

# Autism Spectrum Disorders & Intellectual Disabilities: Private-Sector Workplace Discrimination in the U.S.A.

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# Purpose of Study?

- What are the characteristics (profiles) of private-sector workplace discrimination for workers with:
  - Autism Spectrum Disorders (ASDs)
  - Intellectual Disabilities (IDs)
- How similar or different are these two profiles?

# Why these two groups?

- My own prior EEOC research on ASD workplace discrimination
  - Revealed similarities to ID workplace discrimination
- Other's research
  - Individuals with “mental-behavioral” disabilities experience unique discrimination and negative stigma

# Autism Spectrum Disorders

- Fastest growing developmental disability group in U.S.A.
  - 1 in 88 children diagnosed
- Many can be successfully employed with right workplace fit and supports
  - Yet 50-75% of adults unemployed
- Most of today's ASD research still focuses on either childhood issues or medical/psychological treatment of ASDs

# Intellectual Disabilities

- 1-3% of population in U.S.A.
- Many can also be successfully employed with right workplace fit and supports
  - Have moved into more shared/mainstream workforce
  - But only 31% of adults are employed

# The Equal Employment Opportunity Commission (EEOC)

- Federal agency that enforces workplace discrimination laws:
  - Title VII of the Civil Rights Act of 1964
  - Equal Pay Act of 1963
  - Age Discrimination in Employment Act of 1967
  - Civil Rights Act of 1991
  - Sections 501 & 505 of the Rehabilitation Act of 1973
  - Title I & V of the Americans with Disabilities Act

# Title I of the Americans with Disabilities Act

- Illegal for private-sector employers, employment agencies & labor unions, with 15 or more employees, to discriminate against qualified individuals with disabilities in all facets of employment

# Filing an ADA Title I Charge with the EEOC

- Individual with disability, or advocate, files charge with EEOC
- EEOC initiates investigation
- At any time, Charging Party (claimant) & Responding Party (employer) may settle case or agree to mediation process
- If investigation reveals no violation of law = Non-Merit
- If investigation reveals discrimination = Merit

# Study Database: Demographics

- **Disability**
  - **Age**
  - **Gender**
  - **Race**
  - **Employer Industry**
  - **Employer size**
  - **Region**
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# Study Database: Discrimination Charges (Allegations)

➤ 40 distinct types of ADA Title I charges.  
Four thematic categories:

- Job obtainment or membership
- Job conditions or circumstance
- Job maintenance or preservation
- Other/miscellaneous

# Study Database: EEOC Case Resolutions

- 14 distinct types of EEOC-resolved categories.  
Two thematic categories:
  - Merit resolutions (in favor of claimant)
  - Non-Merit resolutions (in favor of employer)

# Profile of typical ASD charge

- **Claimant** (33 years, Male, White)
- **Employer**
  - Industry = Retail Trade, Manufacturing, Educational Services, Accommodations/Food Services, Health Care/Social Services, or Information
  - Smaller (5 -100 employees) or Larger (501+ employees)
- **Region**
  - South or Midwest
- **Allegation**
  - Conditions/Circumstances or Maintenance/Preservation
- **EEOC Case resolution**
  - Non-meritorious

# Profile of typical ID charge

- **Claimant** (36 years, Male, White)
- **Employer**
  - Industry = Retail Trade, Manufacturing, Educational Services, Accommodations/Food Services, or Health Care/Social Services
  - Smaller (5 -100 employees) or Larger (501+ employees)
- **Region**
  - South or Midwest
- **Allegation**
  - Conditions/Circumstances or Maintenance/Preservation
- **EEOC Case resolution**
  - Non-meritorious

# ASD / ID comparisons

## ➤ Lower number of charges

- 170 ASD charges
- 1,629 ID charges
  
- Examples of other disability groups:
  - Back Impairments = 45,560
  - Diabetes = 14,515
  - Hearing Impairments = 11,421
  - HIV = 5,025
  - Learning Disabilities = 6,717

# ASD / ID comparisons

## ➤ Age

- 33 years (ASD) vs. 36 years (ID)
- Not necessarily a meaningful difference
  
- But both tend to be younger than most other disability groups
  - Lifelong developmental disabilities vs. acquired later in life?

# ASD / ID comparisons

## ➤ Gender

- ASD charges (vs. ID) =
  - 2X more likely male (ASD = 77%; ID = 63%)
  - Not necessarily a meaningful difference
- But both groups tend to over represent males compared to other disability groups
  - Because these disabilities tend to be diagnosed more amongst males?

# ASD / ID comparisons

## ➤ Industry

- ASD charges (vs. ID) =
  - 3.5X more likely Information
  - 3.5X more likely Education Services
  - 4X more likely Arts/Entertainment/Recreation
- IDs may be underrepresented in these industries
- Of importance, Retail Trade is most problematic for both groups
  - Over represented, poorly matched and/or under supported?

# Implications

- Profiles of ASD & ID workplace discrimination charges are very similar
- Vocational rehabilitation, education, and awareness efforts for both groups should consider and borrow from each others' learned successes.
  - Example = supported (customized) employment and positive behavioral approaches

# Implications

- Why such extremely low numbers of ASD and ID charges of discrimination?
    - Individuals (or advocates) perhaps not recognizing discrimination and/or uninformed or unmotivated to exercise ADA and EEOC rights?
  - Transition to work efforts should consider issues of age and industry findings
    - Lifelong developmental disabilities
    - Appropriate job fit and supports
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