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Comparative Study of the Emerging Workforce of Persons with Disabilities **Running title: Studying the Emerging Workforce**

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I. Introduction

Although there is great diversity of definitions, causes, conditions, and consequences of discrimination against persons with disabilities in employment and other aspects of daily life, there are fundamental themes that unite countries in their pursuit of policies to improve the social and economic status of persons with disabilities. The premise of this chapter is that comparative research is crucial to identifying individual, organizational, cultural, attitudinal and legal themes necessary for the effective development of disability employment policies.

In the later part of the twentieth century, international initiatives such as the 1993 United Nations (UN) Resolution 48/96 established standards for the equalization of employment opportunities for persons with disabilities.¹ Prior to the 1993 Resolution, the 1971 and 1975 UN Resolutions regarding the rights of persons with mental retardation helped to frame then emerging issues facing persons with disabilities in all parts of the world and at different economic and social levels in society.

In 1996, UN Resolution 50/144 further urged member states to consider and study the legal, administrative, and policy measures required to implement prior standards recommended by the UN.² The pursuit of standards in disability policy reflected a new moral and political commitment by member states toward equal opportunity for persons with disabilities throughout

the world in the areas of employment, housing, transportation, and individual rights.³

This chapter asserts that comparative analysis and research has played, and will increasingly assume, a significant role in informing policymakers and citizens of issues central to the development of national disability employment policies. Among the major preconditions for the equal participation in society of persons with disabilities as recognized by the UN is raising awareness about the rights, needs, and employment potential of persons with disabilities.⁴

To a large extent, there exists a lack of systematic comparative study of the complex issues surrounding disability employment policy formulation, implementation, and evaluation. Countries implementing antidiscrimination disability employment policies, such as the Americans with Disabilities Act in the US, are at the forefront to examine and document the effects of this new generation of civil and human rights laws. This examination, whether based in economics, psychology, sociology, medicine, or law, will help to uncover central issues in designing, implementing, and improving disability employment policy.

In the US presently, critical questions are being examined from multiple disciplinary perspectives about the composition, quality, and competitiveness of the American work force. What types of work skills will be needed for American employers to remain competitive in the US and abroad? Will America's increasingly diversified and aging workforce include millions of persons with disabilities? What will be the characteristics and qualifications of the American workforce of persons with disabilities? What types of job training, technology, and accommodations will be available to that workforce? And, how will the changes that have occurred in the last quarter of the 20th century in American disability, welfare, and health care policy affect that workforce?

These questions reflect a dramatic shift in emphasis over the past 25 years in American disability laws and policies, from a model of charity and compensation, to medical oversight, and then to civil rights.⁵ The civil rights model that first began to influence American government policy toward disabilities in the 1970s conceptualized the disabled as a minority group entitled to the same hard-won legal protections for equality that emerged from the struggles of African Americans and women. Proposing disability as a social and cultural construct, the civil rights model focuses on the laws and practices that subordinate disabled persons.

The new civil rights model insists that government secure the equality of disabled persons by eliminating the legal, physical, economic, and social barriers that preclude their full involvement in society. Contemporary American employment policies and laws are focused on increasing the labor force participation of qualified persons with disabilities and reducing their dependence on government entitlement programs. American federal laws, such as the Workforce Investment Act of 1998 (WIA), the Ticket to Work and Work Incentives Improvement Act of 1999 (TWWIIA), and the Americans with Disabilities Act of 1990 (ADA), illustrate support for enhancing employment opportunities for working age adults with disabilities and preventing disability discrimination in the workplace.⁶

TWWIIA, for instance, expands the availability of health care coverage for individuals with disabilities so that US states may allow their disabled citizens with incomes over 250% of poverty level to 'buy into' governmental Medicaid health insurance programs if they are otherwise eligible for the Supplemental Security Income (SSI) program. In addition, TWWIIA established the Ticket to Work and Self-Sufficiency Program (TWSSP), in which participants use a 'ticket' or voucher to obtain employment services from employment networks ('ENs'). The

goal of the ticket program is to give participants greater choice and control over the type of employment service and to foster competition and innovation among employment service providers. With similar goals of employment in mind, WIA establishes ‘one stop’ employment and job training centers across the country that ideally provide employment and other services to all individuals, including those with disabilities.

In American, as in comparative examinations, the primary way to assess whether disability employment laws and policies, such as the ADA or TWWIA, are economically and socially beneficial is through assessment of information regarding their impact on persons with disabilities, and their families and employers.⁷ Although researchers approach this question from distinct perspectives, policymakers, employers, and disabled individuals will gain a more complete perspective about the effects of these policies if information is gathered using a range of approaches from a variety of sources. In addition to providing breadth of information, assembling research from multiple disciplinary and comparative sources highlights different perspectives and assumptions in ways to reconcile apparently conflicting outcomes.

II. The role of comparative study

To illustrate the importance of comparative study to the implementation of disability policy, this chapter presents findings from an investigation of employment of individuals with mental retardation, conducted during early implementation of the Americans with Disabilities Act (ADA).⁸ Begun in 1989,⁹ the investigation follows the lives of more than 5,000 adults and children in Oklahoma with intellectual disabilities (primarily mental retardation) by collecting information on individual, economic, health, and legal measures from 1990 to 1999.¹⁰

Although dramatic changes in the US and abroad have occurred in attitudes and behaviors toward individuals with disabilities in employment, governmental services, telecommunications, and public accommodations,¹¹ as mentioned, these changes have not been documented adequately. The documentation of these changes is necessary to determine if the integration and inclusion promises of laws like the ADA and TWWIA have been fulfilled.¹² There is no denying that these initiatives warrant attention; they are comprehensive American employment laws addressing potential employment discrimination against one-fifth of the American population.¹³ The ADA is the most significant US federal antidiscrimination law since the Civil Rights Act of 1964 outlawed racial discrimination.¹⁴

Those critical of the impact of the ADA and other disability employment laws and policies on the US labor market argue that there is little evidence that such initiatives have resulted in larger numbers of qualified persons with disabilities participating in the labor force.¹⁵ Critics focus, for instance, on the costs of litigation associated with the ADA, and they point to the Act as the reason for the rise in complaints filed with the Equal Employment Opportunity Commission (EEOC), the agency responsible for enforcing the law.¹⁶ Business failures and job losses were predicted to result from application of the ADA to small employers.¹⁷

Much may be learned about our society and its laws through study of the principles underlying the ADA. Moreover, identifying the ADA's strengths and weaknesses informs other nations as they implement similar legislation securing equal employment opportunity for persons with disabilities. But not only is communicating employment information about people with disabilities critical to ADA implementation, it is central to the study of broader employment policy issues facing persons with disabilities throughout the world.¹⁸ Certainly, the ADA offers

only one model for defining the rights and remedies necessary for achieving nondiscrimination in employment and other aspects of daily life.¹⁹ Documenting ADA implementation, however, will inform policymakers in other countries who are designing related initiatives about the advantages, disadvantages and practical issues of implementing such initiatives.²⁰

A. Purpose of the US investigation

The purpose of the investigation presented in this chapter is three-fold: first, to foster a dialogue about American disability law and policy; second, to raise awareness about the lives and capabilities of people with intellectual disabilities; and third, to foster comparative study of disability initiatives by providing an information base to improve communication.²¹ These goals are consistent with ones established by the UN to ensure that persons with disabilities hold an equal place in society.

Comparative research raises other questions that promote the development of disability employment policy.²² In the present investigation, such questions include:

- * How does a society define a disability (both legally and socially)?
- * How does a society define the importance of work for all persons?
- * For purposes of disability law and policy, what constitutes a limitation on the ability to work?
- * How do different types of disabilities affect an individual's ability to work or perform daily life tasks?
- * How do the living environments (eg, physical, programmatic, and technological aspects) of individuals with disabilities support or limit the ability to attain and

retain work?

- * In what ways do individual empowerment strategies, such as self-advocacy, enhance workplace rights and social advancement for people with disabilities?

And,

- * How will structural labor market forces and an increasingly global economy affect

employment integration and the labor force participation of persons with disabilities in countries around the world?

B. Overview of the Oklahoma investigation

The findings from the analysis of information collected during the years 1990 to 1999 help to address the questions posed above. A theoretical model or research framework for the empirical study of employment integration has been developed and presented elsewhere in detail.²³

The model identifies measures to be studied to achieve an understanding of employment integration and economic opportunity. Examination of similar measures in other countries, the topic discussed in Part III of this chapter, may inform policymakers of the economic and social progress of their citizens with disabilities.

