Invisible Disability in the Workplace

S. Department of Labor's Office of Disability Employment Policy (ODEP) notes that employers may be more familiar with accommodations involving physical disabilities than with accommodations for disabilities that aren't visible, including mental health conditions.[2]

One of the challenges for employers is that employees don't necessarily use legal terminology when asking for help.

According to the EEOC, an employee requesting an accommodation can use **"plain English."** The employee does not have to mention the ADA or use the words "reasonable accommodation." The employee simply needs to communicate that a change or adjustment at work is needed for a reason related to a medical condition.[3]

In other words, the conversation may begin with a seemingly simple statement:

"I'm having difficulty doing this because of my medical condition."

That makes the frontline supervisor particularly important.

Recognize. Respond. Refer.

Supervisors aren't expected to diagnose medical conditions—and they shouldn't try.

But they should be able to recognize when a conversation may need to be referred to Human Resources or whoever manages the organization's accommodation process.

A simple approach is:

RECOGNIZE that a health-related issue may be affecting the employee's ability to perform the job.

RESPOND professionally without attempting to diagnose the employee or unnecessarily seeking medical details.

REFER the situation to HR or the organization's established accommodation process.

The EEOC explains that when a disability or the need for accommodation isn't obvious, an employer may seek reasonable documentation and engage with the employee to better understand the limitation and identify an appropriate accommodation.[3]

Reasonable accommodations can take many forms. Depending upon the employee, job and circumstances, examples can include modified schedules, changes to equipment or the work environment, adjustments to policies or training materials, job restructuring, or

other changes that enable a qualified employee to perform the essential functions of the position.[4]

Importantly, accommodation doesn't mean eliminating legitimate job requirements. The Department of Labor emphasizes that employees with disabilities can still be expected to perform essential job functions and meet legitimate workplace standards.[5]

When Safety Enters the Conversation

For industrial employers, there is another important dimension: **workplace safety**.

What happens when an invisible disability—or perhaps medication associated with a medical condition—could affect an employee performing safety-sensitive work?

Consider employees who:

- operate powered equipment,
- drive vehicles,
- work at heights,
- enter confined spaces,
- perform process operations, or
- respond to emergencies.

Employers have an obligation to maintain a safe workplace. They may also have obligations regarding qualified employees with disabilities.

Those responsibilities don't necessarily conflict, but navigating them correctly requires thoughtful policies and individualized decision-making rather than assumptions about a particular medical condition.

The Department of Labor specifically cautions employers against assuming that a workplace will be unsafe simply because an employee has a disability. It also recommends evaluating whether an individual can perform the **essential functions of the job, with or without reasonable accommodation**.[6]

For HR and safety professionals, that raises important questions about essential job functions, medical confidentiality, accommodation, fitness-for-duty processes, and how supervisors respond when health and safety concerns intersect.

Is Your Organization Prepared?

Perhaps the most important question is a simple one:

If an employee with an invisible disability approached one of your frontline supervisors tomorrow, would that supervisor know what to do next?

Would the supervisor recognize a potential accommodation conversation?

Would they know what questions they should—or shouldn't—ask?

Would they know when to involve HR?

And in a safety-sensitive environment, would HR, operations and safety know how to appropriately evaluate the situation without making assumptions about the employee's condition?

These are questions worth discussing before the situation occurs.

Invisible Disabilities in the Workplace will be a topic of discussion at an upcoming **TRMA HR Committee meeting**, where we'll take a closer look at the issue through practical workplace scenarios and explore what HR professionals, supervisors and employers should know.

Watch for additional meeting information soon.

Resources for Employers

1. U.S. Department of Labor, Office of Disability Employment Policy (ODEP)
Employment Rights: Who Has Them and Who Enforces Them
https://www.dol.gov/agencies/odep/publications/fact-sheets/employment-rights-who-has-them-and-who-enforces-them

2. U.S. Department of Labor, ODEP
Accommodations for Employees with Mental Health Conditions
https://www.dol.gov/agencies/odep/program-areas/mental-health/maximizing-productivity-accommodations-for-employees-with-psychiatric-disabilities

3. U.S. Equal Employment Opportunity Commission (EEOC)
Small Employers and Reasonable Accommodation
https://www.eeoc.gov/laws/guidance/small-employers-and-reasonable-accommodation

4. U.S. Equal Employment Opportunity Commission (EEOC)
The ADA: Your Employment Rights as an Individual With a Disability
https://www.eeoc.gov/publications/ada-your-employment-rights-individual-disability

5. U.S. Department of Labor, ODEP
Employers and the ADA: Myths and Facts
https://www.dol.gov/agencies/odep/ada/MythsandFacts

6. U.S. Department of Labor, ODEP
Opening Doors to All Candidates: Tips for Ensuring Access for Applicants with Disabilities
https://www.dol.gov/agencies/odep/publications/fact-sheets/opening-doors-to-all-candidates-tips-for-ensuring-access-for-applicants-with-disabilities

Additional Employer Resource:
The **Job Accommodation Network (JAN)** is funded by the U.S. Department of Labor's Office of Disability Employment Policy and provides free, expert and confidential guidance to employers and individuals regarding workplace accommodations and disability employment issues.

https://www.askjan.org