

WOMEN'S BUREAU WEBINAR

Women and the Americans with Disabilities Act

Thank you for joining our webinar.

This webinar will be recorded.

We will begin shortly.

**You can submit questions by using the
Q&A box at the bottom of your screen.**

WOMEN AND THE AMERICANS WITH DISABILITIES ACT

Tuesday, July 28, 2015
10:00 AM – 11:30 AM PDT
1:00 PM – 2:30 PM EDT

Speakers

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ODEP

- ODEP works to ensure today's workforce is inclusive of **all** people—including people with disabilities
- **Mission:** Develop and influence policies and practices that increase the number and quality of employment opportunities for people with disabilities
- To fulfill mission, ODEP promotes the adoption of policy and implementation practices that have been shown, through research and evaluation, to be effective in furthering disability employment

ADA Timeline: Advancing Equal Access to Opportunity

<http://www.dol.gov/featured/ada/>

Advancing Equal Access to Opportunity

Signed into law in 1990, the Americans with Disabilities Act (ADA) is civil rights legislation that works to increase the inclusion of people with disabilities in all aspects of community life, including employment. At the U.S. Department of Labor, we are committed to delivering on the promise of the ADA, not only for today's workers with disabilities, but also future generations.

A graphic titled "Disability & Employment: A Timeline" commemorating 25 years of the Americans with Disabilities Act (ADA) from 1990 to 2015. The graphic features a collage of images showing people with disabilities in various settings, including a person in a wheelchair, a person using a prosthetic arm, and a person holding a sign that says "I AM THE FUTURE". The text "America Needs All of us" is visible in the top right of the collage. Below the collage, it says "ADA 1990 2015 25 Commemorating 25 Years of the Americans with Disabilities Act". To the right of the collage, the text reads "Disability & Employment: A Timeline" and "Commemorating 25 Years of the Americans with Disabilities Act". A date marker "JUNE 7, 1920 The Smith-Pess Act" is shown with a right-pointing arrow. Below the graphic is a horizontal timeline axis with years from 1920 to 1927. A vertical line is positioned at 1920, and a small box labeled "The Smith-Pess Act" is positioned above the 1920 mark on the timeline.

• An alternate view of the Americans with Disabilities Act 25th Anniversary Timeline is available

WORKER STORIES

The Americans with Disabilities Act works to open doors of opportunity for America's more than 50 million people with disabilities—including in the workplace.



WOMEN'S BUREAU
U.S. DEPARTMENT OF LABOR

Employment:

The unfinished business of the Americans with Disabilities Act (ADA)

Women with Disabilities

- Represent more than 1 in 20 working-age Americans
- 11% of U.S. women are living with one or more disabilities
- Employment rate of 32%

Source: (USCB, 2012)

Wage Gap: Working Women with Disabilities

Full-year working women with disabilities earn only:

- **60 cents** to every dollar earned by able-bodied men
- **72 cents** to every dollar earned by men with disabilities
- **80 cents** to every dollar earned by their female able-bodied counterparts
- Poverty rate of **29.5%**

Source: (USCB, 2012)

Disability & Abuse

- **83%** of females and 32% of males with developmental disabilities have experienced sexual assault (Young & Nosek, 1997)
- **37.3%** of women with disabilities have experienced violent abuse in their lifetime (CDC, Women with Disabilities)
- **28.5%** have been threatened with violence (CDC, Women with Disabilities)

Strategies & Solutions

- Reduce early biases toward girls & young women with disabilities
- Increase early access & participation in the STEM fields
- Improve education-to-career transition efforts
- Increase post-secondary educational attainment
- Reduce isolation
- Continue to promote employer-oriented promising practices

Exemplary Business Practices

- Organizational readiness & inclusive environments
- Accessible employment processes
- Provision of workplace accommodations
- Recruitment, training & professional development
- Mentorships & networks
- Information-sharing & awareness-raising

Federal Partners' Committee on Women & Trauma

- Chaired by the Department of Labor and Co-chaired by HHS/SAMHSA
 - Federal Agencies: Labor, Health and Human Services, Justice, Homeland Security, Housing and Urban Development, Defense, Education, Agriculture, Interior, Office of National Drug Control Policy, State, Veterans Affairs, Peace Corps (13 agencies, 39 sub-agencies, more than 100 federal partners)
 - Fact Sheet:
<http://www.nasmhpd.org/sites/default/files/FedPartnersFactSheetJune2015update.pdf>
 - Building a Trauma-Informed Nation: Moving the Conversation into Action, Sept. 29-30, 2015 (at DOL & Via Amplifier Sites across the country). WB will share details later this summer with stakeholders.

Resources

- ODEP Website:
www.dol.gov/odep
- Women's Resources
<http://www.dol.gov/odep/topics/women.htm>
- Campaign for Disability Employment:
www.WhatCanYouDoCampaign.org
- Job Accommodation Network:
www.AskJAN.org
- Employer Assistance and Resource Network:
www.AskEARN.org



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The ADA and Women at Work

The ADA's particular significance to women in the workplace may not be immediately obvious. However, the ADA provides some protections that address issues more commonly faced by working women than by their male counterparts.