Several assumptions guide the research model.²⁴ First, descriptions of legal and social conceptions of disability (and of physical or mental impairments) require interdisciplinary analysis. Second, disability is conceived as a function of limitations in skills or capabilities which must be defined in the context of the living environment and level of support from that environment. Third, for all people, disabilities coexist with individual strengths and capabilities,

and with appropriate supports, the functioning of persons with disabilities improves. Fourth, disability is a natural part of the human experience.²⁵

By focusing on individual strengths and capabilities, on environments, and on access to supports and services as underlying assumptions, the present investigation reflects emerging views and research about the interplay of disability and society.²⁶ As an empirical matter, the model allows for analysis: (1) over time, (2) on cross-sectional and longitudinal information collected annually, (3) from an interdisciplinary perspective, and (4) in ways consistent with the major goals of US disability policy (ie, focus on exploration of equality and opportunity, full participation, independent living, and economic self-sufficiency).²⁷

There are two major types of outcome measures in the model. The first is a measure of employment integration, assessed by employment category and by changes in employment category from over time (ie, employment movement).²⁸ The second dependent measure, economic opportunity, is defined by measures of earned and gross income and by changes in income over time (ie, economic growth).

1. Employment integration

Four categories of employment type are defined and arranged from less to more integrated as follows:²⁹ (1) no employment -- no employment and minimal employment training, (2) sheltered employment -- work or training in a nonintegrated group setting with wages less than the required minimum wage,³⁰ (3) supported employment -- supported with services of a job coach and with at least minimum wage, and (4) competitive employment -- without the services of a job coach.³¹

2. Economic opportunity and changes in income

US census data from 1991 to 1992, collected prior to the effective date of ADA Title I, show that persons with disabilities have lower incomes when compared to their nondisabled peers.³² The current research examines changes in the participants' monthly incomes over time and relates them to other independent variables.³³ This design enables the analysis of economic growth and opportunity over time, as well as of the relationship between income levels and other measures in the model, such as individual job skills and qualifications.³⁴

3. Personal background measures

Personal background variables (other than disability) refer to the participants' age, gender, ethnicity, and minority status. The model describes the relationship between the background variables and employment integration and economic opportunity. Personal background variables alone should not predict employment integration or economic opportunity for qualified persons with disabilities. Prior studies, however, point to the relationship of gender, race, and disability to workforce participation and advancement.³⁵

4. Capabilities and qualifications

Individual capabilities and job qualifications are defined as the interaction among intellectual, physical, and social demands of the environment.³⁶ In the investigation, two measures comprise the job capabilities and qualifications composite factor -- job skill scores and health status.³⁷

These two measures reflect one working definition of the term a 'qualified' worker, for instance,

within the legal meaning of ADA Title I. Although central to most legal disputes involving the ADA, there is little prospective research devoted to examining individual job qualifications.³⁸ To date, the common approach has been to define qualifications retroactively on a case-by-case basis.³⁹

The job skill measure assesses an individual's functioning and developmental growth.⁴⁰ The health status measure assesses the medical needs of the participants.⁴¹ For persons with mental retardation, health status often relates to the need for supports and services and the opportunity for integrated work.⁴² A third limited measure of adaptive equipment (eg, workplace accommodation) needs has been included as an exploratory measure.⁴³

5. Inclusion factors

Full inclusion into society for persons with disabilities is a primary goal of recent American policy initiatives. Inclusion in employment brings economic opportunity and social participation.⁴⁴ The model measures inclusion by degree of integration and independence in living arrangement (ie, the integration aspect) and by reported satisfaction and choice with employment and daily living (ie, the consumer measure).

Integrated and independent living, of course, is central to civil rights for people with disabilities.⁴⁵ People with mental retardation who live in integrated settings show significant advancements in job capabilities and participation in society.⁴⁶ The four categories of living type range from less to more integrated (ie, from custodial to independent) and include the following: institutional residences, family homes, group homes, and independent or supported living homes.⁴⁷

The second inclusion component, the consumer measure, is based on participants' views of their employment, daily needs and opportunities, and is obtained from a subset of persons responding directly to the research interviewers.⁴⁸ The study examines the relationship of satisfaction and choice in work and daily life to subsequent employment integration and economic opportunity. Prior research shows that inclusion into society results in enhanced personal satisfaction and perceptions of choice and control in life.⁴⁹

6. Empowerment factors

Three measures explore the concept of self-empowerment. The self-advocacy measure reflects contact and participation with self-advocacy programs.⁵⁰ Self-advocacy is 'teaching people with a disability how to advocate for themselves and to learn how to speak out for what they believe in.'⁵¹ Self-advocacy in the field of mental retardation is a crucial means for ensuring full participation in society.⁵² The research examines the amount of contact these participants have with self-advocacy organizations (eg, involvement with 'People First').

In addition to self-advocacy, family and governmental supports are assessed. Studies show that the use of cost-effective and natural supports in homes, employment, and communities empower persons with disabilities.⁵³ Appropriate supports improve the job capabilities and functioning of persons with mental retardation.⁵⁴ Family and governmental supports are crucial to employment opportunity because they provide a natural and on-going means for enhancing independence and community integration. Additionally, vocational education and job training are becoming increasingly individualized and coordinated across disciplines for persons with disabilities and these factors are assessed in the model.

7. Legal factors

These measures examine perceptions of access to employment and daily life.⁵⁵ The areas examined include access to employment, education, transportation, and physical access to buildings. The investigation solicits participants' views of employment accessibility (eg, ADA Title I issues).⁵⁶ Participants are asked about their access to educational and governmental training services, to public transportation (ADA Title II issues),⁵⁷ and to public accommodations (ADA Title III issues).⁵⁸

C. The investigation's core findings

Five core findings emerge from the investigation. The findings reveal positive change and chronic stagnation in the employment and economic status of persons with mental retardation from 1990 to 1999.

1. Employment integration

With regard to employment integration, the findings reveal that from 1990 to 1999 almost half (42%) of the participants did not change their employment status. During the period, however, almost half of the participants (46%) did move to more integrated employment settings, such as into competitive and supported employment. Moreover, by 1999, four times as many participants were engaged in competitive or supported employment, as compared to 1990 (24% versus 6%, respectively).

From 1990 to 1999, relative unemployment levels for all participants declined

dramatically -- cut by half, from 43% in 1990 to 22% in 1999. However, approximately one-tenth (11%) of the participants regressed into less integrated employment settings, moving from integrated settings to sheltered workshops or unemployment. These findings were evidenced regardless of the gender and race of the participant.

Individuals with better job skills and capabilities (eg, with higher adaptive behavior scores or better health status), more involved in self-advocacy activities, and having greater independence in living are the most likely to attain and remain in integrated employment. Yet many individuals in competitive work reported limitations and discrimination in employment. This suggests that there may be differences in what policy makers and researchers know about the implementation of disability legislation and what may be perceived by the disability community.

2. Economic opportunity

From 1990 to 1999, the incomes of the participants increased substantially. Older, relative to younger, participants show substantial increases in earned income and in attainment of competitive employment. The strongest independent predictor of employment advancement and earned income is job skill level. However, social inclusion measures (eg, independence in living) and empowerment factors (eg, self-advocacy involvement) contribute to predictions of employment advancement and higher earned income levels. The findings support the view that employment and income are central factors affecting life satisfaction and quality of life for persons with disabilities.⁵⁹ Yet prior research shows significant wage disparities between people with and without disabilities in comparable jobs.⁶⁰ Over time, these wage disparities often act as

disincentives to work for qualified individuals with disabilities.

3. Individual growth

The personal growth of participants from 1990 to 1999 is measured in several ways. These include improvements in job capabilities and qualifications, level of inclusion and empowerment in society, and degree of accessibility to society. Several findings emerge. First, the proportion of participants involved in self-advocacy increases substantially, from 17% in 1990 to 28% in 1999. Second, reported accessibility to, and satisfaction with, work and daily life shows improvement. Third, the reported health status of the participants improves. Finally, the proportion of participants living in integrated community settings (ie, as opposed to larger congregate care facilities) rises dramatically, from 2% in 1990, to 50% in 1999. The trends suggest improvement in areas central to equal opportunity, access to and involvement in society, and increased satisfaction with work and daily life.

4. The black hole effect

Although progress is evident, troubling results emerge. More than three quarters (78%) of the participants who were unemployed or in non-integrated sheltered workshops in 1990 remained in the black hole of these non-integrated settings in 1999. Moreover, movement from nonintegrated employment settings to integrated employment is limited for all persons, regardless of their level of disability.⁶¹ Nevertheless, almost half (49%) of individuals who were in competitive and supported employment in 1990 remain in these settings in 1999.

5. Perceptions of rights and ADA implementation

Perceptions of rights and ADA implementation varied over time. During the years 1990 to 1992, the period that the ADA was signed until the effective date of Title I, participants reported an increasing level of effectiveness of the law and its principles. High expectations for a new and emerging era were apparent.

