounding company motivation in compliance
- Not having top-down buy in
- Not aligning to your current culture
- Not building trust
- Not Replicating successes of other initiatives
- Running self-ID campaigns on or near open enrollment
- Not having enough champions or advocates across all levels



Let's Talk Accommodations/Adjustments: How the process is initiated?



Employee initiated – employee comes forward and requests assistance.



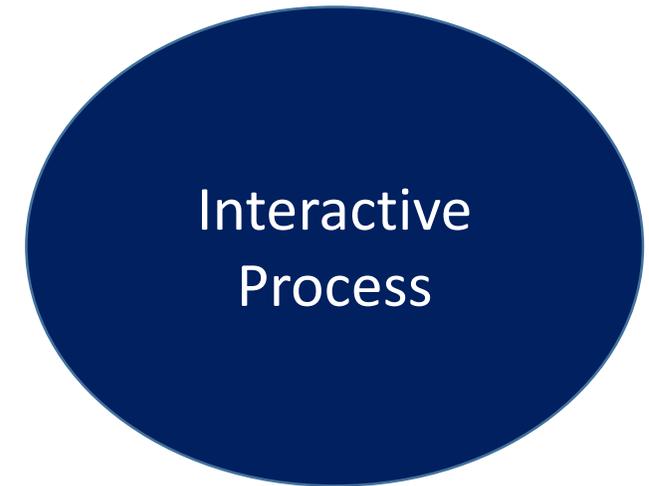
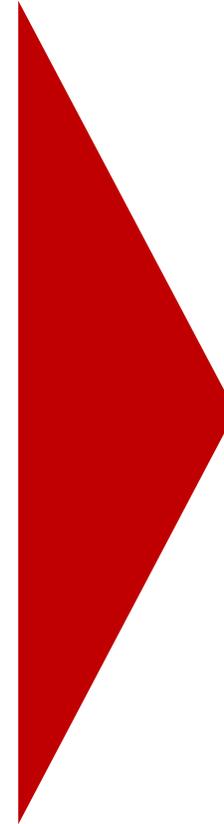
Employer Initiated – if

- Employer has knowledge of a disability (observable or otherwise known)
- Performance issues or behavioral problems
- Employer believes in good faith that they may be caused by a disability



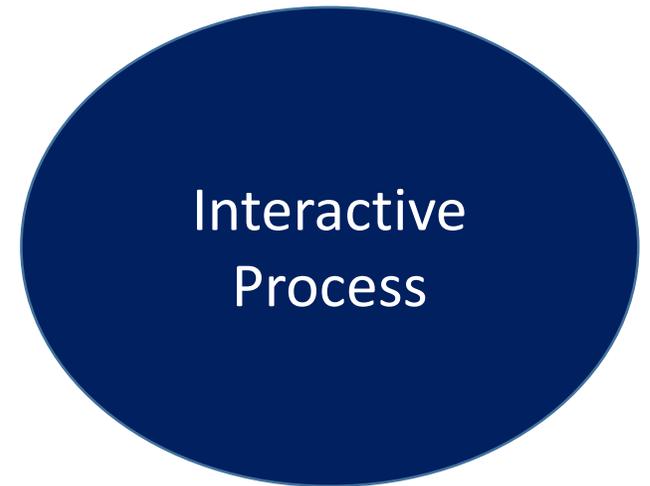
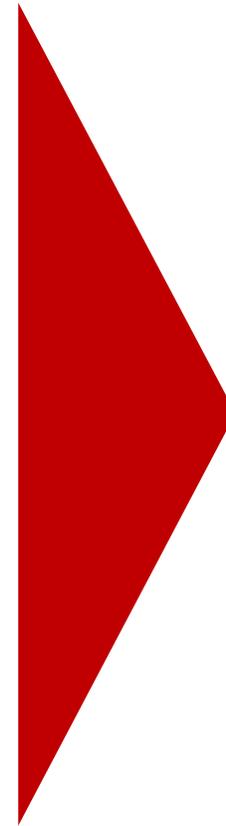
What happens during the Interactive Process?

