Race, Disability, and Employment

An ADA Knowledge Translation Center Research Brief

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Introduction to the ADA

The Americans with Disabilities Act (ADA) was passed in 1990 and is celebrated as a bipartisan victory for the disability rights movement. Through the ADA, disability is a recognized source of discrimination, like "race, color, religion, sex, or national origin" within the Civil Rights Act of 1964. The ADA established a civil rights and legal framework that allows people with disabilities to challenge disability-based discrimination in the realms of employment, public services, and places of public use. The purpose of the ADA is to promote equal opportunity, full participation, independent living, and economic self-sufficiency for all people with disabilities.

Title I of the ADA covers both employment discrimination on the basis of disability as well as requiring employers to provide reasonable accommodations, unless these accommodations cause undue hardship. Reasonable accommodations are changes to workplace environments that allow people with disabilities to complete essential job tasks. The phrase 'undue hardship' refers to a significant difficulty or expense on the side of the employer, which is determined on an individual basis. Title I plays a crucial role in supporting employment for people with disabilities, which is the focus of this brief.

Disability Rights and Race

When thinking about the impact of disability rights law, like the ADA, it is also important to consider other factors like that of race. The ADA's purpose is to address disability-based discrimination similarly to how other civil rights laws address racism and sexism (Harpur, 2009). Disability-based discrimination, sometimes referred to as ableism, occurs when people with disabilities are denied accommodations or treated unequally in the workplace. There is limited research capturing the perspectives of people who experience multiple forms of discrimination – such as racism and ableism. Research has shown that racial and ethnic minority populations (defined at the federal level as including Blacks/African-Americans, Hispanics/Latinos, Asians and Pacific Islanders, and American Indians and Alaska Natives) with disabilities may experience dual discrimination, experience discrimination more frequently than white populations with disabilities, and face a number of barriers to full and equal participation in the workplace related to their race and disability status (Shaw et al., 2012). Understanding that people experience discrimination based on disability and race is a key factor when thinking about the implementation of disability rights law.

Environmental factors and barriers created by racism result in a higher prevalence of disability in racial and ethnic minority populations (Fuller-Thomson et al., 2009; Goyat et al., 2016; Newacheck et al., 2003; Siordia, 2015). Even with the higher prevalence of disability within racial and ethnic minority populations, disability rights movements have faced criticism for leaving out unique experiences of disability and racially based discrimination (Brune, 2017). In fact, there has been noted tension between efforts to promote racial justice and disability rights. Sometimes this happens as disability has been used to "other" racial groups or justify racially motivated barriers. This has sometimes caused other groups to distance themselves from the disability rights movement. Additionally, others have noted that disability rights advocacy tends to focus on the experiences and achievements of white people with disabilities (Erkulwater, 2018). This overrepresentation of white perspectives in disability rights advocacy and research can impact the understanding and impact of disability rights laws for racial and ethnic minorities with disabilities. This brief will summarize findings of research that bring to light some of key ADA issues related to experiences of race and disability within employment.

What the research says

As previously described, people with disabilities who are from racial and ethnic minority populations have unique experiences based on the intersection of race and disability status. This includes the distinct experiences of inequality and oppression as a result of both ableism and racism (Frederick & Shifrer, 2019). Research exploring the unique experiences of people with disabilities in racial and ethnic minority populations is under-synthesized and often missed in research in general (Banks, 2018). In fact, critics have noted that much of the disability and rehabilitation research leaves out analysis and perspective related to race (Parker, 2015). In regards to disability rights laws, disability status in conjunction with other identity factors, such as race and gender, contribute to how and if people are able to claim their rights (Banks, 2018; Parker, 2015).

Considering the growing national conversations surrounding racial inequality, as in the realms of healthcare outcomes (Gulley et al., 2014), police interactions (Abramov, 2017), and services within the education system (Adjei, 2018), there has been increased focus on capturing the perspectives of people from racial and ethnic minority populations when conducting disability related research and support (Oden et al., 2010). Some researchers are moving to disability as both an identity and a category that is influenced by and interacts with other contexts like that of race (Barnartt, 2010). The growing awareness of racial inequality emphasizes the importance of sharing the perspectives from underrepresented groups.