From 1992 to 1994, a different picture developed. Perceptions of ADA effectiveness and self-reported access to society dropped, in absolute terms, to levels almost comparable to those evidenced in 1990. From 1994 to 1999, however, perceptions of rights and access to society again rose, but remained lower than the earlier enthusiastic levels. The findings suggest that upon passage of the ADA, disabled Americans' expectations for the rights and the law were high. However, the reality of implementation may not yet have achieved its full promise. Although it is too early to make any definitive conclusions about this trend, researchers must address expectations of and promises for full inclusion, empowerment, and equal opportunity to work for qualified individuals.

III. Implications

A. Overview

The findings of the present investigation illustrate that assessing employment integration is a monumental task. No antidiscrimination law or policy alone is the reason for social change. Policymakers must assess whether change is occurring or whether there is merely an appearance of change. Researchers need to address how social change is to be defined under subsequent disability policy initiatives for persons with physical and intellectual impairments. The answers

to these questions depend not only on the type of disabilities covered by the law, but also on varying cultural perspectives of disability.⁶²

This part examines how the research questions identified in the investigation described above may be addressed through empirical study in the US and abroad. A word of caution is in order. To effectively assess the impact of the emerging national employment policy, researchers must examine a range of outcomes, in addition to traditional measures of competitive employment, income and education rates. Although competitive employment should lead to economic self-sufficiency and provide sufficient income for independence, it is the case that millions of Americans with disabilities continue to live in poverty. Without true inclusion, integration, and attitudinal changes, individuals with disabilities will not have access to competitive employment to approach self-sufficiency.

Prompted by the UN proclamation of the Decade of Disabled Persons (1983-1992), the UN's recommendations, and the implementation of the ADA, some comparative study has been undertaken on the status of people with disabilities, in employment and other aspects of daily life.⁶³ The UN has developed its Disability Statistics Data Base (DISTAT) to gather disability-related statistics. According to DISTAT, for instance, in 1986, Canada had a thirteen percent disability rate,⁶⁴ while Australia had an eighteen percent rate.⁶⁵ Yet, the unemployment rate of people with disabilities in Canada has been estimated at more than fifty percent.⁶⁶

Eurostat, the European database on disability prevalence, found in 1992 that more than twelve percent of adults in Great Britain are disabled.⁶⁷ A 1995 Eurostat report compiled data on member states of the European Community and international organizations addressing the socioeconomic status of disabled persons. The report found that Germans with disabilities

comprise roughly thirteen percent of the population.⁶⁸ Studies show that the unemployment rate for Germans with disabilities is more than double that of the unemployment for persons without disabilities.⁶⁹

Another Eurostat study demonstrates that the United Kingdom's unemployment rate for the general population is seven percent, whereas the unemployment rate for persons with disabilities is more than thirty percent.⁷⁰ Though comprehensive statistics for Ireland have not been compiled, some data suggest that the unemployment rate of its people with disabilities is seventy percent or higher.⁷¹

Additional studies from DISTAT suggest that in many countries people with disabilities are unemployed and underemployed because they lack access to adequate job training and work skill development programs. As discussed in the next section, these supports are crucial for persons with disabilities to attain and retain meaningful employment. Some countries, such as Canada, have governmentally enforced employment programs that require the employment of disabled people in proportion to the percentage of people with disabilities available to work in the entire population.⁷² One limitation of this approach has been that people with disabilities are placed in employment without adequate job training. The result has been that the work quality and long-term career potential of disabled persons are limited. In the US, systematic study is addressing the role of the private staffing industry and of public programs sponsored by the states (eg, through the Workforce Investment Act described earlier, or through state-sponsored entrepreneurial development programs) in support of the employment training and career development of persons with disabilities. Two such illustrative studies we have conducted are presented next.

B. Bridges from welfare to work

1. The private staffing industry: The Manpower study

In 1997, my colleagues and I began a case study of Manpower, Inc, the world's largest staffing employer.⁷³ Manpower annually has provided temporary employment opportunities to more than 800,000 people in the United States and more than 1,500,000 people worldwide, maintaining 2,500 offices in 43 countries.

The Manpower study examines emerging employment opportunities available to persons with disabilities within the private staffing industry. The study explores the importance of these opportunities to reform strategies that provide a bridge to full-time employment. Interviews with Manpower employees suggest that a critical element of the company's success in hiring and retaining workers with disabilities has been its investment in individualized training, worker assessment, and job-matching tools.

In the US alone, the size of the contingent workforce -- including self-employed, temporary, and part-time workers -- has been estimated to range from 34 million to 42 million individuals, roughly 25 to 31 percent of the American labor force in 1996.⁷⁴ From 1980 to 1996, the contingent workforce grew faster than the US economy as a whole.⁷⁵ The US Bureau of Labor Statistics estimates that between the years 1994 and 2005, temporary employment opportunities will grow by 55 percent.⁷⁶

Manpower's business mix is approximately 40 percent light industrial, 40 percent office, and 20 percent technical or professional assignments. The company provides workers with opportunities in positions at different skill levels. Manpower has expanded its services to include

the provision of an on-site job coach to support a client company's staffing needs. Other services include job training, programs that assist workers in finding permanent jobs, skills assessment, and career training services.

Manpower's role as a provider of temporary workers has evolved into sophisticated human resources functions. The role serves as a bridge for qualified workers with disabilities seeking to enter the labor force. The Manpower study identifies aspects of its corporate culture that foster employment of persons with disabilities, including a belief that there are no unskilled workers, that every individual has skills and aptitudes that can be measured, and that every job may be broken down into essential tasks. Job training is focused on what workers can do and on identifying several jobs for each employee.

The Manpower study identifies the ways the staffing industry supports the employment of workers with disabilities, illustrating that (1) individualized training and job placement are available; (2) above minimum wages and health insurance benefits are provided; (3) there is opportunity for career advancement; (4) there is opportunity for transition to full-time competitive employment; and, (5) there are opportunities for self-advancement and self-learning.

In making job placements, Manpower assesses its customers' job needs and work environment. Examination is made of customer expectations, physical details of the work area, work pace, hours, breaks, safety issues, parking, and accessibility issues. Assessments of workers' skills are individualized. Intake begins with an interview that gathers information on work history, job skills, and preferences. Applicants describe their preferred work environment and job responsibilities. Applicants complete job skills assessments selected according to their abilities and interests. The assessments use work samples to provide workers a preview of the

job and measure their job skills and accommodation needs.

In addition to job skill assessment, Manpower offers its employees skill enhancement through work training programs. Skills training is individualized depending on the employee's job abilities and interests. When the skills assessment and training process is complete, Manpower uses its databases of customer needs and employee information to make a match.

Manpower serves as a bridge to the workforce for qualified workers. Increasingly, US businesses view their supplemental workforce as a source of candidates for permanent positions. More than 40 percent of Manpower's workforce accepts permanent jobs offered to them as a result of Manpower assignments.

2. State-Sponsored initiatives: Entrepreneurs with disabilities study

True employment inclusion and integration require access to a range of workplace and non-workplace activities. Traditional economic outcome measures, such as those studied in the longitudinal Oklahoma investigation, need to be augmented by examining a range of employment activities, including self-employment, entrepreneurial activities and temporary employment (eg, as illustrated by the Manpower study above). Recent US policy initiatives have sought to increase the range of employment opportunities available to persons with disabilities, including providing training and assistance for persons with disabilities interested in self-employment and entrepreneurial activities.

One question worthy of study, for instance, is how government policies, like TWWIIA and WIA will assist disabled individuals to pursue non-traditional employment options (ie, jobs outside of large corporate settings)? And, how these non-traditional activities can serve as

foundations for individuals with disabilities to become self-sufficient?

To begin to address such questions, we conducted a case study of Iowa's state-supported Entrepreneurs with Disabilities (EWD) program. The EWD program was established as a partnership among the Iowa Department of Economic Development, the Iowa Department of Education's Division of Vocational Rehabilitation Services, and the Iowa Department for the Blind. The EWD program provides technical and financial assistance, and business development grants to qualified individuals with disabilities to establish or expand small-businesses with the goal of becoming self-sufficient.

Our preliminary study of Iowa's EWD program describes how participants with disabilities progress through the program, as well as the characteristics of successful participants.⁷⁷ We examined the public-private partnership approach used by the program and analyzed demographic information to paint a portrait of entrepreneurs at the time they applied to the EWD program, using factors such as applicants' age, gender, education, source of income support, disability, and prior earnings and hours worked. We fashioned a portrait of a sub-sample of 30 program participants in terms of their business success, their quality of life, knowledge of laws and policies affecting persons with disabilities (eg, ADA, WIA, and TWWIA), and the barriers they face in everyday life.

We found that EWD applicants are twice as likely to be men than women (67% vs 33%). EWD applicants are usually in their mid-forties (mean age of 46), with a range in age from 21 to 69 years old. Roughly half of the EWD applicants are married (52%). As compared to individuals with disabilities generally, the sample of EWD applicants is highly educated; about half of the applicants are high school graduates (49%), more than one third have at least some

college experience (39%), and about 10% have less than a high school education.

