Policy Brief: Tackling Workplace Discrimination Against People with Disabilities

The Problem

In 1990, President George H.W. Bush signed into law the Americans With Disabilities Act, which outlawed employment discrimination against people with disabilities. Yet such discrimination has clearly persisted; a 2005 study revealed that only 30 percent of disabled individuals looking for jobs were able to find them.

To address this problem, Congress in 2001 set up the Office of Disability Employment Policy (ODEP) inside the Labor department. Although not an enforcement agency (employment discrimination complaints go to the Equal Employment Opportunity Commission), ODEP is charged with advancing policies that remove barriers to the hiring of the disabled. To that end, ODEP asked the University of Pennsylvania's Wharton School to recommend ways to get more employers to hire disabled workers. The task was assigned to a team of five students under the supervision of Peter Cappelli, director of Wharton's Center For Human Resources: Annie Liu, Kelty Niles, Michael Peterson, Nora Varela, and Tyler Willardson.

A prevailing view among advocates for the disabled was that employers could be prodded into hiring more disabled people if it could be shown that there would be a strong economic benefit to doing so. But this "return on investment" argument was not what, in the past, had gotten employers to hire more African Americans and women. Rather, progress was made against race- and sex-based employment discrimination through sustained social and political pressure to eliminate racism and sexism and other barriers. The Wharton team urged ODEP to confront existing prejudices and other barriers to hiring the disabled in a more subtle way by educating itself about the specific nature of these obstacles and finding ways to overcome them using principles from business, especially from the field of marketing.

Drawing on other studies and focus group research that Cappelli had conducted, in 2012, on large companies with a demonstrated interest in hiring disabled workers, the Wharton team identified three key obstacles.

Negative perceptions. Employers fear that disabled workers will generate more work for their bosses. Special efforts, it is feared, may have to be made to integrate a disabled person into an existing workforce in which people may not know how to interact properly with the disabled. Special physical alterations to the workplace may be required so that a disabled employee can perform his or her work. All this, it is feared, will take up too much time and generate too many additional expenses. Such fears aren't necessarily groundless, particularly with respect to a disabled hire's first few weeks on the job. But, tellingly, a 2000 survey found that 92.3 percent of employers with experience supervising disabled workers reported they were "satisfied to very satisfied" with the results.

Lack of external hiring support. Even a large employer who lacks negative perceptions about the disabled will find few resources, outside the company, to recruit them. Paradoxically, employers seeking to increase representation of the disabled must contend with the fact that job applicants who are disabled are often reluctant to self-identify as such, for fear that doing so will make bosses, all other things being equal, *less* rather than *more* willing to hire

them. Given present social realities, the more pessimistic assumption will often prove the more practical one.

Lack of internal hiring support. Companies often lack the in-house ability necessary to seek out disabled workers. Often this is a budgetary problem: Funds don't exist for creating internal expertise in hiring, accommodating, and training people with disabilities. Employers or teams of employees who are not themselves disabled must be trained in how to properly adapt workplaces so they can integrate disabled employees. Some companies do have "employee resource groups" for the disabled, a sort of support group, but how these help recruit additional disabled employees isn't clear.

Different Workplaces Require Different Approaches

Eliminating the obstacles to hiring disabled people and integrating them successfully into the workforce requires, most crucially, some recognition that not all workplaces are created equal. The most obvious difference is size.

Resistance to hiring the disabled is strongest within small and midsize businesses. Large enterprises have a significantly better hiring record. Bigger businesses hire more, and therefore are likelier to have encountered disabled people within the hiring pool; to have hired disabled workers; and, in working with the disabled, to have developed a more positive attitude toward them. Larger companies are also more likely to have diversity policies in place and diversity-focused human resources employees in-house.

Even so, the path for disabled employees who work at big companies has hardly been smooth. Compared to other workers, disabled workers at corporations have lower pay and job security; receive less training; and participate less in decision-making. Departmental and team managers at large companies often remain resistant to conducting outreach efforts to increase representation of disabled people in their workforces.

ODEP could likely improve outcomes simply by developing two different approaches to persuading larger companies and smaller ones to increase representation of the disabled within their workforces. But the Wharton team recommended that ODEP divide the universe of businesses it seeks to influence into *three* categories. Such "market segmentation" could help ODEP identify common characteristics among certain employers and understand the unique ways each segment is likely to interact with ODEP. ODEP could then, in turn, tailor its message and style of persuasion to each segment. For instance, companies that already have a significant number of diversity policies in place could be approached differently than companies that do not.

Here are the three categories of employer ("market segments") that the Wharton team identified:

Discriminator. These businesses are likeliest to be small or mid-sized, or perhaps larger privately held businesses, but they also include a few large corporations. The discriminator company maintains no program to recruit disabled workers, and has a poor track record of hiring them. Owners or top executives at these companies may or may not be actively opposed to hiring the disabled. Quite often they will simply have no particular awareness in this matter and no incentive to acquire any. If one were to assign a letter grade to discriminators for their efforts to employ disabled workers, it would be an F or perhaps D.

