

Employment Options for the Physically Disabled

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"Employment Options for the Physically Disabled" is an optimistic title for my paper, emphasizing the positive notion that people with disabilities have a menu of choices in the area of employment. It is true that for people with disabilities, gains have been made in the past decade. Most notably, rights to services, housing and employment have been entrenched in human rights laws. In addition, information, consultation and advocacy services have grown and matured. The 1980s saw powerful technology delivered into the hands of individuals, offering the promise of opportunity, empowerment and independence for disabled persons — a promise that has, at least in part, been fulfilled. Among the general public, sensitivity to issues of concern to the disabled community has increased. Nonetheless, any discussion of employment for people with disabilities that situates itself in the real world must inevitably address the many significant barriers that still beset persons with disabilities in their quest for work.

These barriers have combined to produce some disturbing statistics. More than half of all adults with disabilities between the ages of 15 and 65 have incomes of less than \$10,000. According to the Health and Activity Limitation Survey from 1986, the unemployment rate for persons with disabilities is roughly double that for persons without disabilities, and one half of disabled adults of working age are not in the work force at all.

A complete enumeration of contributory barriers would serve only to exhaust. However, it is worth outlining briefly the *major* systemic and constructive obstacles that must be removed, not to dwell on the magnitude of the task, but to provide a sense of where our attention must focus. If you give a sailor a rope full of knots to untie, he or she does not attempt to untie all the knots at once; it is necessary to untie one knot at a time, and by extension, to identify one knot at a time. For disabled people seeking full and equal membership in the world of meaningful employment, some big knots remain in the rope. Some of those knots are being slowly loosened, but a great deal remains to be done.

Our hope and expectation is that in the not too distant future, Ontario will enact mandatory employment equity legislation that will require workplaces to reflect the diversity that is found in the population, and to set timetables for the achievement of these goals. The evidence to date suggests that appeals for voluntary effort in this regard have produced disappointing results. More accountability must be built into the system. Disabled persons

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have an obvious interest in seeing that this progress comes sooner rather than later. However, employment equity initiatives undertaken in isolation will not be enough to ensure that disabled people can look forward to a life of productive employment and participation in the community. Deeply rooted systemic problems persist and require a commitment to solve them that has so far been slow in coming.

The major systemic and constructive knots that need to be untied before disabled persons can achieve equal opportunity for employment are those found in education, transportation and the social service system. Until substantial progress is made in these areas, employment equity programs, however well motivated, stand a good chance of falling short of their goal of achieving appropriate representation of disabled persons in the workplace.

As Rosalie Abella pointed out in the Royal Commission Report on Equality in Employment,¹ education is "the best readily observable predictor of how much a person earns." It is no surprise that education has often been a battleground in the struggle by people to secure their rights and their dignity. As the civil rights movement in the United States clearly demonstrated, the struggle for equality is intimately bound up with education issues. It was recognized early on in this struggle, that those who are excluded from the mainstream schools face lives of disadvantage and discrimination. And yet, access to the same education for which others have fought dearly and now take for granted as a right, was denied for many persons with disabilities, often for no other reason than that they could not negotiate a set of steps.

In Ontario, the *Education Act*² was changed to recognize the right of exceptional students (a heading under which most students with disabilities would fall) to "appropriate" special education. This has resulted in many disabled pupils receiving an education, but serious questions remain about the kind of education that is provided and who and what are involved in determining what an "appropriate" education is. In addition, for many students with disabilities, this has not meant the end of a segregated life at school. Given that well-meaning but paternalistic attitudes are at the root of much of the discrimination faced by disabled persons, what is deemed appropriate for them in the eyes of many decision makers may not be a life in the community, but rather a safe haven away from it. When these attitudes are reflected in the services provided to disabled students in the school system, the result can hardly be preparation for a life of independence and mainstream employment. This continues to be reflected in the numbers: almost 40% of disabled persons over age 14 have eight years or less of schooling, whereas for persons without disabilities the figure is only 14%.

Of course, the problem is not confined to our schools. Universities and colleges remain largely inaccessible and insensitive to the needs of disabled students. Many programs and services remain beyond the reach of those disabled students who are able to attend, and accommodation of their needs lags well behind what is needed.

In the long run, as more and more students with disabilities make their way through the school system, as more and more people become comfortable with disabled persons in

1. *Report on the Commission on Equality in Employment*, (Ottawa: Supply and Services Canada, 1984).

2. *The Education Act*, 1974, c. 109, as am. by S.O. 1980, c. 61, s. 1(1).

their midst and see what they are capable of, a change in the attitudes that form the bedrock of discrimination against those with disabilities will take place. In the meantime, much remains to be done; disabled persons can be forgiven for taking cold comfort in the notion that in fifteen or twenty years, things will be better.