Almost half of EWD applicants (47%) report orthopedic impairments as their primary disability. After orthopedic impairments, the next most frequently reported disabilities are mental and emotional conditions. Roughly one in five (19.8%) EWD applicants report a mental or emotional condition as their primary disability. Mental and emotional disorders include neurotic and psychotic conditions, schizophrenia, post traumatic stress disorder, and other mental and emotional disorders.

More than one third (40%) of EWD applicants report financial assistance from family and friends as their primary means of support. More than half (54%) of all EWD applicants proposed business ventures in the service sector, and these applicants proved to be particularly successful in their business ventures. Data were available on 13 participants' earned weekly income at the time of their EWD application and at their case closure. At case closure, an average increase of \$230 per week in income was reported, with a median increase in weekly income of \$150, and a wide range in increased income from \$124 to \$868.

The ability to obtain and afford health care and insurance was perhaps the major concern for the entrepreneurs with disabilities. Less than one quarter (23%) of EWD participants interviewed about health insurance had health insurance coverage with their existing businesses. Most of these participants (71%) had private health insurance before becoming self-employed. Yet more than half (58%) responded that they lost private health insurance coverage when they began their own business. In many cases, EWD participants receive private health insurance coverage under a spouse's policy.

Lastly, the majority of participants interviewed indicated that they encountered

employment discrimination after they became disabled. Of the thirty-five people who answered questions related to discrimination, nineteen people (54%) indicated that they experienced employment discrimination, which they attributed to their disability. For many participants, more than three quarters (76%) of those interviewed, it was this discrimination (actual or perceived) that motivated them to start their own businesses. In other cases, entrepreneurs pursued self-employment to 'self-accommodate' their workplace needs, which often were not accommodated in prior competitive employment.

We have illustrated in the case study of Iowa entrepreneurs that outcome research need not be limited to traditional competitive employment status and income growth. For self-employment, for instance, independence may mean job choice, self-determination, flexibility in work schedules and tasks, and self-accommodating for workplace accessibility. In this line of study, we emphasize therefore a broader view of outcome analysis, using multiple indicators including the ways employees work and how work is essential to other aspects of daily life.

In addition, one of the expected benefits of the new generation of American employment policy initiatives -- the ADA, TWWIA, WIA, Medicaid Buy-In -- is a reduction in disabled individuals' long-term dependence on governmental supports and health benefits. The study of labor supply decisions -- such as the decision to pursue self-employment -- would help to isolate whether changes in nonwork sources of income to explain the employment patterns of persons with disabilities.

To the extent that disabled entrepreneurs place importance on access to health care in their decisions regarding labor force participation, changes in the provision of health care, in regulations regarding health care coverage, and in public assistance programs could be

considered as alternative explanations for patterns in existing studies. As illustrated by the Manpower study, the effects of private initiatives, such as changes in the nature of job training, need to be further assessed.

In light of the prior illustrations, the following sections review disability policy and job training initiatives in select countries and regions. Much of the development of law and policy to date understandably has focused on the unemployment problem facing people with physical disabilities. However, analysis has prompted comparative questions regarding implementation of national disability policy, governmental responsibility to initiate policy, and the role of private sector employers.

C. Implications in the US

In the US, the problems of chronic unemployment and underemployment faced by qualified persons with disabilities are evident. For persons with intellectual disabilities in the various investigations described above -- Oklahoma, Manpower, and EWD studies -- successful long-term employment is a function of experience in and attempts at competitive work. Yet the 'black hole' stagnation facing persons with disabilities points to the need for job training strategies to assist the thousands of persons to enter the workforce. Placement services and job retention and advancement strategies are needed to help individuals with disabilities not only get jobs but to maintain their employment and achieve their potential.

Many economic and social benefits associated with the new disability laws and policies remain to be discovered and documented. The findings presented in this chapter highlight an emerging workforce of persons who experienced mainstreamed education and whose families

have advocated for their rights.⁷⁸ Adequate economic data examining the effect on the US economy of the population of young persons with disabilities entering the workforce is not yet available.⁷⁹

Evidence suggests that ADA implementation has coincided with larger numbers of persons with severe disabilities entering the US labor force. In 1996, the US Census Bureau released data showing that the employment to population ratio for persons with severe disabilities has increased from roughly 23 percent in 1991 to 26 percent in 1994, reflecting an increase of approximately 800,000 additional people with severe disabilities in the workforce.⁸⁰ Other studies suggest that from the years 1970 to 1992 there has been no significant change in the US labor force participation rate among persons with disabilities.

More recent studies show that employment rates rise substantially when different definitions of disability (eg, varying measures of functional limitations) are used in the analysis of other national data sets.⁸¹ Defining disability in different ways, therefore, can have a substantial effect on the conclusions that researchers and policymakers draw about the employment rates of individuals with disabilities.⁸²

However, even when they are employed, Americans with disabilities are likely to work fewer hours and earn less per hour than their nondisabled colleagues. The 1998 Current Population Survey found that employees with disabilities with full-time, year-round employment had average annual earnings of \$29,513, more than \$8,000 less than the \$37,961 average annual earnings of their nondisabled coworkers.⁸³ Although 82 percent of nondisabled employees held full-time jobs, only 64 percent of individuals with disabilities who were employed reported full-time employment.

Empirical information is emerging on the economic value of disability and ADA compliance practices by employers. This information provides feedback to employers and employees about ADA implementation in different business sectors.⁸⁴ In a longitudinal study conducted on the ADA practices of Sears, Roebuck & Co, a company with 300,000 employees, 20,000 of whom are persons with impairments, the average direct cost of providing accommodations to qualified workers with disabilities was less than \$50.⁸⁵ The economic benefits to Sears (eg, avoiding turnover costs) of employing workers with disabilities exceeded the costs of accommodations.

Analysis is needed of workplace accommodation strategies affecting job applicants and employees without disabilities, such as those geared toward employee wellness programs, flexible hours for workers with young children, employer-sponsored child care centers, job sharing strategies for workers with limited time availability, or employee assistance programs. US companies expend large sums of money accommodating workers without disabilities, which in the aggregate may be substantially greater than the costs associated with accommodations for workers with disabilities.⁸⁶ Analysis of these strategies show that they complement accommodations required by workers with disabilities.

Other studies show that accommodation strategies enhance the productivity and job tenure of workers without disabilities who are injured on the job or who may become impaired in the future. In an eight-year study of Coors Brewing Company's health screening program covering almost 4,000 employees, the company realized direct savings of roughly \$2.5 million in terms of saved payments in short-term disability, temporary worker replacement, and direct medical costs.⁸⁷ Given a conservative estimate of even a \$100 average cost per employee for

accommodations based on the Sears findings described earlier, the savings generated by the Coors study could fund accommodations for 25,000 qualified workers.

These and other findings suggest the huge economic implications associated with accommodation strategies designed to prevent workplace injury and to help retain the increasing numbers of employees with disabilities. Considering that by the year 2000, the costs to employers associated with back injuries alone in the American workplace are estimated to approach \$40 billion, examination of the savings related to accommodation strategies, injury prevention and wellness programs is warranted. The educational side effects associated with accommodation strategies may enhance employee morale and lead to positive attitudes about qualified coworkers with disabilities.⁸⁸

Creating economic opportunity, improving access to job training services, and raising awareness are concerns not limited to the United States. For many nations, these concerns are increasingly important, as reflected in UN initiatives. Deciding what type of change is required, who should initiate and implement change, the role of the private and public sector employers, and other related issues will depend on varying cultural, political, and economic factors.

While the answers to these questions differ from nation to nation, countries developing disability policies may learn from the experience of other nations. At a minimum, approaches to common issues may be shared and evaluated.⁸⁹ More broadly, a systematic method of evaluating implementation may emerge. By identifying the preconditions for equal participation of persons with disabilities in the workplace (eg, awareness-raising, appropriate health care and support services, and empowerment strategies), the UN is clarifying areas requiring future study.

Countries have varying forms of disability policy. Policy initiatives range from those

developed in response to decades of political action (eg, in the United States, United Kingdom, Israel, Hungary, and Germany) to efforts addressing emerging problems (eg, in India and Latin America). Comparative study is needed to establish a unified approach for assessing rights of persons with disabilities throughout the world.

The next section illustrates varying national approaches to disability law and policy and their implications for the employment of persons with disabilities.⁹⁰ Common themes identified and requiring study include analysis of (1) cultural and legal definitions of disability, (2) the importance of work to effective disability policy, (3) worker empowerment strategies, (4) the means for providing support for independent living and adequate health care, and (5) the effects of structural labor market and global economic forces on disability policy.

