

Study shows disability discrimination continues despite the ADA

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It has been 25 years since Congress passed the landmark Americans with Disabilities Act (ADA), which prohibits employers from discriminating against individuals with disabilities. Since then, the Act has empowered disabled individuals to obtain gainful employment and make significant contributions to our society.

Despite that progress, a recent study has revealed that a substantial number of employers still appear to have stereotypical views of disabled individuals and discriminate against well-qualified disabled job candidates as a result. The study was conducted by six professors at Rutgers School of Management and Labor Relations and Syracuse University and was published by the National Bureau of Economic Research. As part of the study, researchers sent résumés and cover letters on behalf of well-qualified fictitious candidates in response to more than 6,000 accounting positions. Some fictitious résumés were for highly qualified candidates, and others were for novice candidates about one year out of college.

For each type of résumé, researchers drafted three different cover letters: one for a candidate without a disability, one for a candidate who disclosed having a spinal cord injury, and one for a candidate who disclosed having Asperger's syndrome, which affects a person's ability to interact socially. A spinal cord injury and Asperger's syndrome were chosen because they would not be expected to limit the productivity of a person performing an accounting job and would help rule out productivity-based explanations for differences in employer responses.

Evidence of discrimination

Based on the responses from the accounting firms the résumés were sent to, the researchers found that potential employers expressed interest in hiring candidates who

disclosed a disability about 26 percent less frequently than candidates who did not disclose a disability, with little difference between candidates with a spinal cord injury and candidates with Asperger's syndrome. Interestingly, the gap in interest was greater for experienced applicants instead of entry-level candidates. The researchers stated, "The overall pattern of findings is consistent with the idea that disability discrimination continues to impede [the] employment prospects of people with disabilities, and more attention needs to be paid to employer behavior and the demand side of the labor market for people with disabilities."

The results of the study show that much work still must be done to eliminate stereotypes about individuals with disabilities. Obviously, an employer may have a legitimate reason for not hiring a disabled candidate. For example, an individual's disability may prevent him from performing the essential functions of the job even with a reasonable accommodation.

Nevertheless, there is no justification for treating a disabled candidate who is as equally qualified as a nondisabled candidate in a less favorable or discriminatory manner. The ADA seeks to eliminate the stereotyping of individuals with disabilities. The study demonstrates that we still have a long way to go to ensure that individuals with disabilities are treated fairly and in a nondiscriminatory fashion.

Importance of HR

Significantly, the study revealed that larger accounting firms were less likely to discriminate against fictitious candidates who disclosed being disabled than smaller firms. The difference may be attributable to the fact that larger companies are more likely to have an HR department that makes concerted efforts to ensure that the hiring process is implemented in a nondiscriminatory fashion. This aspect emphasizes the importance of HR professionals in ensuring that employers comply with the law and operate in a nondiscriminatory manner so that applicants and employees are judged by their ability

and the quality of their work, not on unfounded stereotypes.

Hiring tips

Refusing to hire disabled applicants based on stereotypes is not only unlawful, but it can also be detrimental to the effectiveness of your organization. Studies show that on the whole, disabled workers make better employees and are more productive than nondisabled employees with similar credentials. Thus, it is essential that you periodically review your hiring practices to ensure that you are following the law and hiring the best employees possible.

Consider having one person screen applications, cover letters, and résumés to make sure that individuals tasked with making hiring decisions do not receive any information about applicants' health conditions. That may mean "scrubbing" the documents to ensure that information identifying an applicant as disabled (or a member of another protected group) is not given to managers and supervisors who will make the actual employment decision. That way, extraneous information cannot affect the hiring process, and the decision maker must rely on legitimate reasons only.

If the accounting firms in the study had a process to redact physical and mental health information in cover letters and résumés, they would have a solid defense to a claim that a disabled applicant was subjected to discriminatory treatment. Obtaining too much information can get you into trouble.

The study, [The Disability Employment Puzzle: A Field Experiment on Employer Hiring Behavior](#), National Bureau of Economic Research Working Paper No. w21560, is available at <http://ssrn.com/abstract=2663198>.

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