The second deeply rooted systemic barrier to success in employment for persons with disabilities is transportation. A person who cannot reliably find transportation to get to and from work is less attractive to an employer than one who can. A student who cannot get to and from classes on a regular basis is clearly at a disadvantage, especially at college and university. It takes no expert in ergonomics to see that the conventional mass transportation infrastructure in Ontario and in the rest of the country is beyond the reach of thousands of disabled consumers. Many cannot take the subway or ride the GO trains or buses. Those alternative systems that are in place, such as Wheel-Trans in Toronto and parallel transit systems in other cities, are unable to meet the present demands placed on them by their clientele, and remain localized. In at least one region in this province, recommendations have been made to cut the parallel service's hours and to raise fares above those paid by non-disabled riders on the conventional transit system. In outlying and rural areas, mobility-impaired people often have no alternative means of getting around at all, and are entirely dependent on the good offices of friends and family.

Even when disabled individuals obtain employment, the systemic barriers inherent in transportation may serve to limit their opportunities within the work place. Employees dependent on Wheel-Trans do not have the flexibility in their schedule to work overtime or irregular hours if needed, or simply to be able to enjoy the normal social interplay with fellow employees. For them, their coach turns into a pumpkin at 5 p.m.

The third major systemic knot to be untied is the disincentive to employment in the social support system. This barrier to employment involves, at least to some extent, the issue of access to health care services. Except under certain programs of income support and in-kind benefits, the present health care system does not cover the cost of many health-care expenses, such as drugs or dental treatment. People with disabilities, not surprisingly, have much higher needs in these areas than people without disabilities. Consequently, many depend to a large degree on these support programs to pay for the ongoing care they need. Such care can be prohibitively expensive and would be well beyond the means of a great many disabled people if it were not for such programs. However, disabled persons who wish to work and pursue career goals that may take them beyond modest employment are penalized by a system of income support that threatens them with penury if their income reaches a level that promises them even modest financial stability. They may have both income and in-kind benefits taken away, leaving them with a stark choice: trying to work and going broke paying for drugs and other special needs related to their disabilities, or, in too many situations, leaving work and returning to dependence on social assistance.

One can hardly imagine a system better suited to the ghettoization and marginalization of its intended beneficiaries. Such a system says to disabled persons, "Be all that you can be as long as all that you can be is not all that much." Clearly, some rationalization of this system of support is fundamental to the elimination of systemic barriers to employment for disabled people. A number of suggestions of how to do this have been made, such as the creation of an income buffer zone to shield workers from the financial

impact of a loss of benefits, as suggested by the Ministry of Community and Social Services, or a universal disability insurance and income system, as suggested by the Advisory Council for Disabled Persons, among others. However it is done, there is no doubt that people with disabilities will not be seen in representative numbers in the workplace as long as they continue to find themselves in such a Catch-22.

I had promised not to proceed with an exhaustive recapitulation of what remains out there to be done; accordingly, I will limit myself to what I have outlined. Two things are clear from an examination of what is happening on the ground for disabled people. The first is that the systemic barriers I have discussed continue to circumscribe disabled people's lives in a manner and to an extent that is unacceptable. The second is that progress is inevitable.

A mobilized, politicized and constitutionally empowered movement of equality seekers will see to it that the knots are untied, and that the barriers are dismantled. As a disabled advocate put it, at the beginning of the Decade for Disabled Persons:

We are along for the ride. But we will not ride some specially designed carousel revolving slowly under constant surveillance. We will ride the same crazy roller coaster that everyone else is on.

That determination has not wavered. It has galvanized. It has transformed from a desire to a demand — an *expectation* of integration, equal treatment and access. The access provisions of the *Human Rights Code*,³ and their companion document, the Commission's interpretive guidelines on "accommodation", are signals of an era when the question of access is no longer an "if", but rather a "how". It is no longer a question of "when", but of "who is accountable and to whom". Who makes the decisions, who sets the agenda and priorities, who defines what is appropriate and consistent with the hard-fought-for, but now legislatively affirmed policy of full participation and equal dignity and respect for all.

Perhaps the most important step forward has been a perceptible change in attitude among many of the decision-makers who have such immediate impact on the lives of disabled persons: those in government and private industry who have, in large numbers, come to accept notions that would have been foreign to them a decade ago, when, for example, we witnessed how hard disabled persons had to fight to have their rights recognized in our Constitution.

I hope it is not an exaggeration to say that today, few are uncomfortable with the notion that persons with disabilities have the same rights as anyone else, and that to achieve those rights some accommodations of their needs is necessary. Many more people today are likely to see the accommodation needs of persons with disabilities in the context of what is necessary to assure basic rights consistent with the dignity of the person, and not in a context of charity and condescension. This in itself is no mean accomplishment, since it contains the germ of a more sophisticated understanding, namely that discrimination is more complex than simple ill will. It contains systemic and constructive elements that must be addressed.

3. *Human Rights Code*, R.S.O. 1990, H.19.

Granted, the gains I am describing are in many respects intangible, but, as we are fond of reiterating, the largest single barrier to disabled people remains misconceived attitudes about disability. Change in this area, although slow, is inexorable and offers encouragement to everyone whose goal is the achievement of equality for disadvantaged people.