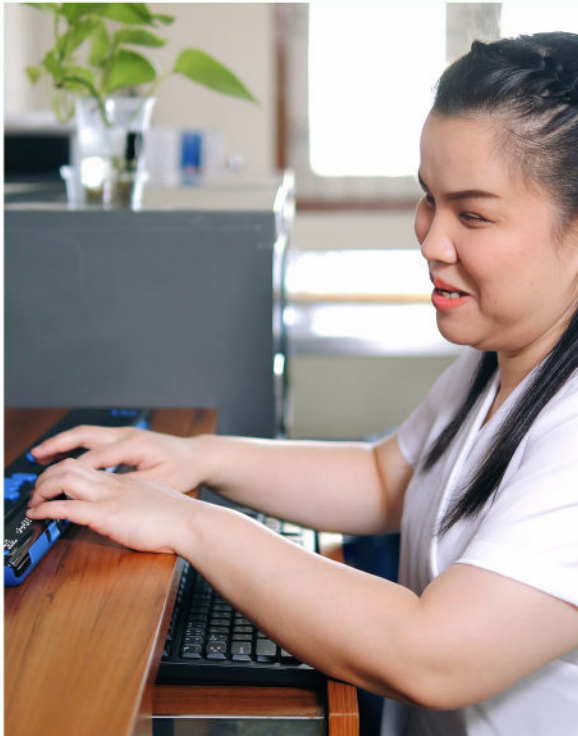


# Disability in the Workplace

## 2023 Toolkit



# About the Toolkit

This toolkit is a resource to help you and your employees develop an increased awareness and appreciation of the potential of people with disabilities in the workplace.

People with disabilities — both visible and nonvisible — still face discrimination, especially when it comes to hiring.

- 1 Facts and Figures
- 2 Busting Common Myths
- 3 Disability Defined
- 4 Accommodations Defined
- 5 Language
- 6 Policy
- 7 Disability Rights Timeline

