

What You Should Know About Disclosing Your Diagnosis in the Workplace

The Americans with Disabilities Act and how employers might violate it

About the ADA

According to the [Americans with Disabilities Act, also known as the ADA](#):

- “The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.”

[The ADA defines a person with a disability](#) as someone who:

- has a physical or mental impairment that substantially limits one or more major life activities,
- has a history or record of such an impairment (such as cancer that is in remission), or
- is perceived by others as having such an impairment (such as a person who has scars from a severe burn).

While the ADA does not list all disabilities, some that are covered include:

- Cancer, Diabetes, Post-traumatic stress disorder, HIV, Autism, Cerebral palsy, Deafness or hearing loss, Blindness or low vision, Diabetes, Cerebral Palsy, Deafness, Blindness, Intellectual Disabilities, Epilepsy, Mobility disabilities such as those requiring the use of a wheelchair, walker, or cane, Intellectual disabilities, Major depressive disorder, Traumatic brain injury, and many others not listed.

The ADA has multiple sections that cover different areas, including public accommodations. The most relevant title here is Title I: Employment. This section states that employers who have 15+ employees are required to provide individuals with disabilities who qualify under the ADA an equal opportunity to benefit from all employment-related opportunities that are available to other workers.

Discrimination in employment-related areas, such as recruitment, hiring, promotions, training, pay, and social activities, is forbidden. It restricts the questions that can be asked about an applicant's disability before a job offer is made. It also requires that employers make any reasonable accommodations to the physical or mental limitations of individuals with disabilities unless it results in unwarranted hardship.

A reasonable accommodation is defined as a change in how things are typically done to give disabled people equal opportunities in the job application process, job performance, or receiving benefits and privileges that come with employment.

When algorithms and AI violate the ADA

[One issue that can cause violations of the ADA is employers' usage of algorithms and artificial intelligence.](#) They might use this technology to target advertisements toward specific groups, to see if an applicant fits job qualifications, to hold online video interviews of applicants, to measure an applicant's skills or abilities, or to score resumes of an applicant. While this technology can be helpful for some employers, it can cause illegal discrimination against certain groups of applicants, including disabled people.

Even when an employer doesn't intend to discriminate, this can still occur from using hiring technology. Some technologies predict who will be a good employee by comparing applicants to current employees that are successful. Since people with disabilities are less likely to be part of the staff and have historically been excluded from most jobs, discrimination can occur.

Employers are allowed to use qualification standards that are relevant to the job and consistent with what the business is required. However, the ADA requires that they provide reasonable accommodations that allow applicants or employees with disabilities to meet these standards unless they would cause undue harm to the company. For this reason, employees need to be careful and evaluate their hiring technology for any ways it could unlawfully screen out disabled individuals.

One example of how technology can be discriminatory is that facial and voice analysis technologies meant to evaluate applicants' skills and abilities, autistic people or those with speech impairments may be rejected, whether they are qualified for the job or not. Currently, some employers try to evaluate their hiring technologies to see how they impact groups such as racial minorities. Those trying to do the same for people with disabilities must recognize that a massive variety of disabilities exist and hiring technologies may cause problems for each of those groups in different ways.

Even if one disability is accounted for, another may not be. A state transportation agency that ensures its hiring technology avoids discriminating against blind applicants may still discriminate against autistic applicants or those with epilepsy, violating the ADA.

Under the ADA, employers need to ensure that any tests or games that use an algorithm, including an interactive online game or a personality test, only measure abilities relevant to the job, not the applicant's sensory, manual, or speaking skills that the tests aren't intended to measure.

If the test eliminates someone because of their disability who can do the job, they must create an accessible test that measures the job skill or make other adjustments to the hiring process. Additionally, the test cannot illegally seek information related to the disability or conduct medical exams with hiring technologies. More information can be found in the [EEOC's Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations](#).

Some practices that employers using hiring technologies may need to use to give disabled applicants reasonable accommodations include:

- Inform applicants about the technology and how they will be evaluated
- Provide enough information to applicants to give them the ability to make an informed decision on whether or not to seek reasonable accommodations
- Provide clear procedures for requesting reasonable accommodations and ensure this would not hurt the applicant's chances of getting a job.

How to address Title I Complaints

Title I complaints must be filed with the U. S. Equal Employment Opportunity Commission (EEOC) within 180 days of the date of discrimination, or 300 days if the charge is filed with a designated State or local fair employment practice agency. Individuals may file a lawsuit in Federal court only after they receive a "right-to-sue" letter from the EEOC.

Charges of employment discrimination based on disability may be filed at any U.S. Equal Employment Opportunity Commission field office. Field offices are located in 50 cities throughout the U.S. and are listed in most telephone directories under "U.S. Government." For the appropriate EEOC field office in your geographic area, contact:

If you believe that you or someone else faced discrimination based on a disability due to a hiring technology, you can file a "charge of discrimination" (signed statement claiming an organization engaged in employment discrimination. To learn more about the EEOC charge process, take a look at [this page here](#).

For more information on how to address complaints about violating Title I of the ADA, look at the links in [this section of ada.gov's page on AI resources](#).

