

Q&A: What You Should – and Shouldn't – Say as a Manager

Q: If an employee has chosen not to disclose her condition and I notice that she is having a workplace problem, what can I say or do?

A: You can always mention what you have noticed and simply ask, "How can I help?" without mentioning disability or using the word "accommodation."

Q: What should I NOT say or do?

A: In situations where it's not clear whether a disability is causing a workplace problem, you generally should not mention disability or accommodations, but instead focus on what you're seeing and ask how you can help.



Familiarize yourself with the Americans with Disabilities Act rules related to medical inquiries so you do not ask inappropriate questions. Avoid making negative comments about disability and accommodations. It could be interpreted as interfering with the employee exercising her ADA rights.

Q: If the employee seems to be struggling emotionally or is the subject of gossip among co-workers, what should I do and not do?

A: You can always ask "How can I help?" when appropriate. You also might refer the employee to available support, such as an employee assistance program (EAP), or report the situation to human resources.

You might want to report gossiping co-workers to HR or put an end to it yourself to make sure it doesn't turn into harassment, which is a form of discrimination.

Avoid engaging in gossip or speculation with co-workers.

Q: If the employee confides in me about his/her arthritis, what can I say or do to help and show support?

A: Depending on what the employee confides, this may need to be treated as a potential accommodation request. If so, you should follow company policy related to processing the request. If the employee just discloses his arthritis but indicates no accommodation is needed at the time, you can let him know how to request an accommodation if one is needed in the future. You might also need to report the disclosure to whomever is responsible for handling this type of information, such as HR. Also, make sure that the information is kept confidential.

It may be appropriate to specifically ask whether an employee needs an accommodation, for example, when you have a reasonable belief that an employee's known disability is interfering with his job performance. However, many employers have a designated person or department that handles accommodations, and managers are instructed to notify that person or department when an employee might need an accommodation.

Q: If my employee is very open about his condition with me and co-workers and he asks for specific help or support, what should I do and not do to respond to the requests?

A: Some employers allow managers to process accommodation requests or informally provide accommodations. Other employers require managers to report all accommodation requests to HR. However, if the employee is asking for something that is provided to any employee who asks, you can just provide it.

Q: If a manager thinks an employee is exaggerating his/her pain or limitations just to get special accommodations, what should the manager do? What should the manager not do?

A: The ADA allows employers to require medical documentation when an employee requests an accommodation and the disability is not obvious or already documented. The person who has the authority to process an accommodation request can get medical documentation rather than making assumptions.

Do not make negative comments about an employee who has requested or is receiving an accommodation. If you have concerns that it isn't warranted, raise your concerns with the department that approved the accommodation, not with the employee.

Q: If other employees believe a co-worker who has arthritis is getting special treatment unfairly, how should a manager handle it without violating that employee's privacy?

A: You should be careful to not disclose that the employee has a disability or is receiving accommodations, per his ADA protections. Here are some suggestions cited in an article from the Job Accommodation Network (JAN):

If your company has a policy in place or language from its legal department for this situation, take guidance from that.

The Equal Employment Opportunity Commission suggests the manager "...may explain that it is acting for legitimate business reasons or in compliance with federal law."

Similarly, you could explain that the company's policy is to assist "any employee who encounters difficulties in the workplace," and when those difficulties are personal, the company policy is to respect their privacy.

Susan W. Brecher, of Cornell University, suggested in a webinar that managers simply say, "We [view] and treat employees individually and make considerations based upon good business reasons, which allows for privacy of each individual."

Responses provided by Linda Batiste, principal consultant and legislative specialist for Job Accommodation Network (JAN). Find more information about employee rights under the ADA and workplace accommodations from the Job Accommodation Network.

Source: Arthritis Foundation ([Arthritis@Work](#))