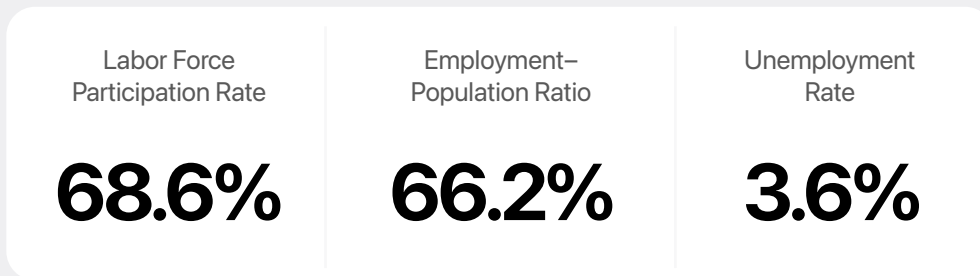
## Persons with a Disability

Ages 16+



## Persons without a Disability

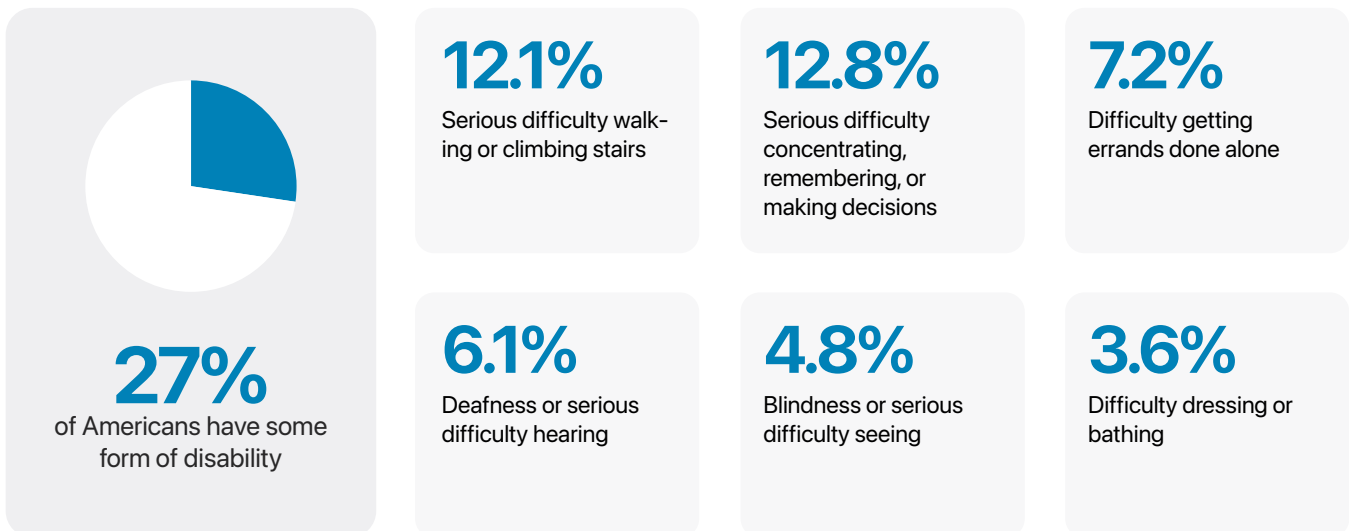
Ages 16+



\*Numbers updated in July 2023 by the U.S. Bureau of Labor Statistics. Source: U.S. Department of Labor, Office of Disability Employment Policy

[Learn More](#)

In 2022, persons with a disability who were employed were more likely to be self-employed than those without a disability (9.5% vs 6.1%).



# Busting Common Myths

---

## MYTH

People who use wheelchairs are chronically ill.

## FACT

A person may use a wheelchair for a variety of reasons, none of which are related to an illness.

## MYTH

It's rude to ask somebody who is deaf whether they can read lips.

## FACT

It's okay to ask a deaf person if they can read lips; it is only rude if you do not face them and give your full attention.

## MYTH

People without disabilities should proactively try to assist people with visible disabilities.

## FACT

It is considered condescending and/or ableist to assume somebody with disabilities needs assistance; ask, never assume.

## MYTH

People with intellectual disabilities have a low IQ so you should communicate with them the way you would with a child.

## FACT

Intellectual or developmental disabilities do not always reflect intelligence or ability to communicate.

What is a disability?

**A physical or mental impairment that substantially limits one or more major life activities.**

This could include one or more of the following:

- Walking
- Seeing
- Sitting
- Hearing
- Speaking
- Breathing
- Learning
- Lifting
- Self-care
- Bodily functions



**Mental Health**



**Neurological**



**Physical**



**Sensory**

## **Apparent Disabilities**

- Amputation
- Blindness
- Cerebral Palsy
- Down Syndrome
- Muscular Dystrophy
- Paralysis
- Short Stature
- Stuttering

## **Non-Apparent Disabilities**

- ADHD
- Anxiety
- Autism
- Depression
- Dyslexia
- Epilepsy
- Fibromyalgia
- Long-Covid

## **Chronic**

Managed (Insulin-controlled diabetes), periodic (fibromyalgia flare-ups), or inactive (cancer in remission).

## **Temporary**

Major, but usually short(er) term, for example: pregnancy with complications like preeclampsia.



# Accommodations Defined

The Americans with Disabilities Act requires "reasonable accommodations" as they relate to three aspects of employment:

**1**

Ensuring there is equal opportunity in the application process

**2**

Enabling an individual with a disability to perform the essential functions of a job

**3**

Enabling an employee with a disability to enjoy equal benefits and privileges



Reasonable accommodation:

**A modification or adjustment to a job or work environment.**

What qualifies as "reasonable"?

An employer ultimately decides, but it must be feasible/plausible, effective, and cannot pose undue hardship for the employer.

What should you do if your request for an accommodation is denied?

**1**

Ask for more information about the reason for the denial

**2**

Provide additional information and offer alternative solutions

**3**

Investigate the internal appeals process

Pay attention to the language you use and how it affects others – words shape perceptions:

## Ask First.

Ask how somebody prefers to be referred to.

Some people like to use person-first language while others prefer identity-first.

## Person-First.

If you are not able to ask somebody how they like to be referred to, default to using person-first language.

In the United States it is widely accepted to use person-first language.

## Be Anti-Ableist.

Don't describe somebody with a disability in a way that paints them as a victim or as an inspiration (for something that would not be considered inspiring for an able-bodied person).



Neurodiversity and neurodivergence are often mistakenly used interchangeably, however, they are different concepts with different meanings.

## Neurodiversity

Neurodiversity is a term that describes the variation in which brains work and process information within a group or population. You would never refer to an individual as "neurodiverse".

## Neurodivergence

Neurodivergence describes how a brain may function or process information atypically. A person with a learning disability, intellectual disability, or mental illness, may be described as "neurodivergent."



People with disabilities can ***still*** legally be paid below the minimum wage.

[Learn More](#)

## 14(c)

A loophole allows employers that hold a 14(c) certificate to pay employees with disabilities less than the federal minimum wage (\$7.25/hour).

