Introduction to this issue:

Disability, Public Policy, and Employment

In 1990, Congress and the President launched a new era for individuals with disabilities in the U.S.A. by passing the Americans with Disabilities Act (ADA). This law, considered by many to be the Civil Rights Act for people with disabilities, prohibits employment discrimination and generally requires equal access for individuals with disabilities.

For the first time in history, Americans with a variety of disabilities, including physical, sensory, cognitive and psychiatric disabilities, and HIV/AIDS, banded together to advocate for passage of this legislation. Prior to passage of the ADA, people with disabilities had lobbied primarily for funding for their particular programs and interests—people with developmental disabilities (DD) advocated for DD programs, people who were deaf or hard of hearing advocated for interpreters and increased funding for telephone access through TTY equipment and relay services, and so on. The ADA’s sweeping mandates and broad scope changed that. Working with traditional civil rights groups, the new disability coalition insured passage of a strong civil rights bill with unprecedented bi-partisan support.

The ADA is based upon a new understanding of disability that has been gaining strength and acceptance over the past 30 years. This new paradigm or framework was fostered by the disability rights and independent living movements, which have grown in strength and prominence over the last three decades.

Prior generations have addressed disability through skills training, rehabilitation, medical intervention, and separate, specialized programming and services. The disability rights movement of the 1970s and 1980s viewed disability as the interaction between the person and the environment. The problem was not with people, but with negative and prejudicial attitudes about disability held by the general public. The attitudinal problem was compounded by a civil rights consciousness among the disability community, lack of access to the physical environment—lack of ramps, curb cuts, and transportation—and discrimination in employment and other areas central to daily life.

Significant progress has been made in the years since the passage of the ADA. Public transportation accessible to wheelchair users operates in almost every community. Cities and towns across America have installed curb cuts to streets and ramps to public buildings. City planners routinely include plans for access in new construction. Private companies are beginning to view people with disabilities as an untapped market and include them in product advertisements. Braille and large print materials are becoming increasingly available to blind and low vision
readers, and sign language interpreters, assistive listening devices and TTYs for
people who are deaf are becoming commonplace.

Despite gains, progress is lacking on many fronts. Approximately seven out of ten
people with disabilities are unemployed, although high percentages say they want to
work. The majority of Americans with disabilities live below the poverty level.
People with disabilities do not have access to the in-home services and adaptive
equipment they need to live full and productive lives. Additionally, cognitive,
psychiatric, and multiple disabilities are increasing in prevalence. Accommodations
and service models that have been proven effective for people with physical and
sensory disabilities may not be effective for people with these less understood, more
complex problems.

The 21st century presents significant opportunities and challenges for individuals
with disabilities, disability researchers, policymakers, employers, and program
practitioners. The two special issues of Behavioral Sciences and the Law, of which
this is the first, examine these topics from a variety of perspectives. This issue
examines the problems of unemployment, which must be addressed through policy
and labor force analysis if people with disabilities are to achieve integration, self-
sufficiency, and economic independence. Without the self-respect and financial
stability that employment provides, true independence will not be achieved. The
second special issue examines the emerging and central importance of access to
information and the Internet, without which employment and independence is
becoming increasingly difficult.

This issue begins with Cook and Burke explicating the new disability paradigm,
explaining how the understanding of the interaction between physical impairment
and disability create new and interesting directions in disability employment
research. They encourage researchers from a broad range of disciplines to answer
complex questions surrounding program effectiveness, reasonable accommodation,
and other employment issues for people with disabilities.

In the second article, O’Day and Killeen point out the inherent conflicts in public
policy that place significant roadblocks in the path of people with psychiatric
disabilities who want to work. Through personal in-depth interviews, they explore
ways in which public programs assist and hinder people with psychiatric disabilities
in their recovery and employment. Baron and Seltzer then trace explanations of low
employment rates for people with psychiatric disabilities, moving beyond the policy
issues described by O’Day and Killeen. They suggest that additional contextual
issues, such as lower education levels, poverty, and inhibited social networks,
contribute significantly to the depressed employment rate of people with psychiatric
disabilities and others with similar socio-demographic characteristics.

In the fourth article, Schur examines non-standard work arrangements (almost
twice as likely among people with disabilities), using the Survey of Income and
Program Participation (SIPP) and recent ADA case law. She finds that non-
standard workers with disabilities receive lower pay and fewer benefits. In attempt-
ning to improve their opportunities through disability lawsuits, non-standard workers
prevail in only a small minority of cases.

Blanck and his colleagues next examine emerging employment service models for
individuals with disabilities, including the Ticket to Work and Work Incentives
Improvement Act (TWWIIA) of 1999 and the Workforce Investment Act (WIA) of
1998. Blanck and his colleagues postulate that TWWIIA is the first systemic attempt
to reform income support programs to promote employment. They discuss the applicability of the ADA to employment networks (ENs) under the Ticket Program, as well as recommendations for future program and policy research.

In the next article, Schartz, Schartz, and Blanck review the empirical literature conducted since passage of the ADA on employer’s attitudes about employees with disabilities. Although TWWIIA and WIA have provided new incentives for individuals with disabilities to find and retain employment, these individuals continue to be underemployed. Schartz and colleagues conclude that employers’ attitudes, and subsequently hiring, of individuals with disabilities continues to be affected negatively by lack of experience with employees with disabilities and concerns about the costs and types of accommodations.

In “Cruise Ships and Kayaks,” Foley and her associates discuss the challenges that the One-Stop Employment Networks face in including individuals with disabilities in their jobs programs and the lessons traditional vocational rehabilitation programs can teach these general service agencies.

In the final article, Blanck, Linares, and Song raise implications for contemporary disability policy based on the evolution of musculoskeletal disability in late 19th century America. Their work, based on a large sample of Union Army Civil War veterans, suggests that environmental conditions then, as well as now, affect the diagnosis, quality of life, and employment of individuals with disabilities.

Empirical and policy analysis of the type highlighted in this special issue, and in the next, are necessary to improve dialogue about the challenges and opportunities facing Americans with disabilities. The development of a cumulative body of research on employment and disability policy is needed, as no single study or even set of studies may provide definitive answers.

Interdisciplinary dialogue is needed among researchers with and without disabilities in law, sociology, economics, psychology, education, and other disciplines about issues such as labor force participation, assistive technology, workplace accommodations, and disability policy, culture and diversity. The articulation of this information will help to improve the lives of Americans with disabilities.

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