



## **Cultivating Inclusion of People with Disabilities Around the World**

*Companies have a major role in building a world where people with disabilities are respected and included. The work begins at home to establish the foundation, but the message will resound across the globe through applied talent management processes.*

People with disabilities continue to struggle to be fully and equitably included in workplaces. Stereotyping and negative biases, coupled with a lack of knowledge of the ADAAA interactive process, continue to haunt talent management practices, creating barriers. The interactive process is a requirement of the American Disabilities Act Amendments Act (ADAAA) which sensibly says that employers must honestly engage with a disabled person at any point of the talent management process when determining if a job candidate or an employee has a disability and whether reasonable accommodation can be implemented. The interactive process requires a real dialogue, meaning emailing back and forth is not applicable. The interactive process includes fostering the inclusion of people with disabilities, once hired, in the workplace. For global companies, successful interactive processes applied to operations around the world enhance inclusion on a global basis.

### **Talking About Options for Success**

Many people with disabilities are still hiding their disabilities for a lot of reasons. They continue to fear not getting hired or not being socially accepted in the workplace. Before the ADAA was passed, employers could interact with job recruits or employees requesting accommodations by sending emails back and forth, a limiting mode of communication that does not count as real dialogue. In the past, employers also failed to adequately document their decisions concerning the recruitment, hiring, and onboarding processes and the options considered for accommodation. Under the ADAAA, the employer is required to go through a flexible process for identifying the limitations of the person's disability and possible accommodations that can overcome the limitations. At the same time, the job candidate or employee must be honest about a disability and the type of accommodations that are useful. It is the potential or current employee who decides whether or not to self-identify. Dialogues take place between the candidate or employee and the Human Resources representative, interviewers, ADA coordinators, and/or supervisors. More than one person needs to be involved in discussions and decision-making to limit the expression of personal biases.

This kind of dialogue can make employer representatives very uncomfortable, and that goes back to the stigma and myths still attached to people with disabilities. The predominant



stigma says a disabled person cannot be fully productive, and the myth is that the cost of accommodations are exorbitant. Neither are true. In the U.S., people are horrified by global societies that shun the disabled from mainstream life, yet a form of the shunning continues to take place in U.S. workplaces. Developing and using etiquette strategies are important to successfully maneuvering the interactive process. Etiquette strategies address the whole gamut of the Human Resources and talent management process, including recruitment, hiring, onboarding, development, and career planning.

## Duty to Engage

Etiquette simply refers to the way people are engaged. Employers developing etiquette strategies ask critical questions of their recruitment and employment process, and the level of knowledge the IT department has concerning accessibility technology. The U.S. Chamber of Commerce and the US Business Leadership Network developed a Workplace Disability Inclusion Assessment Tool that every employer should utilize.\* The checklist offers guidance when initiating or enhancing corporate policies on the inclusion of people with disabilities.

Under recruitment are questions like, "Are job applicants with disabilities actively recruited?" This is a step in the interactive process because "active" recruitment means recruiters real involvement in the process through the identification and attraction of the most exceptional disabled talent for the position. Another question is, "Are recruiters trained on interviewing job candidates with disabilities?" If not, there is likely to be very little dialogue taking place. Under employment, etiquette strategies include establishing a reasonable accommodation policy and a formal accommodation process. Is disability included in all diversity and inclusion training? Do employees with disabilities get opportunities for leadership training?

The checklist identifies areas where the company is weak in the process of engaging employees with disabilities. The duty to engage includes analyzing job functions to identify essential and non-essential job tasks, and identifying the true barriers to job performance by having a dialogue with the employee to learn the person's limitations. In that way, the precise types of accommodations that would be most effective are identified. A two-way dialogue gives the candidate or employee and the employer the opportunity to explore different accommodations, request additional information, and hopefully negotiate a mutually acceptable agreement. The employer may not be able to accommodate the disabled worker because it would create undue hardship in the workplace, but it is critical to document the entire dialogue process. Employers must demonstrate a good faith effort to accommodate in order to fulfill the goals of the interactive process.

## Making a Good Faith Effort



Documentation is of the utmost importance. There should be a written record of the meetings and dialogue. Only the facts are documented. Employers navigating the ADAAA should not ask the disabled person about their diagnosis, symptoms, or prognosis, even if the employee voluntarily disclosed the disability. Employers cannot ask about disability before making a job offer, but they can ask a job candidate if they can perform essential job tasks with or without accommodation. Essential job tasks are the tasks that are a major part of the job and cannot be diminished. However, employers can consider changing the way things are done in order to accommodate a person with a disability. Documentation establishes intent and good faith effort, and the employer's knowledge of the law.

The interactive process is a good faith effort. It expects employers to make a sincere effort to hire the most qualified people, including the disabled. American employers must overcome their reluctance to discuss disabilities for the interactive process to be effective. There are millions of highly qualified people with disabilities looking for satisfying employment in jobs that fit their knowledge and skills. For employers, it is another group of diverse employees who can help reduce the labor shortage. Organizations that implement fair, good faith policies and procedures throughout global operations demonstrate through example the true and full meaning of D&I to the world.