This brief will summarize research regarding race and disability as these influence employment outcomes and access of employment rights within the ADA.

HIGHLIGHTS OF FINDINGS

- Finding 1 - People with disabilities from racial and ethnic minority group populations have unique perspectives as they experience both racial and disability-based discrimination.
- Finding 2 - There are racial disparities in disability services in preparation for employment, such as education and vocational rehabilitation systems.
- Finding 3 - Racial and ethnic minority group populations and people with disabilities experience employment disparities compared to white people without disabilities.
- Finding 4 - Race appears to influence the types of discrimination people with disabilities experience and if people with disabilities exercise their employment rights.

Race, Disability and Employment

Employment is an important part of fully participating in society and has been shown to provide many benefits, such as a giving people a sense of purpose, increased independence, status, and acceptance in the community (Modini et al., 2016; Weston et al., 2021). Despite anti-discrimination laws, like the ADA, people with disabilities continue to experience discrepancies in employment. Only 31% of people with disabilities are employed (as of July 2021) compared to 73% of people without disabilities (Kessler Foundation & University of New Hampshire, 2021). Additionally, Black Americans also experience employment disparities and are twice as likely to be unemployed than white Americans (Williams & Wilson, 2019). Having a disability is shown to decrease employment rates across all races and ethnicities in the U.S. (Brooks, 2019). These disparities are influenced by barriers in employment preparation, accessing work and in the workplace, and recognizing and responding to discrimination.

Employment preparation

Employment preparation can take many forms, including education and vocational rehabilitation (VR) services. In regards to education, race has been shown to influence disability diagnosis, which can directly impact the types of education services received and how educators interact with students in school (Artiles, 2013). For example, black students often receive less services at school than white students with disabilities. (Adjei, 2018)

Furthermore, race and ethnicity have unique contextual factors that influence connection to other types of pre-employment services. For example, there is noted underutilization of vocational rehabilitation (VR) programs within Asian American communities. Additionally, people with disabilities in the Hispanic, Latino, or Latinx community may be less likely to access VR services due to cultural mistrust of public agencies (Velcoff et al., 2010). Other barriers may also exist within the VR systems, as people with disabilities from racial and ethnic minority groups were found to be at higher risk of not being accepted by agencies that provide employment services than white people with disabilities (Langi & Balcazar, 2017).

Other studies have also identified racial discrepancies in employment outcomes for people with disabilities who do receive vocational rehabilitation services. White people who receive VR services have the highest rates of competitive employment while Black Americans have the highest rates of noncompetitive outcomes (Olney & Kennedy, 2002). These highlight some of the institutional barriers to accessing employment for racial and ethnic minorities with disabilities. Overall, there appears to be an intersectional aspect, meaning that there are both disability and racial determinants that impact employment preparation.

Barriers to employment and in the workplace

In addition to preparing for employment, people with disabilities from racial and ethnic minority populations face barriers to accessing employment. For example, one study found that white applicants receive 53% more callbacks and 145% more job offers than applicants from each of the major racial and ethnic categories (Quillian et al., 2017). Similarly, a different study found that people who disclosed a disability status in job application materials, such as in cover letters, receive significantly lower responses from employers than people without disabilities (Ameri et al., 2018). These discrepancies highlight how employers may, intentionally or unintentionally, make decisions based on race or disability status that limit employment opportunities for marginalized communities.

Other research has sought to connect experiences of ableism and racism in terms of employment outcomes. For example, one study reviewed case data from the Equal Employment Opportunity Commission (EEOC), the enforcement agency for employment civil rights. The purpose of this review was to identify potential connections between disability-based and other types (such as sex or race based) charges. Researchers found that workplaces where people reported discrimination based on sex and race were more likely to also have allegations of disability-based discrimination (von Schrader & Nazarov, 2015). This highlights potential connection between experiences of prejudice across both race and disability.

