



# Introduction to Special Issue: The New Frontier of Disability Employment on the 50th Anniversary of the Rehabilitation Act

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## Introduction

The 1973 Rehabilitation Act was the first national law establishing civil rights protections for people with disabilities. It was a watershed change from past policies, which were primarily based on social welfare or charitable models designed to alleviate some of the economic disadvantages associated with disability. In contrast to prior laws, the Rehabilitation Act established rights for people with disabilities by mandating equal access to public services and prohibiting disability discrimination by federal agencies, federal contractors, and programs receiving federal funds.

The Rehabilitation Act established the first standards on how and when employers must provide workplace accommodations to “qualified” people with disabilities, which is that reasonably affirmative steps may be needed to ensure equal access for people with disabilities to employment [1]. While the Rehabilitation Act does not apply to private companies that do not receive federal funds, it served as a model for the 1990 Americans with Disabilities Act (ADA) that extended non-discrimination protections and accommodation rights to qualified employees in all but the smallest employers. As is central to the ADA, the core of the Rehabilitation Act is its Sect. 504: “No otherwise qualified individual with a disability in the United States,... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” [1].

The Rehabilitation Act also played a significant role in the growth of the modern disability rights movement. After its

passage, the Department of Health, Education, and Welfare (HEW) was slow to issue regulations to implement the Act, leading to a high-profile 25 day sit-in by disability activists at the San Francisco offices of HEW [2]. This successful sit-in gained national attention and is widely recognized as among the pivotal moments in the political mobilization of people with disabilities, which ultimately played a key role in developing support for the ADA.

How have people with disabilities fared in the five decades since the passage of the Rehabilitation Act? There has been measurable progress in the status of people with disabilities since 1973. This includes greater access to transportation and education and improved accommodations in public spaces, such as stores and restaurants. In the context of employment, however, people with disabilities continue to face many disparities and challenges. The employment rate of working-age people with disabilities in 2023 was only half that of people without disabilities (37.1% compared to 75.0%) [3]. Even when employed, people with disabilities earn about 15% less than those without disabilities on average [4].

Due in large part to lower employment and earnings, people with disabilities are more than twice as likely to live in poverty than those without disabilities [5]. Those who become employed often face other disparities at work, including negative attitudes and a lack of support from supervisors and co-workers [6], lower rates of training and participation in decisions [7], lower job security reflected in higher risks of layoff [8], and higher rates of precarious contingent work [9]. There are, however, hopeful signs, as employment of people with disabilities has increased strongly during the pandemic recovery, reflecting not only the beneficial effects of tight labor markets but also the increased acceptance of remote work by employers (perhaps representing a “silver lining” of the pandemic for people with disabilities) [10–12].

Since the passage of the Rehabilitation Act, the world of work has changed dramatically. These changes include the

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enormous development of new technologies, the growing importance of workforce diversity, and the acceleration in working from home due to the COVID-19 pandemic. Not enough attention has been paid, however, to how these developments have impacted people with disabilities.

This special issue provides cutting-edge original research on the current disability employment landscape in the United States and the issues workers, employers, and policy-makers face in improving employment opportunities for people with disabilities. Most of the articles build on research sponsored by three major federally funded projects: (1) the Employer Disability Practices Center (EDPC) funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR); (2) the Disability Inclusive Employment Center (DIEP), also funded by NIDILRR; and (3) the “Perceptive and Adaptive Soft Wearable Robots” project funded by the National Science Foundation’s “Future of Work for People with Disabilities” program [13–15].

The articles explore various themes, including developments in assistive technology, employer policies and perspectives, employee views of accommodations, and the impact of the COVID-19 pandemic. The topics of disability diversity and the intersectionality of multiple individual identities cut across these themes and are addressed in several articles.

## Assistive Technology

The past 50 years have seen remarkable technological change that has reshaped the labor market and introduced various potential workplace accommodations for people with disabilities. Two studies analyze assistive technology’s potential to improve the employment of people with disabilities. The first study uses two Census datasets to estimate employment and earnings gaps tied to specific impairments and activity limitations [16]. It then analyzes how those gaps were affected by the availability of technology-based accommodations, and all accommodations more generally, over the 2012–2021 period using data from Current Population Survey (CPS) Disability Supplements. The key finding is that the occupations with the highest disability accommodations rates had greater disability employment growth, although disability pay gaps did not decrease more in these occupations. The article then describes three developing assistive technologies that illustrate the potential to reduce disability employment and earnings gaps.

One of those three technologies—a soft wearable exo-suit designed to help those with upper body impairments—is the subject of the second study that uses an experimental approach to measure employer reactions [17]. Findings show that the device increases trust and risk perceptions toward the candidate. Qualitative findings supplement this work

and indicate that an enthusiastic presentation of the device increases employer openness to this technology, with participants believing the candidate to be more honest. Still, this language alone is not enough to improve employability perceptions. The authors make the case for further research to identify what strategies could strengthen trust perceptions and improve hiring outcomes for people with disabilities.

## Employer Policies and Perspectives

Over the past decade, growing attention has been paid to employer policies that can affect employer opportunities. However, there is still a tremendous amount to learn, particularly regarding small businesses, which play an essential role in the US economy. This special issue explores employer policies and perspectives through one article on supplier diversity policies among Fortune 500 companies and two articles examining the perceived challenges faced by small businesses when considering hiring people with disabilities.