D. Initiatives in Canada

The Canadian Health and Activity Limitation Survey (HALS) defines disability as an impairment in the activities of daily living.⁹¹ The definition does not include people who, through the use of assistive technology, mitigate their limitations.⁹² Canada's Employment Equity Regulations define disability as encompassing people who have an impairment, who consider themselves impaired, or who are considered by others as impaired.⁹³

Canada has a governmental program to support the employment of people with disabilities.⁹⁴ The Employment Equity Act (EEA) of 1996 ensures that people with disabilities are represented in the Canadian workforce.⁹⁵ The EEA requires a proportion of people with disabilities in a workplace equivalent to the percentage of disabled people in the Canadian workforce or a segment of the workforce from which an employer would reasonably draw upon

for staffing purposes.⁹⁶

The EEA covers firms with one hundred or more workers.⁹⁷ In contrast to its predecessor, the Employment Equity Act of 1986, EEA requires employers to submit reports indicating the number of employees covered by the law and charges the Canadian Human Rights Commission with ensuring compliance for both private and public sector employers.⁹⁸ If an employer's proportion of disabled employees is below the percentage of workers available and the Commission has been unable to negotiate a written agreement with the employer as to specific measures to remedy the non-compliance, the Commission can issue a direction for the employer to comply or request a review by the Employment Equity Review Tribunal.⁹⁹ The revision of the EEA in 1996 provides the opportunity to assess whether compliance measures have an effect on employment rates of individuals with disabilities, providing relevant information for policymakers.¹⁰⁰

In Canada, as in the US, sheltered work options for people with disabilities have generated considerable discussion.¹⁰¹ Some Canadians suggest that the sheltered work system fails to provide meaningful work opportunity due to the restricted types of jobs which people with disabilities are encouraged to pursue (an analogous argument supported by the 'black hole' trends illustrated above).¹⁰² Policy changes have been proposed that focus on governmental funding for supported employment schemes.¹⁰³ Governmental funds are allocated for post-employment placement activities, such as job coaching. Support is needed for job planning and career development, such as identified by the Manpower study described above.¹⁰⁴

E. Initiatives in the European community

The Commission of the European Communities estimates that approximately 38 million Europeans have a disability.¹⁰⁵ The European Community action program in support of persons with disabilities is a comprehensive initiative.¹⁰⁶ Established in 1988, HELIOS (The Handicapped People in the European Community Living Independently in an Open Society) was a program to ensure the integration of persons with disabilities into society.¹⁰⁷ In 1991, the European Commission proposed HELIOS II. This program, adopted by the European Council in early 1993, remained in effect through 1996.¹⁰⁸

HELIOS II covers functional rehabilitation, educational integration, vocational training, employment rehabilitation programs, and promotes economic, social integration and independent living for persons with disabilities.¹⁰⁹ HELIOS II encourages cooperation among European non-governmental organizations (NGOs) and member state NGOs and to provide employment opportunities and analysis of job training and empowerment strategies for persons with disabilities. To achieve its policy goals, HELIOS II seeks to (1) improve information collection and exchange; (2) provide information on technical aids through a computerized information system (called 'Handynet') to people with disabilities; (3) stimulate participation of persons with disabilities in European Union programs on job training, technology, mobility, and youth exchanges; and (4) improve public information and awareness.¹¹⁰

Several bodies advise the European Commission on HELIOS II implementation. Advisory groups include the European Disability Forum, a group of European NGOs and representatives from employer's organizations and trade unions, and a liaison group consisting of one representative per member state and 12 members of the Forum. The Commission receives guidance from an advisory committee composed of officials from member states and a

Commission representative.¹¹¹

A central component of HELIOS and HELIOS II is the Handynet system. Under HELIOS II, the European Commission will expand the Handynet system to promote the exchange and study of information on disability statistics. Support of this initiative is provided by the Commission, including financial support for the Handynet computerized information and documentation system and the support of projects to raise public awareness.¹¹² Handynet is a tool for future comparative study of the issues related to the development of disability policy.

Other European initiatives address the employment of persons with disabilities. In 1990, the European Commission proposed the HORIZON program, designed to integrate persons with disabilities into the labor market by improving their job skills and training. The HORIZON program creates small and medium sized enterprises in the form of cooperatives.¹¹³ The program addresses the impact of labor market forces and global competition on persons with disabilities.

Additional initiatives identified by the European Union Council of Ministers' are designed to enhance access to the workplace by persons with disabilities. One resolution requests that the Commission formulate a community action program to provide access to public transportation for persons with reduced mobility.¹¹⁴ This resolution recognizes that barriers in the living environments of persons with disabilities limit objectives of disability policy initiatives. A related initiative is the TIDE program, which focuses on technological applications for persons with disabilities.¹¹⁵ The program seeks to create an affordable and cost-effective market in assistive technology.¹¹⁶

During the year 2000, the European Union Council of Ministers adopted an anti-discrimination policy, including a directive which prohibits employment discrimination on all

grounds.¹¹⁷ According to the directive, European Union Member States must adopt laws to prohibit employment discrimination against individuals with disabilities by 2006.¹¹⁸ This anti-discrimination legislation must prohibit direct and indirect discriminatory actions and harassment, and require employers to make reasonable accommodations that do not pose a disproportionate burden on the employer.¹¹⁹ This directive provides an opportunity for comparative, longitudinal research to assess the affects of initiating anti-discrimination policies in different cultures.

F. Initiatives in Ireland, Germany, and the United Kingdom

Ireland. It is estimated that more than ten percent of the Irish population have disabilities. In 1993, the Commission on the Status of People with Disabilities was established by the Irish Minister of Equality of Law Reform. In preparing its report, the Commission received suggestions from individuals with disabilities, their families, and organizations representing people with disabilities.¹²⁰ The Commission's report reflects a commitment to disability policy that is consistent with UN recommendations for support of persons with disabilities in the areas of economic rights, education, housing, and transportation.

The Commission concluded that disability must be considered as part of Ireland's social and cultural context. Prior to the Commission report, disability issues received little attention in Ireland and there were no official statistics on the national prevalence of disability.¹²¹ At the time the Commission issued its report, there was no national antidiscrimination policy protecting people with disabilities in Ireland.

In 1999, Ireland enacted the National Disability Authority Act, establishing the National

Disability Authority. The Authority is charged with developing and advising the Ministry on disability policy. The Authority's focus is solely on individuals with disabilities. Thus, it has the power to review and make recommendations about a broad range of policies that would affect persons with disabilities, including related social welfare initiatives.¹²²

Ireland has in place an Employment Support Scheme to enhance the wages of people with disabilities. Under this scheme, employers receive grants from the National Board's Workplace Equipment Adaptation Grant Scheme to provide workplace accommodations. The Disability Commission has advocated that discrimination against a person with a disability be prohibited where the individual is capable of performing job functions with accommodations. The Commission recommended that the government provide information to employers to encourage the recruitment of people with disabilities and that governmental funds be provided to enhance job training and support. In 1997, the Irish government introduced a three percent quota of public service jobs for people with disabilities. The quota requirement recently was met in civil service jobs and has not been met by private employers.

In response to the failure of private employers to meet their quota requirements, the Government of Ireland is instituting a public awareness campaign to promote employment of individuals with disabilities.¹²³ The campaign's focus is to dispel myths and stereotypes by making employers aware of the employment potential of individuals with disabilities.¹²⁴ It is estimated that the Government of Ireland will spend 700,000 Irish pounds on the campaign.¹²⁵

Germany. In recent years, Germany has extended workplace protections for persons with disabilities.¹²⁶ One central policy theme has been to eliminate employment discrimination and prejudices against persons with disabilities and promote employment opportunities. A 1992

study by the European Centre for the Development of Vocational Training examined the ways in which people with disabilities may be integrated into the German labor market. The authors concluded that sheltered employment in Germany has failed to transition participants to competitive employment.¹²⁷ Consistent with the ‘black hole’ findings described earlier, more than three quarters of the individuals who transition into the labor market between the years 1980 and 1983 were not employed by 1984.¹²⁸

The Germany disability statute, the *Schwerbehindertengesetz*, is designed to enhance work opportunities for people with disabilities.¹²⁹ The statute contains provisions affecting employers and persons with disabilities. The legislation defines an employer’s duty to assess its workplace for the hiring of workers with a disabilities whenever positions are vacant.¹³⁰ The German system uses quotas to mandate the employment of workers with disabilities.¹³¹ The employment quotas are enforced by monetary sanctions and a levy is paid for each month that a covered position is not filled by an individual with a disability. The proceeds from the levy are used to provide assistance to people with disabilities.¹³² The cost of accommodations, including payment for structural changes to the environment or the purchase of aids, are reimbursed by the government.¹³³ Wage subsidies are available for workers with disabilities.