The bad news with such students is that they are making no effort. The good news is that if they *were* to make an effort, they could improve their grade.

Inclusive. These businesses are likelier to be larger, publicly held companies, though they include some smaller and mid-sized companies and some larger privately-held companies as well. Inclusive businesses (as defined here) maintain programs to recruit *select* categories of employees—based, most likely, on gender, sexual orientation, and/or race to expand diversity—but they do not actively recruit the disabled. Such efforts are praiseworthy but incomplete. Because these companies have already demonstrated a commitment to acquiring and maintaining a diverse workforce, persuading them to expand their diversity program to include disabled people ought to be considerably less difficult than persuading companies that maintain no diversity program at all. The inclusive company is a B student for whom an A is, with a little more hard work, well within reach.

The *Choir.* These companies are almost always large, publicly-held corporations. They have established programs to increase diversity based on gender, sexual orientation, race, *and* physical or mental disability, and have a demonstrated ability to retain such hires. From the point of view of the disabled community, such companies aren't merely tolerant of the disabled; they are advocates for them. The choir company is, of course, an A student.

Shaping Disabled Workers' 'Brand Identity'

In marketing, the literal definition of "brand" is a proprietary trademark for a specific product or service, like Apple Computers or Popeye's Chicken. Such brands, when successful (as these are), create a consistent set of positive expectations in customers that keeps them coming back for more.

Less literally, the brand concept can be useful in describing the public's relationship with anything that's familiar to them. Groupings of people can, at least in a figurative sense, be a brand. The LGBT community, for instance, has shown itself to be a successful "brand" insofar as it has made rapid progress in recent years changing the public's view of it, creating greater social tolerance for a variety of sexual orientations, and getting state legislatures to pass laws recognizing gay marriage.

Disabled people, by contrast, have very little brand identity, perhaps because the category covers such a wide variety of conditions and circumstances. In a survey of 50 people within the Wharton community (most of them students), Wharton student researchers found very little awareness of disabled people as a group that might be underrepresented in the workplace. When asked to identify which words came to mind when they heard the phrase "equal employment opportunity," a majority of respondents mentioned "gender," "race," or "equality;" 9 percent said "age;" 8 percent said "gay," "LGBT," or "sexual orientation" (even though those categories are not, strictly speaking, covered in the EEOC's anti-discrimination policies); and a mere 7 percent said "disabilities" or "handicap" (which *are* covered by the EEOC's policies).

A brand can be strong or weak. A strong brand makes clear promises that are kept over time, and inspires customer loyalty. A weak brand makes vague promises that change over time, and commands little loyalty.

People respond to brands in a purely functional way—for instance, I may like Tums because it settles my stomach. But they also respond to brands in a more subjective, "experiential" way—I like Tums because it has a particular taste that appeals, or because I find the multicolored tablets pleasing to look at. In addition, people respond to brands in a social way—a bottle of Tums sitting on my office cubicle desk may perhaps create a more favorable impression with my co-workers than, say, a bottle of Pepto-Bismol, whose coating effect on the stomach might be interpreted as a bit too easy to visualize. (Too Much Information!)

How can ODEP fashion the personnel category "disabled people" into a more successful brand? By taking into account how "consumers" (i.e., potential employers) behave in the real world. Do employers' hiring needs vary according to budget and other constraints? Then ODEP must always stand ready to extend support to companies that currently hire the disabled—the "choir" companies—by, for instance, increasing the pool of self-identified disabled job applicants (starting, perhaps, with the most severely and therefore most obviously disabled, such as the blind). Do employers want to make rational decisions based on maximizing utility? Then ODEP must disabuse the "inclusive" and "discriminator" companies of any idea that their indifference or active resistance to hiring more disabled employees is, from any rational perspective, beneficial.

Fighting Stereotypes

The obstacle here is negative stereotypes about the disabled. When these are encountered in an "inclusive" company, the task might be to appeal to the same sense of social responsibility that the employer has demonstrated in recruiting members of other traditionally excluded groups. Those other groups did not, presumably, adhere to prevailing negative stereotypes, so why should the disabled? The idea is to get the employer to see people with disabilities as being one of the groups that needs to be included in their workforce. Here, there is an opportunity to improve the employer's self-image in the broader community. Employees who recommend the hiring of a qualified disabled job candidate might be awarded bonuses. Including a disabled person in the selection committee would demonstrate visibly the employer's commitment to diversity while simultaneously increasing the likelihood that more disabled people will be hired.

Alternatively, "inclusive" and especially "discriminator" companies might be persuaded through the presentation of counter-stereotypes, i.e., real-world examples of disabled people who achieve at a level that matches or exceeds that of non-disabled people. Helen Keller and Stephen Hawking come to mind as exceptional cases, but plenty of more mundane examples from the ranks of the non-famous are available as well. Employers could be encouraged to publicize within the company the contributions and achievements of its successful disabled employees, and/or to hire disabled speakers at company events. The idea is to see them as successful examples first and as people with disabilities second.

