

Sharing personal information



It's about a job: Sharing personal information

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“ I have a lot of things to prove to myself.

One is that I can live my life fearlessly. ”

Oprah Winfrey, broadcaster, business woman and author

Should you tell employers about your mental health/traumatic brain injury issues when you apply for jobs? Or would you be better off keeping quiet? It can seem like a worrying dilemma.

Well, it needn't be. Every New Zealander has the same rights and responsibilities when it comes to sharing personal information about their health to employers. Most of the time, it's up to you to decide whether or not to tell. But in some situations you do have a legal responsibility to reveal certain information about your health.

Your responsibilities under law

You have a responsibility to tell an employer about any health conditions or disabilities you have that could put you or someone else at risk of harm (mental or physical) if you were to carry out the job's duties.

“ I'm lucky with the women I work with. No one has ever made a big deal [about my illness]. ”
Production worker

Likewise, if you have a health condition or disability that would make it difficult for you to perform the tasks in the job description, then you have a responsibility to tell the employer.

That said, an employer cannot discriminate against someone because they have a disability. Under the Human Rights Act, employers are obliged to make any reasonable changes to the work or working environment necessary to accommodate individuals with disabilities.

Accommodations can include anything from granting flexible working hours to rearranging workloads to allow a worker to attend regular health appointments.

Have you any health issues you would need to disclose if you were expected to do a job or task in the job description? If so, perhaps you need to suggest a few reasonable changes to the role or the working environment that would allow you to do the work safely and competently. (More on how to approach employers about accommodating your needs on pages 5 and 6.) Below are two examples of situations where job applicants have a responsibility to reveal some information about their health.

- A person with ongoing back problems needs to tell an employer about the condition if the job involves heavy lifting.
- Someone with a social phobia would need to tell an employer about the issue if applying for or doing a job involving lots of people contact.

Your right to privacy

If you realistically believe your health problem or disability wouldn't hinder your ability to do the job safely and competently then you don't need to disclose (i.e. tell the employer about it). It's a private matter. Employers can only ask for health information that relates directly to the requirements of the job. And any information they do collect from you about your health must remain confidential.

Choosing when and how to disclose

Even if you don't need to disclose an illness to an employer, you may be wondering if it's the right thing to do. Maybe you put a lot of value on being open and upfront with people in your relationships.

Whether or not it's wise to tell when you have no need to do so largely depends on the attitude of the employer you're dealing with. Does the organisation have good support systems for staff? How has the organisation treated people who have suffered from illnesses or disabilities in the past?

Finding out answers to these sorts of questions gives you clues about the employer's likely reaction. Ask around – talk to people who work for or have dealings with the employer. Look up their website – what does it say about their employment policies?

“ I went for a job in a dairy once and was asked for detailed medical information. They didn't need to know that much information so I simply refused to answer the questions – and I didn't get the job! When I went for a job at another place they asked me a few simple questions like, ‘Do you think you're well enough to work here? How will your medication affect you?’ and I just reassured them and I got the job. When I was applying for another job as a cleaner, the application form asked ‘have you ever had a nervous breakdown?’ I wrote ‘this is an inappropriate question and, by the way, there is no such thing as a nervous breakdown!’ I knew the person handling my application, so I could be direct. I got that job. Unless you need to disclose, I think it's better to keep the circle of people that you tell really small. I haven't always done that – and that has been a mistake in my case. If you're going to work in a more complex profession, where people's expectations of you are high, then you have to keep things quiet and not tell many people. And that's really hard, because you never feel like you're being real. You start to think ‘well, I can tell this person so much... and this other person so much’ and you have this long list in your head of how real you can be with people. But you do have to be careful who you talk to. It's not a perfect world. And people do overreact [to finding out] – especially when they don't know you very well. If you can avoid telling people, then don't tell them, that's my advice.”

Anna (36), former registered nurse and now an early childhood education teacher

Your right to privacy continued...

Possible advantages of sharing information about your health

- It may reveal how supportive the employer is.
- You may feel more comfortable about being open and honest, instead of worrying about being 'outed'.
- You may feel free to openly discuss with the employer any changes (or accommodations) you may require to do the job safely and competently.
- Disclosing may open up an opportunity to work with the employer on a 'what if...?' plan to manage any periods of unwellness you may experience in the future.
- You may feel a greater sense of belonging and friendship with people at work. Around one in four people experience some form of mental illness during their lifetime.
- The employer may be eligible for funding or subsidies. (Subsidy information is available on www.workandincome.govt.nz.)
- Sharing your experience may contribute towards increasing understanding of mental illness in the community.
- In some situations, it may even help you get the job as the employer may see your experience as an advantage.

“Employers who belong to the Equal Employment Opportunities Trust (EEO) are committed to diversity in their workplaces. Look for the EEO logo in job advertisements or visit their website for a list of member organisations.”

