

**Critical Contextual Analysis on the employment application process for people with disability:
whether or not to disclose disability.**

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Descriptive Analysis

Mother Nature created humanity in the way she made other species: diverse - no one is the same; no one shares the same set of abilities, strength, or appearance. The word diverse has been used and reused throughout history as a weapon, a justification for oppressive action, power circulation, and the protection of pride and integrity. Tracing back to the dawn of society, according to Gould (1981, pp. 62-101), some polygenists like Agassiz and Morton believed the diversity of humanity results from the dividend of different roots and one can identify and rank them by measuring the volume of their skulls. According to them, White, Black, etc. are separate species, not situated far from where they were originally created. Some opponents argue that mankind started from the same root and that diversity is created as part of climate influence. However, no matter the form of the argument, diversity has still been the core value of humanity since the dawn of civilization. We are created in a way that no one is perfect, and we exist as a complement to each other. This leads to the fundamental concept that our society is built upon the concept of exchange. Throughout history, the concept of exchange has transformed radically from physical items to the concept of currency as seen in this modern day. People work hard to earn it, then use it to “exchange” for services and goods to live and enjoy life. Currency is the same as any other type of exchange, solely the prize for your work and effort, which in the sense of modern society are represented in the form of employment. Being employed is the key to being able to take control of your own life. That’s what the racial and sexual movement-based equity has achieved, resulting in increased employment opportunities. That’s also what disability movement has achieved, though there are still lasting questions and concerns surrounding the topic.

In the matter of disability movement, the Section 504 of the Rehabilitation Act (1973) makes it illegal to discriminate against people with disability at any federal funding institution:

school, agency, hospital, etc. Americans with Disabilities Act (1990) further broaden the influence of the Section 504 of the Rehabilitation Act (1973) to the privately funded/operated entities/agencies. In practice, social bias continues in many areas of life for disabled people. The focus of this paper is on bias and inequity in the employment application process.

Throughout history, the concept of exchange (currency or money in modern society) has always been a form of power circulating in parallel with the influence of the dominant group. Money controls every part of our lives and is a huge deal when it comes to hiring a new employee for the organization, an investment in the profit and growth of the company. This situation makes bias more dangerous. In the past, bias was more explicit, Young (1990), meaning discriminatory acts were performed toward people with disability in plain sight, which is terrible, but at the same time, visible and more easily addressed. As laws and regulations have been enforced to ban ableism, bias has become more implicit and further to the point of unconscious, which is dangerous because of its unpredictability. This combined with money influence further builds the wall of injustice surrounding the employment process for people with disability.

From a hiring standpoint, talent acquirers always try to look for the best fit for their company while being held to legal standards of treating candidates equally. Their first exposure to any candidate is commonly through an online application, which includes a resume, work, and education history, and a set of legal questions, including an optional disability disclosure section. Per law, it's not required to provide this option on the application, but many do so as part of their efforts to promote diversity and comply with federal regulations. This question is often included to help employers track their compliance with the Americans with Disabilities Act and Section 503 of the Rehabilitation Act, but this can be a double-edged sword. Disclosing or selecting "Not to disclose", still puts a person with a disability on a different plate separate from the "in-group" plate, the "normal" plate. In such a situation, it may infer that accommodation may be needed at

the early stage of the application process. As money ties into the situation, recruiters don't want to spend an amount of money to pay for accommodations of people with disability for them to get to the interview with the fear that the interviewee may not be the one that they're looking for in terms of qualifications and work environment fit. As the world is gradually shifting toward remote communication, accommodation may not be needed during the interview stage; however, disclosure may still be needed for the benefit of both parties, employers and applicants with a disability, when it comes to a final offer. In the end, it's still an investment from the employer, whose decision is partially influenced by bias and, thus unpredictable. Even if they could not afford to hire a person with a disability at a given time, how can they reject the applicant? Does the rejection drive them back to the discrimination problem and how can they justify their action without breaking the law or losing their pride and integrity? On the other hand, choosing not to disclose drives them back to the fact that they are different, trying to hide and refuse their identity, thus in some sense, going against the entire disability movement (Young, I.M, 1990, pp.122-136 and 141-155). The voice of people with disability is silenced; they are willing to take the risk; they want to speak up; however, it's still the tide of cultural imperialism that they cannot break through. According to Harlan (1998), the "logic" of organization work environments is the outcome of the self-interest of dominant group suppressing the interests of less powerful group, which in this case is people with disability. This is to say that the tide that people with disability facing right now is the root structure of any organization, meaning breaking through requires substantial work and effort, and it certainly will be a life-long fight. According to a Forbes article by Gus Alexiou in 2023, among 3000 job seekers with disability, less than a quarter (23%) said they would disclose their disability on the application, and only 12% at the interview stage. The article also mentions that 30% of them felt employers only hire candidates with a disability to fulfill their quota. In a "Should you ever answered "yes" to the disabilities portion of an