The first article finds that there has been substantial progress in the inclusion of disability in supplier diversity policies—this has increased sixfold among Fortune 100 companies since the first estimates published in 2005, and the large majority (89%) of Fortune 100 companies now have such policies [18]. When looking at the broader Fortune 500, however, only two-fifths (38%) of these companies currently have supplier diversity policies that include disability. The authors argue for enhancements in federal programs, advocating for people with disabilities to receive reasonably positive supports to ensure equal access to employment.

Most suppliers benefiting from inclusion in Fortune 500 diversity policies are small businesses. The next article focuses specifically on small businesses, using interviews and a survey to explore the extent to which small business owners possess practical knowledge of disability inclusion and accessibility [19]. In the interviews, small businesses indicated being open to hiring people with disabilities as long as they are qualified and their accommodation needs are reasonable financially. Furthermore, most small business owners reported that up-front disability disclosure is preferred to ensure smooth hiring and workplace socialization, with some arguing that employers should have the legal right to know. The supplemental survey of small business owners supported this disclosure topic, where 65% stated the same preference.

However, a few interviewees noted that while disclosure is ideal, bias regarding disability may compete against doing what is morally responsible in hiring a qualified person with a disability. Moreover, most interview participants noted their unfamiliarity with HR best practices in the ADA context and whether they were even in compliance. This speaks

to what the authors point out as a greater need for resources and support around the law for small businesses to overcome logistical barriers and bias.

The second article reports on a 2023 survey of small businesses to examine barriers and facilitators to employing people with different types of disabilities [20]. The authors make a useful comparison between small businesses above and below the 15-employee threshold for ADA coverage, finding that ADA coverage does not appear to affect the most commonly reported barriers to disability employment, while ADA coverage is linked to higher reported facilitators and willingness to hire people with disabilities. They find that the likelihood of hiring is strongly affected by disability type, with employers least likely to hire people who are blind or who have mental health or intellectual disabilities.

### Employee Views of Accommodations

Turning from employer to employee perspectives, two articles examine employee requests for accommodations, one using quantitative data and the other using qualitative data. The quantitative article uses the 2021 CPS Disability Supplement to see who requests and receives accommodations among qualified people with and without disabilities [21]. Not surprisingly, people with disabilities are more likely than those without disabilities to request accommodations, but the likelihood of having the request granted does not differ by disability status. Intersectionality appears to matter, as Hispanic/Latino workers with disabilities are more likely to request but less likely to be granted accommodations.

It is noteworthy that only one-sixth of people with disabilities (as defined by CPS questions) report requesting accommodations. The decision to keep the need for accommodations private may partly reflect poor self-advocacy training and the stigma associated with disclosure, which are among the topics of the next article [22]. There, young professionals with disabilities address stigma and other barriers when acknowledging their disabilities in the context of professional development and the need for training curricula to speak up for themselves tactfully and effectively with employers. In particular, these young professionals claimed to ignore their accommodation needs—whether on a job search or at work—in order to blend in, and as one participant stated, “fake it till you make it.” The disability disclosure dilemma was an even more delicate decision for people of multiple marginalized and intersectional backgrounds and often for those with less obvious disabilities such as mental health conditions.

Results also indicate a lack of transition support in higher education programs, such as career services. Whereas participants expressed satisfaction with their academic training, several found it challenging to transition into the business

world due to their unfamiliarity with communicating their accommodation needs strategically. The author notes that higher education should address this barrier by developing and implementing training curricula in their career services programs. This would help ensure a smoother transition for students with disabilities who are earning advanced degrees and might otherwise settle for underemployment or unemployment.

### COVID-19 and Disability Employment

Any examination of employment for people with disabilities must account for the COVID-19 pandemic. Although people with disabilities were initially hard-hit economically by the pandemic, the widespread shift to remote work has helped mitigate these setbacks. The strong growth of disability employment amid the pandemic recovery disproportionately occurred in “teleworkable” jobs. Remote work has become more acceptable as an accommodation, although the question is to what extent?

The final article looks more deeply at the pandemic-related changes in the incidence of disability due to the development of “long COVID” [23]. Findings show that despite the shift to remote work being beneficial for people with long COVID, they were less likely than people without disabilities to engage in it, given that most of their jobs were not teleworkable. This calls for other ways to introduce flexibility in jobs where people with disabilities are concentrated, including shorter workdays, flexible schedules, and other accommodations.

Our special issue explores the current state of disability employment 50 years after the passage of the Rehabilitation Act. The pandemic has highlighted that stigma and prejudice, and the lack of equal access to health care and technology, continue to negatively affect the employment of people with disabilities. In the next few years, the rapid development of artificial intelligence (AI) may radically shift the nature of many jobs, with potential both to help and to hurt employment opportunities for people with disabilities. While the findings from the eight articles in this Special Issue underscore that progress has been made over the past 50 years, many challenges persist, yet opportunities for change lie ahead. We believe the insights shared in this Special Issue will help inform and inspire further attitudinal change, research and policy developments, technological advancements, and professional practice.

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