Both disability status and racial identity impact the way people experience their workplace and interact with their coworkers. Experiences of discrimination, such as in the form of racism or ableism, can

ultimately impact employee mental health (Velez et al., 2018). Researchers have long noted the significant barriers for people with disabilities and for racial and ethnic minority populations in accessing social opportunities in the workplace; meaning that people with disabilities and racial and ethnic minorities may have difficulty fully participating in the different aspects of employment (Alston et al., 1994). Social norms and biases do not easily change, and hidden prejudices can continue experiences of ableism and racism in the workplace (Beratan, 2006; Parker, 2015). While these types of barriers have been documented from disability and racial perspectives separately, there has been little exploration from the perspective of people who experience both disability and racially motivated discrimination at the same time (Shaw et al., 2012).

Recognizing and responding to discrimination

When employment discrimination does occur, people must seek out options to exercise their civil rights to address these experiences. Race appears to have an influential relationship with who is aware of employment rights under the ADA and who is more willing to enforce those rights. For example, the charging parties in hiring allegation cases, meaning individuals who filed complaints that they were not hired for a job because of their disability, tended to be white men with physical or sensory disabilities (McMahon & McMahon, 2016). This finding potentially suggests that white Americans with disabilities are more likely to exercise their employment rights through litigation than other groups. This is despite the fact that people with disabilities from racial and ethnic minority groups are more likely to recognize disability discrimination in the workplace than white people with disabilities (von Schrader & Nazarov, 2015). Together, these findings suggest that people with disabilities from racial and ethnic minority groups with are more likely to identify discrimination but less likely to file lawsuits. Race also appears to influence the type of disability-based discrimination that people experience. One study shows that racial minority status in combination with various other individual and organizational factors places individuals at a higher risk of experiencing disability harassment (Shaw et al., 2012). The researchers found that Hispanic or American Indian women with behavioral disorders, age 35 and older were found to have the highest proportions of disability-based harassment while white men with physical disabilities had the lowest rate of disability-based harassment (Shaw et al., 2012). More exploration is needed, but these studies highlight how overall employment outcomes and enforcement of employment rights are influenced by disability and racial contexts.

Conclusion

This brief focused on the intersectional aspects of both disability status and race on employment experiences. As highlighted throughout, there are connections and parallels between disability and race in employment preparation, employment outcomes, and responding to discrimination. Despite these linkages, there are gaps in research regarding race and disability including: a lack of understanding and recognition of non-representative samples and inadequate analyses about differences in individual experiences in relation to race and disability. There is a need to further explore the unique experiences and perspectives of racial and ethnic minorities with disabilities within disability rights research. Furthermore, more attention should be paid to intersectional or cross cutting experiences when providing employment support, and organizations should include intersectional perspectives to better prevent discrimination and promote true inclusion in the workplace (von Schrader & Nazarov, 2015).

Examples from the ADA National Network

Below are a few examples of how the ADA national network are addressing the issues raised in this brief. For further information on how the ADA Centers can help with issues related to this topic, please contact the ADA National Network here: https://adata.org.

- **Example 1:** Several stakeholders have reached out to the ADANN across multiple regions, requesting assistance with discrimination in the workplace on the basis of both race and disability. Stakeholders describe this discrimination as denied accommodation requests, experiences of harassment, as well as termination. The ADANN Technical Assistants provided relevant information about what rights exist and how the stakeholders can exercise those rights by filing with enforcement agencies on both state and federal levels.

- **Example 2:** A Regional Center participated in a conference and gave a presentation titled "Equity at the Intersection of Race, Ethnicity and Disability." Within this workshop, the ADANN Technical Assistants provided a description of equity within the context of disability, a framework to address disparities in services and supports, and described the importance of cultural and linguistic competence in achieving greater equity for people with disabilities.

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