We all have mental shortcuts, or "schemas," to organize our understanding of a complex world. We use schemas because they usually work. If I look out my window in the morning and I see the sky is heavy with clouds, I may bring my umbrella to work on a hunch that it's going to rain; past experience has shown that it's more likely to rain on an overcast day than on a sunny one, even though I might be wrong in this instance. A better method would be to check that day's weather report, but I'm in a hurry and so I don't. That's a successful (or at worst harmless) schema.

Stereotypes arise from the same impulse, except they aren't comparably efficient or justifiable. If, for example, I'm an employer who doesn't want to hire Asians, that may arise from my own overt animus ("I don't like Asians"). More typically, though it arises from some faulty perception or logic. I might think that I'm being protective of *others* with overt animus ("My customers don't like Asians"). I might assume Asians share certain characteristics that make social interactions with them impractical ("They're too diffident" or "They're too hard to communicate with"). I might impose rigid employment practices ("Telephone operators must be native English speakers") that are irrelevant to actual needs in the marketplace. Much the same sort of thought processes have been directed against the disabled. Typically, these stereotypes begin with the assumption that because the individual has a disability, then he or she must have difficulty in areas relevant to job performance as well.

Supporting the Choir

A variety of steps would help those companies with a demonstrated interest in hiring disabled people identify qualified job candidates.

Eliminate the skills mismatch. Although government programs exist to train disabled people and prepare their entry into the workforce, these programs typically are focused on people with very low job skills. A greater effort should be made to train disabled people who already possess significant job skills, because companies will be more likely to hire them.

Centralize information. The federal government maintains a single Web site, the American Job Center (jobcenter.usa.gov) that informs employers and employees how to access all the employment-related information and services they might need at the federal, state, and local level. Something similar can and should be created for the hiring of disabled people (and given a prominent link on the American Job Center site) so that employers can easily find out what the relevant laws are, how to comply with them, and how to get the training they need. Current information is scattered in various places and not always presented in a clear, user-friendly manner.

Create a "plug and play" database of disabled people seeking work. Again, this would require making some effort to persuade disabled people that they should self-identify as such when applying for jobs, perhaps with assistance from various existing support communities for people with specific disabilities.

Create an ODEP "help desk." ODEP should supply "live support" by telephone or via e-mail to employers with specific questions about existing resources and laws concerning the disabled.

Develop more useful metrics. Employers need simple yardsticks to measure progress in hiring disabled workers. What is the percentage of employees at any given company who are disabled? Which employer last year was the best for disabled people to work for? And so on.

Vet consultants. Which private consulting firms provide real value to employers seeking to enforce the Americans With Disabilities Act? These could be placed on an ODEP-approved "board of consultants."

Creating Empathy

In addition to reviewing the Wharton students' findings, ODEP met with Wharton faculty members Judd Kessler and Deborah Small, Annenberg Professor Dolores Albarracin , and visiting Management Professor Amy Wrzesniewski. Here the discussion focused on the psychological challenge of not merely countering employers' negative impressions of the disabled, but of actively promoting among them more positive feelings. . A variety of tools were suggested:

Desensitization. It's difficult to empathize with a group you seldom come in contact with. Increasing exposure to individuals who are disabled will diminish any sense of the disabled as the "other" and increase the sense of sympathetic identification. Prior research supports this in showing that the more experience individuals have with people who have disabilities, the more positive they are about the contributions that people with disabilities can make at work.

*M*ental cuing. A person will become more empathetic to another's hardship if he or she can contemplate what his or her own life would be under the same circumstances. Because of that, it is easier for us to relate to someone more like us, someone who only recently experienced a disability than, say, someone who was born with one.

Reality check. Mental cuing can backfire if it leads the employer to think, "If I had that condition I'd be miserable all the time." Who wants to be around people who are miserable all the time? This pitfall can be avoided by pointing out that research has found the disabled to be just as happy as the non-disabled. Like everyone else, they suffer a setback, they struggle, and then they adjust and move on.

Real success stories. Don't dwell on the extent of discrimination against the disabled. That will only encourage employers to think of their own prejudices as the norm. Instead, be prepared to tell many success stories about particular disabled people. The more you can demonstrate that these success stories are not mere isolated instances, the more you can change an employer's perception of the norm.

In sum, the Wharton students and faculty concluded, efforts to improve job opportunities for the disabled must begin by understanding the psychology as to how employers, along with everyone else, form their views about people with disabilities. In many cases, those views are not rational, and they lead to discrimination. Organizations like ODEP that want to help the disabled find jobs should begin by recognizing that not all employers have the same attitudes toward the disabled. They need to help, in practical ways, those that are already trying to engage disabled job applicants, and they need to find creative ways to overcome resistance where prejudice or other obstacles exist.