Advantages of Disclosure

Disclosing a diagnosis of autism in the workplace is a complex and nuanced topic. Currently, the research hasn't explored how the process varies among individuals, by gender, or what industry the individual's job is a part of.

The research we do have supports that autistic people transitioning to competitive employment have the potential to increase their agency and overall well-being. They often struggle with social interactions, problem-solving in social situations, and changing routines. More times than not, autistic people may use tones, volume, or inflections that are inappropriate, which neurotypical coworkers are likely to view as rude or odd.

Deciding whether to disclose their diagnosis is a challenge for many, and an important one to consider. In the case of autism, the challenges and advantages of disclosure or nondisclosure differ from those faced with more visible disabilities. Nondisclosure could lead to lower job performance, an unsafe work environment, and even unemployment. Additionally, the individual would not be able to access potentially helpful workplace accommodations.

Furthermore, a [literature review by Lindsay and colleagues](#) conducted in 2018 found that a few studies focused on the advantages of disclosing ASD in the workplace. Those that did so cited increased awareness and advocacy of autism, as well as a greater likelihood of forming friendships. As autistic individuals may struggle with social cues, disclosing their disability may allow for greater understanding.

Another [study done in 2017 by Sasson and Morrison](#) examined the first impressions people had of autistic people in the workplace. Neurotypical people who were unfamiliar observers were significantly less positive for autistic adults compared to neurotypical people. However, these first impressions were more favorable for autistic people when they were labeled as autistic.

The findings support those from previous studies which indicate that negative perceptions of behaviors common in autistic people are lessened when observers are aware of the diagnosis of the individual being evaluated. This may be because the diagnosis could provide an explanation to observers for what they view as abnormal social behavior.

Although the evaluations improved for autistic adults when their diagnoses were provided to observers, they still were less positive than those of neurotypicals. This reveals that autistic adults still face biases reducing the frequency and quality of social experiences with allistic (non-autistic) people. Even so, the improvement in evaluations is significant in the decision of whether or not to disclose an autism diagnosis.

Disadvantages of Disclosure

Although there are benefits from disclosing an ASD diagnosis, there are some problems. Another study, done by [Farsinejad, Russell, & Butler in 2022](#), covered the factors that may influence whether or not an autistic individual will disclose their diagnosis.

Those who decided not to disclose largely based their decisions on common misconceptions that society had about autism. Some felt that if they did not fit the stereotypes of an autistic person, they may not be believed if they disclose. One individual stated:

- *“.. . a medical doctor on a hospital ward refused to believe my autism diagnosis and forced me to do the AQ-50.. . it was a frustrating and an invalidating experience.” (P.19)*

This led to the individual feeling invalidated, as the medical doctor not only doubted them, but requested them to take an assessment for proof. This type of response can lead to feelings of not belonging, which is already present in individuals who do not disclose their diagnosis. For this reason, one participant even determined that being rejected and not believed is worse than keeping their diagnosis a secret.

- *“I fear rejection and not being believed and the impact of that invalidation of my identity more than having to pretend to be a singular identity around others.” (P.19)*

Many individuals fear being judged and treated differently, which can hurt relationships and result in being ostracized. They share a view that it was something to be ashamed of and not “normal”. And sometimes, an individual may disclose after bottling it up and receive a more positive response.

However, even when an individual has a positive experience with disclosing their AS, they will likely be cautious about disclosing it in the future, due to awareness that it may not go as well the second time:

- *“.. . I know this would not be the case every time - everyone is different. So, while this gave me more confidence for future occasions, I would still want to proceed with caution each time, taking each case on its individual merits.” (P.13)*

One common theme in this study was “informed judgment”, which reflected the awareness of participants that different reactions to disclosing autism may occur, affecting the decision to disclose or not. This area can put autistic people in a vulnerable position, though participants reported making informed decisions based on if they believed others, be it colleagues or employers, would be understanding.

Summary

Deciding whether to disclose an autism diagnosis is an important decision, with many advantages and disadvantages. It can make or break an individual's work experience, and determine how well they can handle social interactions with co-workers and employers. Making

an informed judgment about this, especially considering the type of job, is crucial in maximizing the likelihood of a positive outcome. Ultimately, it is up to the individual to decide whether they should disclose to employers and employees.

Sources

Section 1:

- About the ADA:
 - [Guide to Disability Rights Laws | ADA.gov](#)
 - [Intro to the Americans with Disabilities Act | ADA.com](#)
- Algorithms and AI
 - [Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring | ADA.gov](#)
 - [Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA | U.S. Equal Employment Opportunity Commission \(eeoc.gov\)](#)
- Title I Complaints
 - [Filing Charge Discrimination | ADA.gov](#)
 - [Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring - What to do if your rights have been violated or you want to find out more | ADA.gov](#)

Section 2:

- [Disclosure and workplace accommodations for people with autism: a systematic review | Taylor and Francis Online](#)
- [First impressions of adults with autism improve with diagnostic disclosure and increased autism knowledge of peers | Sage Journals](#)

Section 3:

- [Autism disclosure – The decisions autistic adults make - ScienceDirect \(oclc.org\)](#)