These include:

- Pregnancy / child birth
- Domestic violence / sexual assault / stalking
- Familial caregiving responsibilities

Pregnancy / Childbirth

- Pregnancy is not itself a disability, and there are non-ADA legal protections specifically for pregnant women and new mothers
 - Federal Protections (PDA, FMLA)
 - Various state protections (e.g., California's PDL)
- However, some conditions related to pregnancy or childbirth qualify as disabilities under the ADA
 - E.g., postpartum depression
- Women with these conditions may qualify for additional leave or other accommodations that would otherwise not be available to them under existing pregnancy laws.

Pregnancy / Childbirth – “Indirect” Effects of the ADA

- Notably, the Pregnancy Discrimination Act requires that women disabled by pregnancy “be treated the same as other persons not so affected but similar in their ability or inability to work”
- The 2008 ADAAA did much to expand the idea of disability, so that more impairments now constitute disabilities for which individuals are entitled to reasonable accommodations
- Larger group of comparators for pregnant women / new mothers
- New EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues, http://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm
- *Young v. United Parcel Serv., Inc.*, --- U.S. ---, 135 S.Ct. 1338 (2015)

Domestic Violence, Sexual Assault, and Stalking

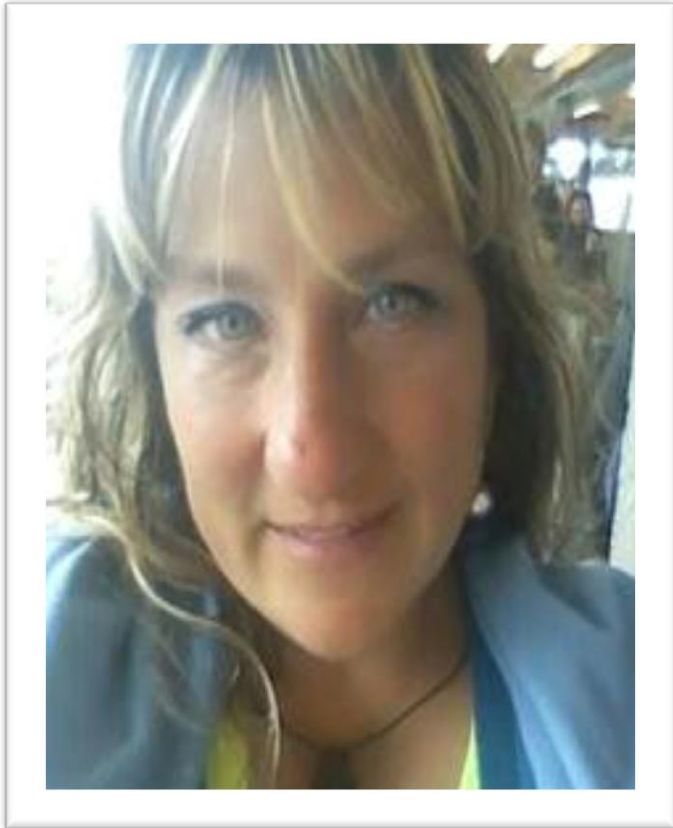
- Survivors of DV, SA, or stalking often have disabilities related to the violence, either physical or psychological (e.g., PTSD)
- ADA provides tool to be used for requesting accommodations in the workplace that could both accommodate the employee's disability, but in some instances, also address safety concerns
 - Examples:
 - Leaves of absence
 - Transfers
 - Installation of security equipment

Familial Caregiving Responsibilities

- ADA's "associational" provision can, in some instances, provide employment protections for women who have caregiving responsibilities for children, parents, spouses, or other family members with disabilities
- EEOC guidance
- However, the ADA does not entitle caregivers of family members with disabilities to reasonable accommodations at work

Resources

- -The Work & Family Helpline provides free, confidential advice about time off work, paid leave, and accommodations for pregnancy, parenting, breastfeeding, caring for an ill family member or an employee's own serious health condition. Call toll-free in California at (800) 880-8047, or outside California, call (415) 593-0033.
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- -The Project SURVIVE Helpline provides free legal information to Victims and Survivors of Domestic Violence, Sexual Assault and/or Stalking. Call toll-free in California at 888-864-8335.



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Women with Disabilities: The Intersection of Disability and Domestic Violence Service



Findings Indicate....

Women with disabilities are **3-11** times more likely to experience abuse than their non-disabled peers.

Definitions

- Domestic Violence (Official)
- Domestic Violence Services
- Women with Disabilities
- Types of Abuse
- Disability

Questions and Methods

Questions

Are domestic violence services provided to women with disabilities?

- How does disability status influence women's decisions to seek help?