United Kingdom. In contrast to the German scheme, in 1995, the United Kingdom adopted the Disability Discrimination Act (DDA).¹³⁴ Under the DDA, it is illegal to discriminate against a person on the basis of disability.¹³⁵ The DDA repealed the prior quota system and the reserved occupation system.¹³⁶ The DDA does not prohibit employers from adopting systems to create targets for the employment of persons with disabilities or prohibit preferential treatment in favor of workers with disabilities.¹³⁷

During the first the first 13 months of DDA implementation, 1,198 complaints were filed under the law.¹³⁸ The majority of complaints (59%) were allegations of wrongful employee dismissal, 18% for failure to make reasonable accommodations, 10% for discrimination in job applications, and 13% for other detriments including harassment, employee benefits, pay and promotion.¹³⁹ These findings are similar to experiences in the US following the enactment of the ADA.¹⁴⁰ Comparative analysis of disability legislation provides policymakers with insights as to what to expect if they initiate similar disability reforms.

Recently, the United Kingdom also has set out a new agenda of legislative reform.¹⁴¹ The agenda calls for, among other things, removing the small employer exemption from DDA, expanding the definition of disability to include people with HIV or cancer from the point of diagnosis, and removing exemptions for certain public employees.¹⁴² The economic and social costs and benefits of these changes in policies are areas worthy of future study.¹⁴³ Research on the effects of removing the small employer exemption from DDA, which is scheduled to go into effect in 2004, may provide valuable information on the necessity for such an exemption and the economic consequences of this policy change.¹⁴⁴

G. Initiatives in non-union Europe

Disability policy initiatives have been undertaken by non-union countries in Europe. Economic opportunities for persons with disabilities have been addressed in Bulgaria and Hungary. Since 1993, persons with disabilities in Bulgaria have participated in subsidized and self-governed cooperatives.¹⁴⁵ In 1998, Hungary passed its first antidiscrimination law on the basis of disability. The Hungarian Equal Opportunities Law establishes basic civil and economic rights of persons

with disabilities. The law is modeled on aspects of the ADA.

Economic opportunity, access, and job training programs have been addressed in non-union countries. In Bulgaria, indirect benefits to persons with disabilities have resulted from various economic incentive programs. Initiatives include incentives for companies to employ up to sixty percent of their work force with workers with disabilities, a state rehabilitation fund that provides subsidized loans,¹⁴⁶ reduced social security contribution requirements for companies employing persons with disabilities,¹⁴⁷ and pensions to retiring persons who care for individuals with disabilities.

H. Initiatives in Israel

In 1998, the Israeli Equal Rights for People with Disabilities Law was enacted to protect the civil rights of persons with disabilities. Persons with disabilities comprise more than ten percent of Israel's population.¹⁴⁸ The Equal Rights Law acknowledges the rights of people with disabilities and the necessity of equality in work. The law defines disability in ways similar to the ADA, covering individuals with physical, emotional or intellectual disabilities who are substantially limited in major spheres of life. Protected individuals are those with a record of a disability and regarded as having a disability, as well as relatives of people with disabilities.

The Israeli law prohibits discrimination in employment and covers private employers with twenty-five or more workers. Discrimination includes the failure to provide workplace accommodations that do not impose undue burdens on employers. Governmental programs created by the law include development of rehabilitation and job placement programs. The Israeli law, like the 1998 Hungarian law mentioned above, provides an opportunity for study and

comparison of a new generation of disability antidiscrimination laws.

I. Initiatives in Latin America

Spurred by the First Central American Seminar on disability in 1995, disability initiatives have been undertaken in Latin America.¹⁴⁹ The *Partnerships in Community Living Project* examines policies and programs related to children and young adults with disabilities in the Americas.¹²⁷ The Partnership Project examines disability policies in their cultural and legal context.¹⁵⁰ The Project has identified policies affecting persons with disabilities and those that assist in providing opportunity to youths with disabilities. Similar to the initiatives in Europe, the Project recognizes that issues of employment integration, independent living, and empowerment strategies for persons with disabilities must be evaluated through comparative study.

Analysis of information collected by the Partnership Project demonstrates a concern for individual rights and freedoms, protection from discrimination, citizenship and voting, social rights, and protection from deprivation of property. In addition to identifying the need for comparative study of disability policy, the Project recommended study of international agreements governing disability policy, such as study of the UN Declarations on Human Rights, the Rights of People with Disabilities, the Rights and People with Mental Retardation, and the Universal Convention on the Rights of the Child.¹⁵¹ Although the Partnership Project has identified a preliminary model for comparative analysis, the endeavor reflects an important effort to improve long-term global knowledge disability policy.

J. Initiatives in Asia and the Pacific

At its forty-eighth session in 1992 in Beijing, the Economic and Social Commission for Asia and the Pacific announced that the period 1993-2002 would be the Asian and Pacific Decade of Disabled Persons.¹⁵² Related advances for persons with disabilities have been made in the past ten years and provide opportunity for study of disability employment policy developments.

China. In 1990, the government enacted the Law of the People's Republic of China on the Protection of Disabled Persons to protect more than 60 million of its citizens with disabilities.¹⁵³ The law makes it illegal to discriminate against persons on the basis of disability. Local governments have adopted measures to implement the law.¹⁵⁴ Similar to nations described above, China supports a quota system in the hiring of workers with disabilities. The government funds job training for persons with disabilities by establishing vocational education programs. The implementation of welfare enterprises involves the employment of persons with disabilities.¹⁵⁵ These enterprises are provided economic incentives to employ persons with disabilities, such as a business tax exemptions, depending on the numbers of employees with disabilities employed.¹⁵⁶ Welfare enterprises are maintained by state and local committees or by individuals with disabilities.¹⁵⁷

Other nations may learn from research on China's initiative to address the prejudices and attitudinal barriers that individuals with disabilities face. The China Disabled Persons Federation (CDPF) was established by the Chinese government in 1988.¹⁵⁸ The Federation is, in part, credited with cultural changes. For example, the common term used to describe individuals with disabilities has changed from 'canfei,' a word which implies worthlessness, to 'canji,' which means disabled.¹⁵⁹ In addition, stories of individuals with disabilities have been made into Chinese movies.¹⁶⁰ To better understand the effects of government policy, researchers need to

consider a broad range of effects from multidisciplinary perspectives.

Japan. There are an estimated five million persons with disabilities in Japan.¹⁶¹ Japan does not have a comprehensive antidiscrimination law that protects the rights of its citizens with disabilities.¹⁶² Japan's Law to Promote the Employment of the Handicapped was amended in 1988 to include persons with intellectual disabilities.¹⁶³

Japan uses a quota and levy program to support the employment of workers with disabilities.¹⁶⁴ Japan's Ministry of Labor's Deliberation Panel on the Employment of the Handicapped regulates quotas of workers with disabilities, with required quotas approximately at two percent in the private and public employment sectors.¹⁶⁵ Levies are collected from employers that do not meet the required quotas. The Japanese government uses these funds to support vocational rehabilitation and job assistance for persons with disabilities.¹⁶⁶

One study by the Japanese Ministry of Labor finds that the employment of disabled persons has increased from the years of 1986 to 1994 in public and private sectors. Despite advances, many employers pay the levy for not employing the required quota of persons with disabilities.¹⁶⁷

In 1995, the Japanese government established the Government Action Plan for Persons with Disabilities.¹⁶⁸ The plan spans fiscal 1996 to 2002 and establishes implementation goals for the equal employment of persons with disabilities.¹⁶⁹ The goals include providing job training, employment and housing, promoting independence, creating a barrier-free society, eliminating prejudice and discrimination through the eradication of attitudinal and cultural barriers, and increasing opportunities for comparative study.¹⁷⁰

Australia. In 1992, Australia passed the Disability Discrimination Act (DDA) covering

one quarter of its population.¹⁷¹ Under the DDA, it is illegal to discriminate in employment on the basis of disability.¹⁷² The DDA applies to public and private sector employers.¹⁷³

The Australian Commonwealth Government's Disability Strategy, adopted in 1994, monitors DDA implementation.¹⁷⁴ The *Commonwealth Disability Strategy First Progress Report 1995* provides a basis from which to compare changes reported in the *Second Progress Report of 1997*. Comparisons show advances in employment, transportation, telecommunications, education, assistive devices, and public attitudes.¹⁷⁵ Findings show that eighty percent of government organizations increased the number of employees with disabilities.¹⁷⁶

In addition to efforts to increase the representation of persons with disabilities in employment, Australian workplaces have become more accessible. Related initiatives include support for home employment, permanent part-time employment, flexible hours, and job sharing.¹⁷⁷ Employers have provided job information in accessible formats to persons with disabilities through computer programs and adaptive equipment.¹⁷⁸

Australia has established national councils to equalize employment opportunities for persons with disabilities. The National Disability Advisory Council was created in 1996 to provide communication between persons with disabilities and the government.¹⁷⁹ Like Canada, employment of individuals with disabilities in sheltered workshops has become a controversial issue in Australia.¹⁸⁰ As various countries face similar difficulties, policymakers and researchers need to open a dialogue about ways to integrate individuals with disabilities into employment settings, and the use of economic incentives and disincentives, as well as legal reforms. In this way, policymakers may make informed choices, based on a growing wealth of information.

