



## Disclosure in the Application Process

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### SHOULD I TELL THE EMPLOYER THAT?

Is there something about yourself that you are not sure whether to discuss with an employer when applying for a job? For example, are you living with a disability? Or perhaps you might be pregnant, have HIV or be past 'retirement age'. If you have decided to be open, you might be wondering when is the best time to disclose the information to a prospective employer.

Deciding if and when to disclose is an individual decision that only you can make. Your decision will depend on the job you are applying for and on your disability or particular area of concern but the following points may be helpful:

- The focus of your decision should be on whether or not your disability or personal concern would potentially impact on your work performance or on a specific selection criterion. If it doesn't, then there is no obligation on you to raise the matter at all.
- Focus on what will help you most in getting the job and how you will most successfully be able to carry it out.
- Disclosing information in letters of application and resumes is generally unhelpful unless it gives you some advantage over other applicants. For example, it may be helpful to disclose a disability for jobs that require you to have personal experience living with a disability. Also, some employers have affirmative action programs that target particular groups of people such as those with disabilities.
- Some application forms and pre-employment medical questionnaires ask direct questions about disability or previous workers' compensation claims. If you believe it is appropriate, you can give details at this point.

It may not be unlawful for an employer to collect personal information if it relates to the job. However, it is unlawful for employers to use information about you to discriminate against you, where the medical condition for example, does not affect your ability to do the actual job.

## AT THE INTERVIEW

If you require specific access to get to the interview, or specific interview conditions such as a sign interpreter, it may be useful to tell an employer about your disability when they contact you to arrange an interview. This would ensure that the employer does not get any surprises at interview, or thinks that you have deceived them in any way, particularly if you have a visible disability or if you are obviously pregnant, for example.

Where you have a disability that may affect your work or require the employer to make modifications, you may decide to explain your disability or personal concern during the course of the interview. This gives you the opportunity to focus on demonstrating your independence and confidence, as well as the strengths and life experiences you would bring to the job. You may also be able to outline any funding you know to be available (to help an employer make any necessary workplace modifications), such as that which may be accessible through the Commonwealth Department of Family and Community Services. Doing this opens the door for discussion with the employer so that both parties can explore options for a 'win-win' solution.

## YOUR RIGHTS UNDER THE LAW

Many employers are committed to equal opportunity policies and practices and have non-prejudicial recruitment and employment processes in place. However, there are still examples of unfair discrimination, which can be intentional or unintentional.

You are protected against discrimination in the recruitment and selection process by Federal anti-discrimination and equal opportunity legislation. In employment, education and a range of other circumstances defined in

legislation, it is unlawful for anyone to be treated unfairly on the grounds of:

- sex
- marital status
- pregnancy
- potential pregnancy
- family responsibilities
- age
- race
- disability

The Federal Disability Discrimination Act (1992) provides protection against discrimination based on disability, which is defined in the legislation in very broad terms. Protection is also available under this legislation for carers of people with disabilities.

If you feel you have been unfairly treated and/or discriminated against because you have disclosed your disability or personal concern to a potential employer, you may wish to contact the Tasmanian Disability Discrimination Legal Service on 1800 066 019 or the Tasmanian Anti-Discrimination Commission on 1800 632 716.

For further information relating to disability and employment issues, refer to the following useful publications on the Internet:

'Choosing your Path, Disclosure: It's a Personal Decision' – information about options and pathways that people with disabilities can use in disclosing their disability in post-secondary education and employment environments. Go to:

[www.uws.edu.au/rdlo/disclosure](http://www.uws.edu.au/rdlo/disclosure)

'Access Employment' – career and job-finding information for graduates with disabilities and medical conditions. Go to:

[www.studentservices.uwa.edu.au/ss/disability](http://www.studentservices.uwa.edu.au/ss/disability)

follow the links from 'UWA Disability Resources'.