1. **Identify performance barriers** (e.g. employee is dyslexic and needs materials in advance or be allowed to use text to voice during meetings)
2. **Obtain medical verification** (as appropriate) verifying how it impairs ability to perform job
3. **Evaluate whether ADA applies** and whether accommodation may be required
4. **Research and identify possible accommodations** that might exist

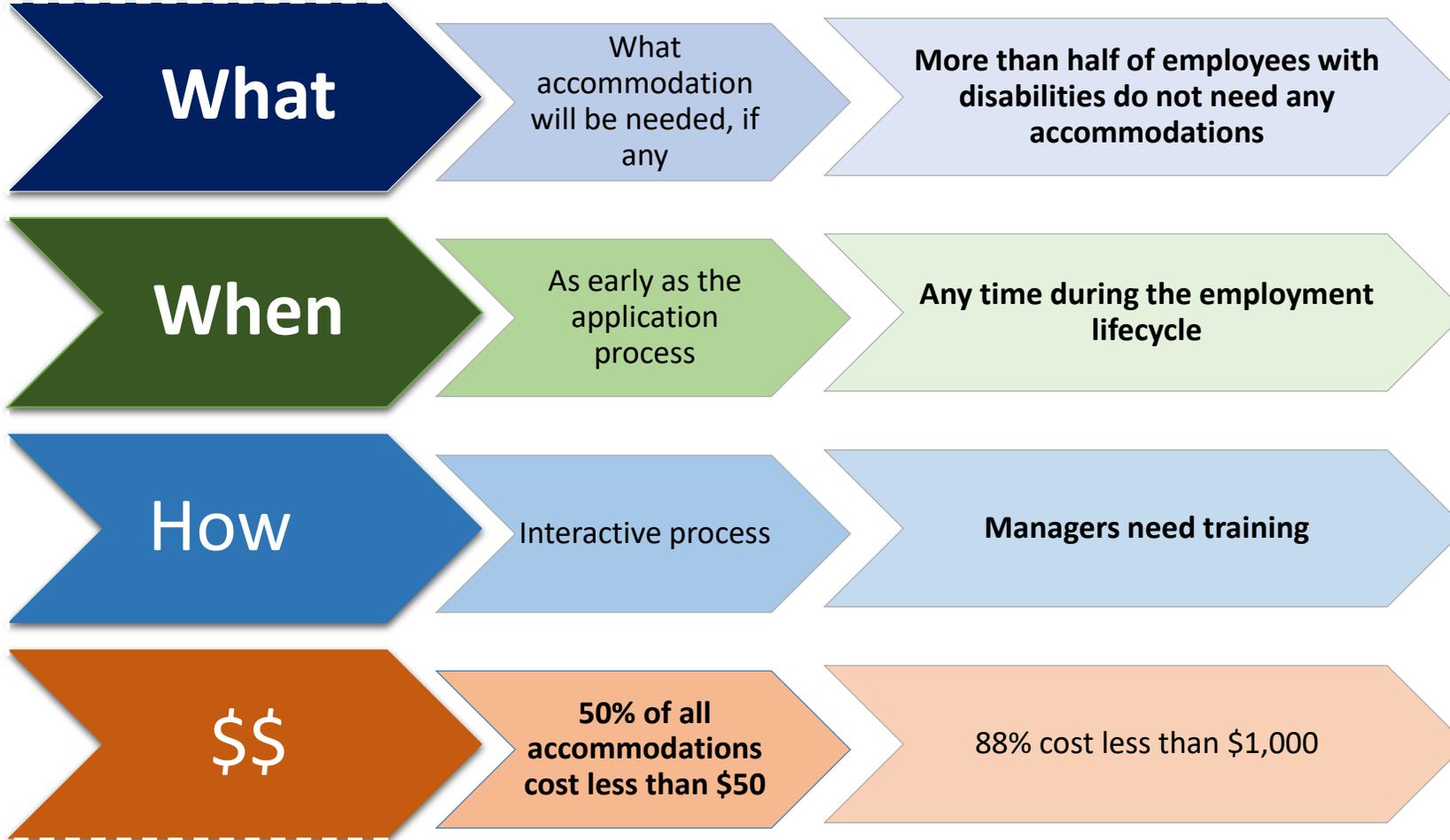


What happens during the Interactive Process (cont.)

5. **Evaluate accommodations** that would be reasonable and effective
6. **Determine what accommodation will be offered to employee** (if at least one is reasonable, effective and not undue hardship)
7. **Offer the accommodation to the employee**
8. **Determine if accommodation is effective**
9. **Train co-workers as appropriate**
10. **Document the Process!!**