Some of the biggest ways Congress and the Administration can make a difference in disability employment include:

**1**

Ending the subminimum wage [14(c) certificate]

**2**

Enforcing Section 503 of the Rehabilitation Act

**3**

Supporting people with disabilities who travel for work

**Key Legislation: Transformation to Competitive Integrated Employment Act by U.S. Senators Bob Casey and Steve Daines and U.S. Representatives Bobby Scott and Cathy McMorris Rodgers**

This bipartisan legislation would provide states and employers with the resources to transition workers with disabilities into fully integrated and competitive jobs, which includes earning at least the minimum wage alongside individuals without disabilities, while phasing out the subminimum wage.





**1932**

The first president with visible disabilities, Franklin Delano Roosevelt, was elected, but the public was shielded from the extent of his disabilities.

**1935**

President Franklin Delano Roosevelt signed the Social Security Act, providing cash benefits, medical, and therapeutic services for people with disabilities.



**America Needs**  
*ALL of us*



**1945**

The first National Employ the Physically Handicapped Week (later became National Disability Employment Awareness Month.)

**1948**

Congress passed legislation prohibiting discrimination in federal employment for people with physical disabilities.



## 1960s

The disability rights movement began, encouraged by the examples of the Civil Rights and Women's Rights Movements.



## 1963

President John F. Kennedy signed the Community Mental Health Act, moving people "warehoused" in institutions back into their communities. The number of institutionalized people in the U.S. dropped from 560,000 to just over 130,000.

## 1968

The Architectural Barriers Act was passed, mandating that federally constructed buildings and facilities be accessible to people with physical disabilities.



## 1972

The Center for Independent Living was founded in Berkeley, California and led by disabilities activist Ed Roberts.

## 1973

The Rehab Act established equal access for people with disabilities through removal of architectural, employment and transportation barriers in federal establishments.





1975

The Education for Handicapped Children Act of 1975 (later the IDEA) guaranteed a free public education for all children with disabilities in the least restrictive environment.

PRESIDENT GERALD FORD SIGNING A NEW LAW

*Parents with handicapped children are optimistic about this change.*



On Nov. 29, 1975, then President Gerald Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142). With the adoption of this act, Congress opens public school doors for many children with disabilities and sets the foundation of the country's commitment to ensuring that children with disabilities have opportunities to develop their talents, share their gifts, and contribute to their communities.



1977

During the 504 Protest, San Francisco activists held a 28-day sit-in calling for federal civil rights for people with disabilities. The measure was signed that year.

1981

The United Nations commemorated the first International Year of Disabled Persons. Alan A. Reich became the first person to address the U.N. General Assembly from a wheelchair.



NATIONAL ORGANIZATION ON DISABILITY

1982

The National Organization on Disability (NOD) was founded by Alan A. Reich to continue the momentum of promoting disability inclusion.

1984

Voting Accessibility for the Elderly and Handicapped Act ensured equal access to the polls.



## 1988

The Deaf President Now protest went on for 8 days at Gallaudet University in Washington, D.C. The movement was a success.



## 1990

President George H.W. Bush signed the Americans with Disabilities Act (ADA) into law, enshrining equal access and non-discrimination.

## 1995

American Association of People with Disabilities was created, advocating for legal rights for people with disabilities.



## 1996

Mental Health Parity Act banned health plans from imposing unwarranted dollar limits on mental health benefits.

## 1998

President Bill Clinton signed the Internet Accessibility Law, which gave people with disabilities access to all electronic and information technology in the federal sector.





## 1999

The U.S. Supreme Court's Olmstead Decision affirmed the right to live in the community rather than in state-run institutions. Justice Ruth Bader Ginsburg wrote the majority opinion.



## 2008

The ADA Amendments Act clarified and broadened the term "disability."

## 2012

The first ever Global Accessibility Awareness Day was celebrated, inspired by web developer Joe Devon's blog post.



## 2013

After meeting with disability advocates, President Barack Obama signed the Section 503 rule change to the Rehab Act (setting a 7% utilization goal of employees with disabilities.)

## 2018

As part of the FAA Reauthorization Act of 2018, the U.S. Department of Transportation began requiring that airlines track reports of mishandled wheelchairs & scooters.







This toolkit was made possible thanks to the generosity of  
Charter Communications.

NATIONAL ORGANIZATION ON  
**DISABILITY**

NOD works to advance disability inclusion through various means, including advocating for policy changes, conducting research, providing resources and tools for employers and businesses to create inclusive workplaces, and collaborating with other organizations to raise awareness about disability-related issues. The organization strives to break down barriers and stereotypes that often limit the opportunities and contributions of people with disabilities.

[Learn More](#)

**FAIR360**

Fair360's mission is to bring education and clarity to the business benefits of diversity. It is a prominent diversity, equity and inclusion publication as well as a source of thought leadership and industry analysis. It is a valuable resource for companies aiming to be the change they want to see.

[Learn More](#)