application” on Reddit, while some people responded positively about disability disclosure on job application, a much larger portion of participants said they rather not to disclose than risk losing their chance of getting an interview or even an offer for the position they had applied for. A user named PoondaGal said “This is very useful to know for someone with a physical disability. I have both anemia and epilepsy but they're both controlled, and I am always nervous I won't be hired due to me simply clicking yes without explaining how it is handled.”. Oppositely, a user named MusicalTourettes responded to the discussion, saying “I'm bipolar. I always say yes. I get interviews for about 20-25% of my applications (relevant and targeted applications)”.

Interpretive Analysis

Disability disclosure can occur during any stage of the employment process, including pre-employment, post-offer, or while working – whether it be days, months, or years after the day of the online application being submitted. Disclosure may occur in the form of a request for accommodation or in the event of a decrease in performance. However, in all cases, according to the Equal Employment Opportunity Commission (EEOC), applicants are not required to disclose in detail their diagnosis (to avoid stereotype and marginalization and to avoid losing their jobs or job based discrimination), medical history is kept confidential and should only be shared with those who are considered to be on a need-to-know base. In addition, questions regarding the disability of any individual during the employment process should also be created in a voluntary manner and offer them a way out; disclosure is only necessary when accommodation is needed to perform their job. While those policies have made a great effort to protect the rights of people with disability, they also build invisible barriers, moving people with disability to the out-group separated from the in-group (“normal”) people.

Disability arises as a social concept, an identity for people with impairments (medical conditions), and the purpose of the coming out process. According to Swain and Cameron

(1999), the coming out process for disabled people is a declaration of identity outside the norm, or against the stream, belonging to a devalued group in the society. The idea of the disability movement is to offer an individual with disability all the tools and opportunities they need to come out with their identity; however, the process of coming out can vary from person to person, depending on their impairments. For example, it is definitely more difficult to come out for an individual with cerebral palsy than a person with a missing limb. As the bias and money-related aspects make employers' state of mind unpredictable, it is not surprising for an individual with a disability to hide their conditions to “fit in”, and to be in an “equal” state as another applicant, thus slow down or even stop the coming out process. However, in some cases, there is no choice for a person with a disability to seek out accommodation for them to be able to do their job. In such cases, they do not necessarily come out but still disclose their disability to their employer. This can happen at any time during the span of employment, though a disabled person, especially a person with neurodivergent conditions (because of the hidden characteristic of their disability), may try to avoid that at all costs. However, once disclosure has been made, the title will then be applied, thus creating a socially disadvantaged classification/categorization, creating two separated groups (Jones et al., 2013). The separation from the eyes of the employers may not mean any difference in treatment; however, it's still a risk that an individual with a disability is willing to take or not. In the end, the disclosure still puts people with disability on a different plate, and as employers are held to Americans with Disabilities Act (1990), which directs to alter workplace conditions to enable members of a particular minority group to participate on an equal basis with the nonminority (Harlan, 1998), a different set of policies and treatment at the workplace will be applied to the out-group, thus further deepening the separation.

Money relations and politics are the two main social forces that contribute to this injustice. Disability disclosure means accommodation may be needed though it is not the case all

the time. However, from the employer's standpoint, once there is a particular case related to disability condition, they may have to think about the investment (both man hours and money) that they are willing to risk on an individual or not. As policies have been made to protect the rights of people with disability and to make sure the workplace is an equal place, in some sense, companies may sometimes hire a person with a disability to just fulfill the quota or even to make their name look better, more “equal”, and be a “caregiver”. This situation may not happen all the time, but can be a real problem for an applicant with disability: if they got an offer, is it because of their talent and qualifications or is it solely because the employer just wants to achieve the quota and makes them do repetitive simple tasks like a machine (not adhere to their potential) during the span of their employment. According to Lerner (1996), the majority of people go to work every day with the goal of contributing and being a meaningful person in society, rather than solely for the purpose of finances. The same case happens to people with a disability: they want to be meaningful people in society, but the political situation as discussed above really knocks them down and attacks their pride and identity.