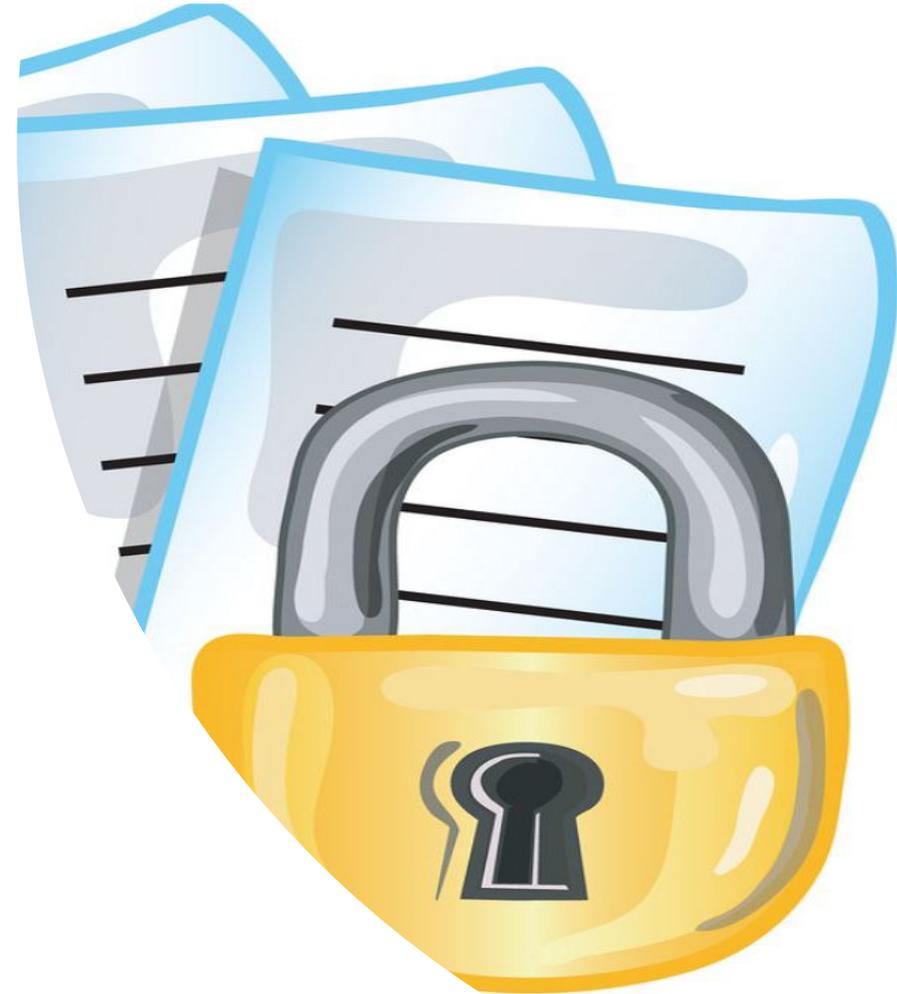


Key facts about Accommodations



Maintaining confidentiality throughout the process is critical

- **Disability info should be treated with respect and ensure confidentiality**
- May be shared only on strict “**need to know**” basis
- Immediate supervisor normally may know
- **Whoever processes accommodation requests or must be consulted** (HR usually) may know
- Certain others may know in special situations



Top 5 Recommendations for effective Accommodations

- 1. Train, train and re-train supervisors, managers, facility leadership**
 - Company accommodations policy/ procedures
 - The Process and their role in it
 - Move quickly and close accommodation requests in a timely manner (EEOC cases on the rise due to a lack of urgency or priority by employer)
- 2. Ensure the accommodation process is accessible to employees**
- 3. Refrain from “knee-jerk” reactions make informed decisions – don’t think we can’t – think how can we?**
- 4. Ask the employee first what has worked previously**
- 5. When in doubt seek legal counsel to help**



Real-life scenarios of accommodations

- **Visual Supports:** Pictures to define processes on how a job/task is done
- **Adjusting Interviewing Process:** AMC's Traveling Interview
- **Quiet Rooms:** Time away from work area, or location for meeting deadlines without interruptions
- **Flexible Scheduling:** Off- Peak scheduling, Part time, tele-work, tele-commute, job sharing etc.



Emerging trends from companies to help with culture & disclosure

TRENDS

1. **Companies are building their disability competencies** across the business (e.g. this is not an HR issue – it is a corporate diversity issue.
2. **Elimination of the Disability Verification Process** (e.g. no doctor's note, no VR paperwork)
3. **Elimination of “special paperwork” for accommodations** over \$500 or \$1,000. Requests are made similar to other office supplies.
4. **Dedicated office/professionals** who will lead organizational efforts
5. **Global Engagement** – multi-national companies are taking a global view.



Wrap Up: Steps you can take

1

- **Be Prepared for Better Conversations**
- Look for more training
- Be Prepared with appropriate workplace responses

2

- **Know Your Resource, OR Create them**
- Know what information is currently available
- Identify what is missing and work to address
- Talk to your BRG/ERG for additional ideas, support or training

3

- **Be a Champion**
- No matter what level you are in the organization you can create change
- Share success stories
- Change/Expand the disability narrative within your company
- Join The Valuable 500 www.thevaluable500.com



Questions/Contact Us

What's on Your Mind?

For additional questions, or to learn more about our work contact us!



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