Production worker

Possible disadvantages of sharing information about your health

- You may be discriminated against or turned down for an interview or a job.
- The employer may be unsympathetic.
- You may be unfairly seen as someone who is less competent or capable than others.
- You may unfairly miss out on a promotion.
- You may feel embarrassed or isolated.
- You may even be bullied – in which case you may have grounds for a personal grievance if the employer doesn't take reasonable steps to stop workplace bullying.

“I have never divulged my illness to any employer. They don't need to know. And they've never suspected it.”

Carolyn (45), recreation officer

Picking the right time

If you've decided to share personal health information, pick the right time and place to do it. Find out as much as you can about the employer's attitudes first. Forewarned is forearmed! Then ask yourself and at least one other person in your support network the following questions.

- Do I need to share this information?
- If not, are there any advantages to bringing up my illness at this point?
- What are the disadvantages?
- Do the advantages outweigh the disadvantages?

Disclosing before or during the interview

Maybe you've decided to disclose during the selection process. Perhaps you're conscious of some changes or adjustments (accommodations) the employer would need to make for you to do the job. Or perhaps your health condition is obvious to others.

To disclose before the interview, telephone the interviewer direct. Don't disclose to someone else within the organisation and ask them to pass on the details to the interviewer.

Alternatively, ask someone in your support network to make the phone call on your behalf.

Keep any conversation about your illness short and to the point – don't go over your life history! Instead, explain the following things matter-of-factly to the interviewer.

- Why you believe you are the right person for this job (on account of your skills, experience and/or personal qualities).
- What happens when you become unwell.
- How you manage your illness.
- Under what circumstances it may affect you at work (if ever).
- What sort of changes or adjustments (accommodations), if any, you might reasonably expect from the employer. Give specific, concrete examples of any accommodations you're seeking, for example, the ability to work flexible hours.
- If you're not sure what accommodations you would need to do the job, don't disclose just yet. Find out more information about the job first, so you're clear about any accommodations you would need put in place.

Picking the right time continued...

Sharing health information once you have a job offer

Congratulations! You have a job offer. Since the interview perhaps you've realised you do need to disclose because you would require certain changes or adjustments (accommodations) to do the job. Or perhaps you now believe it's in your best interests to tell, after having weighed up the pros and cons.

- Practise what you're going to say to the employer with someone in your support network.
- Speak directly with the person who has offered you the job – preferably in person or alternatively over the telephone.
- Thank the employer for making you the job offer. Say how pleased you are to be offered an opportunity to work with them.
- Keep the conversation about your illness short and to the point.
- Briefly explain that you have an illness, what happens when you become unwell and how you manage it.
- Depending on your circumstances, either point out:
 - that you are sure the illness won't affect your ability to do the job.
 - or*
 - that you are sure the illness won't affect your ability to do the job providing the employer puts in place certain changes or adjustments (accommodations).
- Outline exactly what adjustments you require to do the job.
- Try to find out how the employer feels. Ask questions such as "how does that sound to you?" or "are you unsure about anything I've said?"
- Be prepared to hear out the employer's concerns. Reassure him or her that you can do the job. You may want to suggest that either you or the employer seeks an independent assessment of your health to confirm your suitability for the role.
- Close by repeating how delighted you are to have the opportunity to work with the employer and how well you believe your skills, experience and/or personal attributes fit the organisation. Say that you hope he/she can consider your request(s).

“I was out of the workplace for about 18 months. When someone would ask me why, I would put it down to work stress – which wasn't being untruthful. Now that I am working, I still haven't told anyone [that I have bipolar]. Unless a person has a condition like mine or has a family member with it, it's pointless trying to explain it because they wouldn't understand. But I'd be happy to talk about it to someone who does understand.”

James (35), building inspector

Picking the right time continued...

Sharing health information on the job

Once you're in the job, maybe you discover certain aspects of the work or the working environment do affect your health and you want to suggest to your employer that he/she makes one or two reasonable changes (accommodations) to the work or working environment. Well, before you disclose your illness, it pays to put yourself in the employer's shoes for a moment.

Forward-thinking employers are always open to good ideas. And they're keen to introduce changes that help staff do a better job – providing the changes won't cause problems elsewhere in the organisation. They have to keep the big picture in mind.

For example, imagine you go to your boss and ask if you can start work half an hour later each day because your medication makes you drowsy in the mornings. Straight away, a number of things run through his or her mind. How will accommodating you affect the rest of the staff? Will it cause resentment? Will production suffer?

Try to have some solutions ready to answer concerns the employer is likely to have. If an employer is worried you won't get through your workload if you start work late each day, for example, you might want to suggest you take a shorter lunch break to make up the lost time.

- Talk to people in your support network about ways the employer could accommodate your needs.
- Practise what you plan to say to your employer with someone in your support network.
- Ask to make an appointment to see your employer or supervisor in private to discuss a work issue of concern to you.
- In the meeting briefly explain what happens when you become ill and how you manage it.
- Explain the specific circumstances at work that are aggravating your condition.
- Suggest some realistic solutions.
- Ask the employer how he/she feels about your suggestions.