India. In 1996, India passed the Persons with Disabilities Act.¹⁸¹ This law defines the

government's obligation in areas of disability prevention, antidiscrimination rights, the provision of adequate health care, employment rehabilitation, education, and job training services.¹⁸² The purpose of the law is to create a barrier-free society and to integrate persons with disabilities.¹⁸³ Independent of the law, the government reserves three percent of public employment positions for persons with visual, hearing, or physical disabilities.¹⁸⁴ Studies of Indian disability policy suggest that there exists a lack of support for effective implementation, a constrained definition of persons with disabilities, and insufficient assessment capabilities due to a lack of national data on disability.¹⁸⁵

IV. Conclusion

This chapter has described common issues that nations must address in studying and developing national employment disability laws and policies. Many possibilities remain for comparative study. In the US, study must assess the relationship among severity and type of disability, levels of inclusion and empowerment in society, the types and quality of jobs sought, attained, and retained, and the resolution of employment disputes.

The definition of disability and the identification of those who have a disability are critical to any policy, legal, or research addressing the relative employment of those individuals with disabilities. If the purpose of the policy or research is to enhance labor demand and supply of those with disabilities relative to those without disabilities, use of a measure that asks individuals whether they are disabled, or whether they have a disability that prevents or limits the work they can do would possibly be sufficient.¹⁸⁶ However, such an approach, for instance, in the US taken without regard to the ADA's language, likely will not yield valid conclusions if

the purpose of the research is to assess the effects of the ADA.

An understanding of comparative approaches to the definition of disability may not only help avoid and resolve disputes, but also may aid policymakers in gauging the effectiveness of national disability legislation. This information is needed at a time when dramatic policy reforms are occurring in welfare, rehabilitation and health care, and health insurance law, affecting employment opportunities for millions of workers with disabilities.¹⁸⁷ In the US, and in other countries, analysis is needed of the relation among welfare reform, governmental entitlement program regulations, antidiscrimination laws, and changes in the labor force participation of persons with disabilities. Policymakers need to coordinate programs that enable workers with disabilities to maintain adequate health insurance coverage, receive workplace accommodations and job training. Job coaching, vocational training, workplace accommodation strategies, and new technologies enable persons with physical and intellectual disabilities to achieve self-sufficiency and attain and retain quality employment in large traditional and smaller entrepreneurial and microenterprise settings.¹⁸⁸

In 1995, the European Commission articulated a goal of full employment and solidarity as the basis for future European social policy.¹⁸⁹ The Commission concluded that European disability policy serves these interests of the Union as a whole.¹⁹⁰ The Commission determined that substantial effort must be directed at combating disability discrimination.¹⁹¹ The findings presented in this chapter, from the US and other countries, support the objective of developing policies to enhance the equal employment of persons with disabilities.¹⁹²

The findings foreshadow the need for study of law and policy implementation to support economic opportunity throughout the world for persons with disabilities. Comparative

information will help to defuse myths and unwarranted fears that the implementation of disability employment policy is costly and burdensome. Understanding the economic opportunities and barriers to employment in the US and abroad is one step toward fulfilling the spirit of UN initiatives that support participation by persons with disabilities in employment as equal citizens of the world.

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28. PD Blanck, HA Schartz, and KM Schartz, 'Labor Force Participation and Income of Individuals with Disabilities in Sheltered and Competitive Employment: Cross-Sectional and Longitudinal Analyses from Seven States during the 1980s and 1990s' *The President's Task Force on Employment of Persons with Disabilities* (2001) (reviewing and analyzing updated information on the present investigation); B Altman and PJ Cunningham, 'Dynamic Process of Movement in Residential Settings' (1993) 98 *American J Mental Retardation* 304, 304 (finding mobility among living settings for persons with mental retardation and citing studies emphasizing quality of the movement and long-term outcomes); P Wehman and J Kregel, 'Supported Employment: Growth and Impact,' in P Wehman, P Sale, and W Parent (eds), *Supported Employment: Strategies for Integration of Workers with Disabilities* (Boston, Massachusetts: Andover Medical Publishers, 1992) 3-6 (reviewing supported employment programs for persons with disabilities).

29. Empirical Study (n 8 above) 870-74 (describing the four levels of employment involvement); *The State Supported Employment Services Program*, 34 C.F.R. ' ' 252, 254 (1991) (integrated settings involve job sites where coworkers are not disabled and individuals with disabilities are not part of a group of other individuals with disabilities).

30. cf JP Shapiro, *No pity: People with disabilities forging a new civil rights movement* (New York: Times Books, 1994) 4, 143 (the absence of nondisabled co-workers in a sheltered workshop is confirmation of a prejudiced opinion that people with disabilities cannot work).

31. FR Rusch and C Hughes, 'Overview of Supported Employment' (1989) 122 *J Applied Behavior Analysis* 351, 352 (competitive work occurs when an individual averages at least 20 hours per week for each pay period); MS Shafer, J Hill, J Seyfarth, and P Wehman, 'Competitive Employment and Workers with Mental Retardation: Analysis of Employers Perceptions and Experiences' (1987) 92 *American J Mental Retardation* 304, 304-11 (competitive and supported employment are effective means for workers with mental retardation).

32. McNeil (n 12 above) 11.

33. The EEOC estimates that positive economic effects are likely to result from Title I in the form of minimal costs to employers for reasonable accommodations, increased productivity gains and tax revenues, and decreased support and social welfare payments. 56 Fed Reg 8583, 8581 (1991) (real wages of employees with disabilities are only 71% of non-disabled employees with a comparable education).

34. The group with the highest monthly gross and earned incomes is comprised of participants who reside in integrated settings and are competitively employed. DL Braddock, R Hemp, L Bachelder, and G Fujiura, *The State of the States in Developmental Disabilities* (Washington, DC: American Association on Mental Retardation, 1995).
35. WJ Hanna and E Rogovsky, 'On the Situation of African-American Women with Physical Disabilities' (1992) 23 *J Applied Rehab Counseling* 39-45 (25% of black women with disabilities employed full time, as compared to 77% of white men, 44% of white women, and 57% black men with disabilities); McNeil (n 12 above) 10 (data from 1991-1992 showing differences among races and ethnicity groups in disability prevalence).
36. AAMR (n 24 above) 11.
37. cf Empirical Study (n 8 above) 876-77.
38. TH Barnard, 'The Americans with Disabilities Act: Nightmare for Employers and Dream for Lawyers?' (1990) 64 *St John's L Rev* 229, 242-45 (ADA will result in litigation as to who is 'qualified'); KF Ebert and JM Perkins, 'New Era in Employment Litigation: Overview of Americans with Disabilities Act' (1991) 34 *Res Gestae* 318, 319-20 (ADA invites litigation over definition of 'qualified').
39. 29 C.F.R. ' 1630.5 (1991); LA Lavelle, 'The Duty to Accommodate: Will Title I of the Americans with Disabilities Act Emancipate Individuals With Disabilities Only to Disable Small Businesses?' (1991) 66 *Notre Dame L Rev* 1135, 1142.
40. Empirical Study (n 8 above) 876-78; AAMR (n 24 above) 38 (analysis of intellectual functioning and of adaptive behavior must proceed with caution and consider factors related to degree of mental retardation).
41. The needs assessed include: general urgency of medical care, prior contact with medical personnel, and difficulty in receiving medical services. Empirical Study (n 8 above) 878.
42. *ibid* 878-79 (the 1990 findings showed a positive relationship between health status and employment integration).
43. Empirical Study (n 8 above) 879 (more sophisticated measures are warranted, and insufficient attention paid to assessing accommodation needs and employment integration).
44. n 9 above (citing studies).
45. JE Heumann, 'Building our own boats: A personal perspective on disability policy' in LO Gostin and HA Beyer (eds), *Implementation of the Americans with Disabilities Act* (Baltimore, Maryland: Paul H Brookes Publishing Co, 1993) 257 (force behind policy toward persons with disabilities is independent living movement).