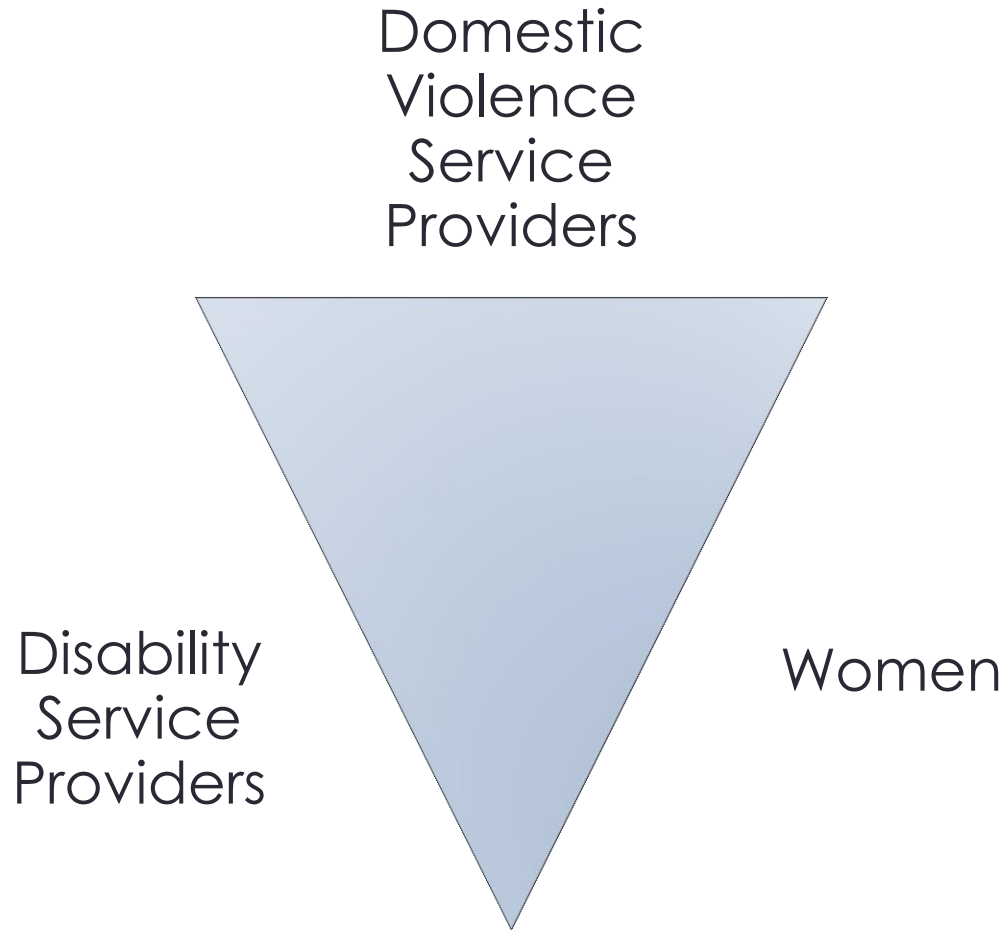
and if women with disabilities decide to seek help...

- Do they have access to the help that they need?

Mixed Methods

- Disability Service Providers
 - Survey staff
- Domestic Violence Service Providers
 - Survey Staff
- Women with disabilities who have been abused
 - In-person interviews

Strategy: Triad of Information



Disability Service Trends

- 86 Surveys
- 80% provide Direct Services/Casework, 53% advocacy, 46% advocacy
- 63% of these agencies **do not** provide abuse support services
- 80% of service providers are mandated reporters of abuse...
...but over 55% of these service providers do not screen for abuse.

Domestic Violence Service Trends

- 81 surveys
 - 88% of domestic violence services responded yes they do serve women with disabilities
 - Most these agencies serve an average of **9 times fewer** women with disabilities than their non-disabled peers
 - Nearly half of these agencies **do not** train their staff to work with persons with disabilities
- and-
- Only 1 domestic violence service provider allows women to bring a personal assistant

Women with Disabilities



Emerging Trends

Women with disabilities are:

- likely to be abused by multiple persons whom are not typically considered intimate partners
- feel their disability status increases their vulnerability to abuse
- have less knowledge about how domestic violence services work or even exist at all
- are underserved by the domestic violence service delivery system

-and-

- need similar supports as other survivors of domestic violence

Thank you



- All of the women who shared their stories
- Women's Bureau
- Kelly Jenkins-Pultz
- Robert and Colleen Haas
- Marsha Saxton PhD
- Amanda Reiman PhD

Additional Resources

- Legal Aid Society-Employment Law Center
 - <http://las-elc.org/>
- Disability Rights California
 - <http://www.disabilityrightsca.org/>
- Legal Services of Northern California
 - <http://lsnc.info/>
- National Employment Lawyers Association
 - <https://www.nela.org/NELA/>

QUESTIONS?

Please type in the Q&A box on the bottom of your screen.

THANK YOU!

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