

# Section 9: Employment

Disability and society, 2016

Anne Revillard

# Learning objectives/key points

- Disabled people's historical exclusion from the labor market
- Labor market segmentation
- Role of state and workplace policies
- Obstacles to hiring and promotion
- The work experience of disabled managers
- Rethinking work from a disability studies perspective

# Outline

## **Exclusion and labor market segmentation**

The historical exclusion of disabled people from the labor market

A segmentation of the labor market

## **A complex policy context**

Quota schemes

The rise of antidiscrimination law

The UN CRPD and employment antidiscrimination

Antidiscrimination legislation at the national levels

Disability as diversity: The “business case” for disability employment

Welfare-to-work policies

## **The workplace experiences of disabled people in mainstream employment**

### **Rethinking work**

Work and social integration

What is work? Expanding the scope of the definition

# Introduction

- Employment as a key issue for disabled people:
  - General role in social stratification (economic resources, social status, power)
  - Historical centrality of the relation to work in the definition of disability
- In industrialized countries: from exclusion/segregation to very partial inclusion
  - Connection to policy change and economic context
  - As for other marginalized group, presence  $\neq$  equality

# Exclusion and labor market segmentation

The historical exclusion of disabled people from the labor market

- « disabled » as « unable to work » → charity and welfare support
- Vocational rehabilitation in a context of labor shortage → disabled people as a « reserve army of labor »

# Exclusion and labor market segmentation

Changing perspectives on disability and work

- Promotion of social inclusion, more recently antidiscrimination
- Welfare-to-work policies

# Exclusion and labor market segmentation

Yet:

- Employment rates for DP are well below national averages
- Higher rates and longer periods of unemployment
- Segmentation of the labor market

# Exclusion and labor market segmentation

DP, when on the labor market, have historically been segregated to lower status jobs

- Sometimes physically segregated (sheltered workshop)
- Low pay, low prestige
- Few career opportunities

# A complex policy context

- Disability employment quotas
- Antidiscrimination
- Diversity
- Welfare-to-work policies

# Disability employment quotas

- Origin: post WW1 veteran policy (Germany, 1919; France, 1924)
- Quotas initially seen as a social obligation towards disabled veterans; extended to other DP
- Grounded on assumptions that DP cannot compete for jobs facing NDP/employers will not hire unless forced to do so
- A system often seen as patronizing from a disability rights perspective (Heyer, 2002; 2005)
- In practice, often segregated, low-prestige jobs
- Various degrees of incentive/constraint from one country to the other
- Various combinations with antidiscrimination law : in the UK the 1995 DDA suppressed the quota system; in France the 2005 law reinforced it.

# Antidiscrimination policy

- The right to work according to the UN CRPD
- The Americans with Disabilities Act (ADA), 1990 (see Heyer, 2015)
- The UK Disability discrimination Act (DDA) 1995
- The 2005 reform in France

# UN CRPD – Article 27 – Work and employment

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;

# UN CRPD – Article 27 – Work and employment

- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- g) Employ persons with disabilities in the public sector;
- h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
- k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

# The 1990 ADA (cf Heyer, 2015)

- Prohibition against employment discrimination
- Reasonable accommodations under title I of the ADA are “modifications or adjustments to a workplace process or environment that makes it possible for a qualified person with a disability to perform essential job functions, such as physical modifications to a workspace, flexible scheduling of duties, or provision of assistive technologies to aid in job performance”
- The accommodations and can impose some hardship on the employer, as long as they are “reasonable” and their hardship is not “undue”.
- This opens a “zone of bargaining” between the employer and employee.

# Disability as diversity: the « business case » for disability employment

Disabled workers as an organizational asset?

- Assumptions of increased productivity → pressure on DP
  - Using disabled employees as a way to improve an organization's image
- « conditionally valued diversity » (Roulstone & Williams, 2014; Roulstone, 2012)

# Welfare-to-work policies

- **Example of the UK**

1997 New deal for disabled people → welfare-to-work strategy

> Budgetary concerns & calls from the disability movement to improve employment outcomes for DP

5 types of strategies (Bambra et al, 2005):

- Education, training and work placement
- Vocational advice and support services
- In-work benefits
- Incentives for employers
- Accessibility

# The workplace experiences of disabled people in mainstream employment

## General patterns:

- Segregation at the level of a given workplace or occupation
- DP often channelled to backroom rather than frontline work

(Roulstone, 2012)

.../...

# The workplace experiences of disabled people in mainstream employment

General patterns (cont.):

- DP face « inadequate knowledge about disability » on the part of employers
  - Negative expectations regarding the productivity and quality of DP's work
  - Assumptions of lower career aspirations and work ethics
  - Idea that DP will cost more to employ
  - Reluctance to hire and promote DP

(Wilson-Kovacs et al 2008)

# The workplace experiences of disabled people in mainstream employment

## General patterns (cont.):

- In this context, self-limiting behavior of DP
  - Not seeking promotions or taking advantage of career opportunities

“While such explanations may seem to shift the blame on to disabled individuals, the self-limiting behaviour may be a coping strategy adopted to maintain a comfortable position, to keep work at a manageable level or to retain control (Shah 2005).”

//“Glass partition effect” (Roulstone & Williams, 2004, see below)

# The workplace experiences of disabled people in mainstream employment

**When DP reach managerial positions, what challenges do they face?**

Consequence: when they have attained a relatively satisfactory position, DP tend not to move: « **Glass-partition effect** » = “the reluctance of disabled managers to move jobs/roles both internally and externally”. (Roulstone & Williams, 2014) >

- Fear of having to “come out” again
- Fear of losing the adjustments that have been negotiated
- Fear of encountering a more hostile environment

→ “a form of continued ontological insecurity among disabled managers” (Roulstone & Williams, 2014, p.26)

# The workplace experiences of disabled people in mainstream employment

**When DP reach managerial positions, what challenges do they face?**

- An often paternalistic work environment, but at the same time a lack of effective organizational support (accommodations, general information regarding disability to all employees, encouragement to take risks and develop professionally)
- Negative perception by co-workers: “their being there is often viewed by peers and subordinates as a result of diversity quotas, rather than an acknowledgement of their true abilities” (Wilson-Kovacs et al 2008, p.714)

# Rethinking work

- Work and social integration (Abberley, 2002)
  - Central role given to work in analyses of social integration in European social theory.
  - Logical conclusion = “inevitability of the social exclusion of some impaired people in any possible society” (120), given that some impaired people will never be able to work.
  - This involves “a value-judgement upon the undesirability of impaired modes of being” (135)
  - Need to draw on other strands of social theory, notably feminism, to find “a vision of a more inclusive society in which work is not regarded as the defining characteristic of full social inclusion” (Abberley, 2002) (120)

# Rethinking work

- What is work? Expanding the scope of the definition to include:
  - DP's self-care activities
  - The employment and management of PAs (input from the Independent Living perspective)
- + recognize the economic use of disability benefits

(Barnes & Mercer, 2005)

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