46. Empirical Study (n 8 above) 892-94; AAMR (n 24 above) 114.
47. Empirical Study (n 8 above) 879-83; Altman and Cunningham (n 28 above) 304-05 (study of movement from less to more independent living settings).
48. Empirical Study (n 8 above) 882-83 (methodological and ethical issues when interviewing consumers of the ADA).
49. W Parent, 'Quality of Life and Consumer Choice' in P Wehman (ed), *The ADA Mandate for Social Change* (Baltimore, Maryland: Paul H Brookes Publishing Co, 1993) 19-20 (choices and participation in life decisions improve quality and positively influences sense of self-worth, and independence).
50. Empirical Study (n 8 above) 883-85 ('People First' is a self-advocacy group present in almost every state).
51. D Braddock, 'Responding to the Self-Advocacy Movement' (July/August 1993) *AAMR News & Notes* 2.
52. Blanck (n 8 above) (discussing empowerment issues for persons with mental retardation).
53. Empirical Study (n 8 above) 884 (natural supports assist the person to attain independence and productivity and facilitates community integration); AAMR (n 24 above) 101.
54. AAMR (n 24 above) 101-03 (this belief is exemplified by emphasis on supported employment programs).
55. Empirical Study (n 8 above) 885-86.
56. *ibid* 885.
57. Title II of the ADA covers state and local agency services, and public transportation services. 42 U.S.C. ' ' 12131-12165 (Supp. IV 1992). Lack of access to education and transportation often forecloses the possibility of employment for people with disabilities; *ibid*.
58. 28 C.F.R. ' 36 (1993) (Title III requires public accommodations to make reasonable modifications so that they may be accessible to persons with disabilities).
59. L Harris and Assocs, *Survey of Americans with Disabilities* (1994) 37, 108 (adults with disabilities perceive as problems insufficient finances (67%), lack of full social life (51%), and inadequate health insurance (26%)).
60. Empirical Study (n 8 above) 874-75.

61. *ibid.*
62. Definition of 'change' may include debate about the diverse methods of determining the scope of persons covered by the law and penalties for noncompliance. CA Rasnic, 'A Comparative Analysis of Federal Statutes for the Disabled Worker in the Federal Republic of Germany and the United States' (1992) 9 *Arizona J of Intl and Comparative L* 283, 332.
63. L Despouy, *Human Rights and Disabled Persons* (United Nations Publication, 1993) 1.
64. Y Yu, 'The Demography of Disability' (1991) 30 *Population Bulletin of the UN* 61, 63.
65. Australian Institute of Health and Wealth, *Australia's Health 1996*, available at <<http://www.aihw.gov.au/publication/health/ah96/index.html>> (last viewed 7 December 2001).
66. Despouy (n 63 above) 26.
67. Eurostat, *Disabled People: Statistics*, published under Theme 3: Population and social conditions, Series D: Studies and analysis, 2 (1992).
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69. Eurostat (n 67 above) 8.
70. *ibid.*
71. Commission on the Status of People with Disabilities, *Commission on the Status of People with Disabilities, a strategy for equality* (1996) 135.
72. C Raskin, 'Employment Equity for the Disabled in Canada' (1994) 133 *Intl Labour Rev* 75.
73. PD Blanck, *Communicating the Americans With Disabilities Act: The Role of the Staffing Industry in the Employment of Persons with Disabilities -- A Case Report on Manpower, Inc* (Iowa City, Iowa: Iowa CEO and Law, Health Policy and Disability Center, 1998).
74. RS Belous, 'The Rise of the Contingent Workforce: Growth of Temporary, Part-Time, and Subcontracted Employment' (1997) 19 *Looking Ahead* 1, 2-24; R Belous, *The Rise of the Contingent Workforce* (1997).
75. *ibid.*
76. 'Contingent Workers Said to Comprise 25% of U.S. Workforce' (22 August 1997) 8 *Staffing Industry Report* 9-10.

77. PD Blanck, LA Sandler, JL Schmeling, and HA Schartz, 'The Emerging Workforce of Entrepreneurs with Disabilities: Preliminary Study of Entrepreneurship in Iowa' (2000) 85 Iowa L Rev 1583-1670.

78. Shapiro (n 30 above) 4 (effects of the emerging work force comprised of young people with disabilities).

79. PD Blanck, 'Empirical study of the Americans with Disabilities Act: Employment issues from 1990 to 1994' (1995) 14 Behavioral Science & L 5-27 (providing data on emerging workforce of young adults with disabilities).

80. Blanck (n 8 above) (1998).

81. D Kruse and L Schur, 'Employment of People with Disabilities' *Industrial Relations* (forthcoming 2002) (reporting increased employment rates from 1990 to 1994 when using functional definition of disability in analysis of Survey of Income and Program Participation (SIPP) data set).

82. CC Zwerling, PS Whitten, NL Sprince, *et al*, 'Workforce Participation by Persons with Disabilities: The National Health Interview Survey Disability Supplement, 1994-5' *J of Occupational and Environmental Medicine* (2002 forthcoming).

83. S Schwochau and P Blanck, 'The Economics of the Americans with Disabilities Act: Part III – Does the ADA Disable the Disabled?' (2000) 21 Berkeley J Employment & Labor L 271.

84. PD Blanck, 'The Economics of the Employment Provisions of the Americans with Disabilities Act: Part I -- Workplace Accommodations' (1997) 46 DePaul L Rev 877-914; PD Blanck, 'Attitudes, Behavior and the Employment Provisions of the Americans with Disabilities Act' (1997) 42 Villanova L Rev 345-408. cf Edelman (n 20 above) 1539 (under Title VII, weak enforcement mechanisms and ambiguous terms provide inadequate feedback to covered entities about compliance with the law).

85. PD Blanck, 'Communicating the Americans with Disabilities Act: Transcending Compliance: A Case Report of Sears Roebuck and Co' Annenberg Washington Program Report (Washington DC, 1994); PD Blanck, 'Communicating the Americans with Disabilities Act, Transcending Compliance: 1996 Follow-Up Report on Sears, Roebuck & Co' The Annenberg Washington Program Reports (Washington DC, 1996).

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87. HJ Greenwood, 'Coorscreen -- A Low Cost, On-site Mammography Screening-Program' (1996) 10 *American J Health Promotion* 364-70.

88. AI Batavia, 'Ideology and Independent Living: Will Conservatism Harm People with Disabilities?' (January 1997) 549 *Annals*, AAPSS 10-23.

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90. This discussion is not comprehensive and illustrates disability policy initiatives, from cooperative efforts in the European Union, to long-established policies in Germany, to emerging efforts in Bulgaria, Israel, Hungary, and Latin America. Other important initiatives may be identified and studied. 'Doing Business in Poland' (27 October 1994) European Union, European Update; 'The Woes of China' (25 January 1990) *Wall Street J* A10.

91. Raskin (n 72 above) 76.

92. *ibid*; PD Blanck and JL Schmeling, 'Americans with Disabilities Act: Recent and Pending U.S. Supreme Court Decisions and Implications for Spine Professionals' *Spine* (2002 forthcoming) (discussing US Supreme Court rulings that, under the ADA, courts are to take into account an individual's mitigating measures, in defining disability under the law).

93. Raskin (n 72 above) 76.

94. *ibid* 77-78.

95. Treasury Board of Canada Secretariat, Overview of the Employment Equity Act (1996) from a public Service Perspective, available at < http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_852/over_e.html> (last viewed 19 December 2001).

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97. *ibid*.

98. *ibid*.

99. *ibid*.

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101. J Sowers, P Cotton, and J Malloy, 'Expanding the Job and Career Options for People with Significant Disabilities' (1994) 22 *Developmental Disabilities Bulletin* 53.

102. *ibid* 54.

103. *ibid* 55.

104. *ibid*.

105. Commission of the European Communities, Proposal for a Council Decision on the European Year of People with Disabilities 2003, Brussels (29 May 2001) 2.

106. The European Community will be referred as the European Union hereinafter, with one exception; if a program was enacted under the European Community and is referred to as such in the original title of the law.

107. European Union, Social Policy, European Update, ' 8.1.2 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT) Eurupdate, 345).

108. OJ Eur Comm (L56) (1993). A minor corrigendum was published in OJ Eur Comm (L234) (1993). European Union, Social Policy, European Update, ' 8.1.2 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT), Eurupdate, 345).

109. European Union, Social Policy, European Update, ' 8.1.2 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT), Eurupdate, 345).

110. *ibid* (program has a budget of ECU 37 million over a four year period).

111. *ibid*.

112. *ibid*.

113. This program is allotted 180 million ECU from the European Union's structural funds.

114. OJ Eur Comm (C18) (1992); European Union, Social Policy, European Update, ' 8.1.4 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT)).

115. European Union, Social Policy, European Update, ' 8.1.4 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT)); OJ Eur Comm (L240) (1993); European Union, Social Policy, European Update, ' 8.1.4 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT)).

116. Projects assisting in this goal have been allocated ECU 30 million with the expected benefits of such a program going to 60 to 80 million European citizens. European Union, Social Policy, European Update, ' 8.1.5 (27 October 1994) (WESTLAW, 1991 WL 11753 (DRT)).

117. OJ Eur Comm (L 303) (2000); Commission of the European Communities, 'Proposal for a Council Decision on the European Year of People with Disabilities 2003' (2001) 3.

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Relationship Between Social Welfare and Civil Rights Models of Disability in American, European and International Employment Law' Presented at *From Principles to Practice: An International Disability Law and Policy Symposium* (October 2000).

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1995' (1997) 60 Modern L Rev 64, 69-70.

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137. BJ Doyle, 'Disabled Workers' Rights, the Disability Discrimination Act and the UN Standard Rules' (1996) 25 Industrial L J 1, 10-11.

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