The bias of the dominant group as discussed here is influenced by the just world hypothesis, where it's assumed that people get what they deserve. As there are always presumptions (resulting from bias) about the capability of people with disability, policies are made to “protect” them from hurting or burning themselves out. This sets a low expectation from employers for a person with a disability, making employment for those who have a disability quite an investment. From the employer's standpoint, that situation may mean that they may invest more than they get back, though that’s not always the case: for example, neurodivergent people, sometimes, the disability itself can boost their productivity, thus bringing more profits to the employer and enhance the working climate. At the end of the day, this injustice does not necessarily start from the threat perceived by the dominant group or to make the dominant group

feel more secure, it's mainly because of the money and political relations and unconscious aversion that contribute to the bias that creates an unpredictable state of mind of the employer. The situation can be harmless or not depending on the company and the person handling the case. At the end of the day, it is something a person with a disability cannot control, making the process of coming out difficult for them, and sometimes they may not be able to achieve their potential and their professional goal at the workplace.

Normative Analysis

The hiring process typically starts from the need for a position within the organization either due to a shortage or lack of specialists in the area or the desire for new and fresh minds. Either way, from the recruiters' standpoint, an ideal candidate is someone who can both bring profit or fresh ideas to the organization and fit in the work environment. Obviously, there are still a lot of tradeoffs between the two factors, and the recruiters' job is to find the best balance between both worlds. While recruiters typically uphold the interests and the rights of the applicants, it's the interests of the company and current employees in that organization that any talent acquisitions serve and put on top of everything else, Harlan (1998).

For a typical hiring season, a company can see thousands and thousands of applications for a position with just 5 open slots; reviewing thoroughly while keeping a neutral mind is hard, as in such a situation, the process will take too much time, more than what they can afford, and there's nothing to guarantee that they will make comparison and let the previous applications influence their decision for the upcoming ones, though they try to avoid at best. As they want to push the early stage of the hiring process (application review) fast forward, anything that stands out attracts their eyes the most. As bias and money relations tie into the situation and influence recruiters' minds, they may have some hesitation when it comes to an applicant with a disability.

This makes disability disclosure on job applications a unique trait that attracts talent acquirers' eyes during the application review process. In such situations, those applications may be set to a different pile for re-review and re-consideration, or they may still flow with the mainstream of application. Either way, the outcome is unpredictable and solely dependent on recruiters' judgment and bias. As an organization is structured in a way that serves the dominant group's interests, triumphing over weaker groups, Harlan (1998), there's no telling from the weaker group, an applicant to a job opening, that can change the structure of the hiring process. This arises as one of the challenges for applicants, especially those with disability.

As dominant perspectives in this case are for the growth of the organization, the dominant group justifies their status quo by defining the "best fit" for the company. There's no universal nor fixed definition of "best fit". It can evolve and change from time to time. This trait makes applicants not be able to do any better than what they think is best and make bets on what recruiters want. At the end of the day, it's a gamble that one's willing to take or not. Such a case puts an applicant with disability in an even tougher position as because of bias and money relations, the nature of his or her disability puts them on a different plate from the start. This thereby maintains the injustice. Even when an applicant with a disability gets hired, if they make mistakes that cost the company in some way, the people who hired them in the first place will get blamed because of their bad situations, thus making them feel bad and trace back to their identity and the process of coming out. Addressing this injustice can threaten the structure of the organization, favoring the dominant group's interests, that in-group people have long maintained.

Change Analysis

Bias and money relations tied into the situation mainly start from the preconception that recruiters have for an applicant with a disability. As they don't know what an applicant with a

disability thinks and what he or she is capable of, they can be hesitant when making a final decision. As an applicant with a disability does not know what recruiters think about their disability situation, they may feel hesitant when disclosing their identity on job applications. One solution to this injustice is to let recruiters and disabled applicants know about each other, share their experiences, and understand each other. In order to do this, we can approach local businesses and collect data about recruiters' opinions and concerns and share them with applicants with disability. The sharing process can be done as part of the FAQ page on the organization's website. Applicants with disability can share their experiences, opinions and concerns back to the companies. This campaign can be done with the help of the Chamber of Commerce.

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