

## IMPLEMENTING A CAN-DO ATTITUDE

*While the business community frets over the impact of laws to hire the disabled, some companies have chosen to focus on people's abilities and not their disabilities. Their successes have the whole world watching.*

The year Tom Watson Sr. founded International Business Machines, 1914, the company hired its first disabled employee. During World War II, IBM hired people with disabilities to replace workers joining the military. After the war, Watson recruited disabled vets. Today, among its U.S. work force of 126,000, IBM employs 1,507 people known to have disabilities.

IBM's successful 80-year experience with hiring the disabled amply illustrates the aims of the Americans with Disabilities Act of 1990, a federal civil rights law that prohibits discrimination on the basis of disability in private enterprise as well as public service. Nevertheless, much of America's business community fretted over the law's impact. Zachary Fasman of the U.S. Chamber of Commerce summed up that anxiety when he told the Senate Committee on Labor and Human Resources in 1989, "The costs of this action would be enormous and obviously could have a disastrous impact upon many small businesses struggling to survive."

If that prophecy comes true, the process will begin this month when the ADA's Title I employment provisions expand to cover businesses with 15 or more employees, two years after the title took effect for 25-employee firms. So far, the only clear lesson to emerge is that it doesn't pay to duck the ADA.

The Equal Employment Opportunity Commission (EEOC) is diligently enforcing Title I, backed by court decisions. Meanwhile, studies show that rather than hurting the bottom line, compliance could save businesses money in the long run. Internationally, other countries are fash-

COMPANIES THAT HIRE DISABLED PEOPLE ARE FINDING THAT IT IMPROVES PRODUCTIVITY, MORALE, AND NEW PRODUCT DEVELOPMENT. IF SOMETHING IS A GOOD IDEA FOR A PERSON WITH A DISABILITY, THEN IT'S PROBABLY A GOOD IDEA FOR EVERYONE.

ioning employment rights laws after the ADA, while the United States undergoes a significant demographic shift resulting in an ever-increasing proportion of people with disabilities.

IBM's equal opportunity policy is grounded in demographics, says J. Ted Childs Jr., IBM's director of work force diversity. The same society that provides an employment pool for IBM also provides customers and shareholders, and that society has a significant number of people with disabilities. "It's crucial that customers, potential employees, and shareholders all be able to look into your company and see people who look like them," says Childs.

"You want people inside that think like all the people outside, so you can relate to all those customers."

The ADA numbered the United States' disabled population at 43 million, a figure arrived at through extrapolation of several surveys taken during the previous decade, all with varying definitions of disability.

That number includes all types of disabilities covered by the ADA, including chronic diseases, such as heart conditions and alcoholism. This year, the U.S. Census Bureau released results of a 1992 survey, which did not cover people in institutions. The Bureau estimated that there are 49 million disabled Americans, 24.1 million of whom are classified as severely disabled. That number is likely to grow with the aging of America. The population of people 65 years old →



and over has increased 22 percent from 1980 to 1990, more than twice the rate of population growth.

For IBM, the disabled population represents a significant segment of the employment pool from which to recruit. "There is talent, excellence, intelligence, and ability across all the groups, and we want the best talents available in the IBM community," Childs says. In the past three years, when *Careers & the Disabled* magazine polled its readers on which employers they would most like to work for, IBM topped the list of companies every year.

John Steger, IBM's special needs program manager, points to internationally renowned physicist Stephen Hawking as an example of talent available in the disabled community. "What if someone didn't hire him because of the assistive technology he needs?" Steger asks. Steger contends that people with disabilities are valuable because they tend to be loyal and diligent. "From a productivity point of view, people with disabilities make very good employees," he says.

DuPont managers expressed similar opinions in a 1990 in-house survey. In that research, disabled and nondisabled employees ranked roughly equal on measures of job performance, attendance, and safety.

Business leaders opposed to the ADA initially argued that the cost of harnessing that talent would be too high. The law requires that an employer provide "reasonable accommodation" to a person with a disability who is otherwise qualified to do the job. As Childs says, "The focus has to be ability, not disability. Find out what they can do without our help, then determine what they can do with our help."

Congress purposely left vague the phrase "reasonable accommodation"—and its cousin clause that no company incur an "undue burden" in providing a reasonable accommodation—so that it could be applied case by case. No two disabilities, and no two companies, are alike. Thus, accommodations differ according to the employee, job, and environment. Furthermore, both clauses

are meant to protect small businesses; EEOC officials stress that nobody can go bankrupt complying with the ADA.

The general cost of assistive technology and architectural refitting, coupled with the threatened costs of litigation, worried businesses. "Reasonable accommodation," however, covers everything from reworking schedules to technical assistance, from widening doors to raising desks by placing them on blocks. Even in the technical realm of IBM, Steger estimates the average cost of accommodation is between \$200 and \$500. "From a hiring point

*Every major country in the world now has legislation to encourage the employment of disabled people. After all, there is intelligence and ability in this group, and what company can afford not to use the best talents available?*

of view, it's not a big cost," he says.

In a survey of employers who used the Job Accommodation Network (JAN), a referral service of the President's Committee on Employment of People with Disabilities, 52 percent of 211 respondents said their accommodations cost between \$1 and \$500. Another 11 percent cost up to \$1,000. While 14 percent cost more than \$2,000, that was less than the 15 percent of accommodations that cost nothing at all. The mean cost of accommodations was \$1,052, according to JAN's report.

That cost, however, hardly dents the bottom line. "I don't know of any examples of accommodations being harmful," says Childs, who has been with IBM for 27 years. "The record of the IBM Company is evidence that inclusion of all people is good business,

not risky business." Steger, a 30-year IBM employee, says accommodating disabled workers not only improves productivity, but morale, too. Smaller businesses, like those set to come under the title's guidelines on July 26th, can also get tax credits for the costs of accommodation.

The JAN survey asked businesses to evaluate the economic benefits of making an accommodation. The respondents estimated the economic value of the changes they made in their workplaces based on a variety of benefits, including retaining a qualified employee (49 percent), increasing a worker's productivity (49 percent), savings in worker's compensation or other insurance costs (31 percent), and eliminating the cost of training a new employee (26 percent).

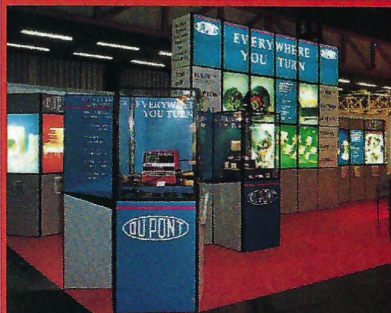
Of 114 respondents, 42 percent said their accommodations were worth more than \$10,000 in benefits. Another 31 percent put the benefits between \$2,500 and \$10,000, while only 3 percent said the accommodations had no value at all. The mean benefit was \$16,142. The DuPont in-house survey lends insight into JAN's findings by revealing that more than half of all accommodations through 1990 were for employees who were not disabled when they were hired.

Another benefit of the ADA is not so easily quantified: Accommodations for a person with a disability can improve productivity and prevent injury for other workers. An example is the voice-activated sewing machine installed for a paraplegic worker in a shirt factory. The speech synthesizer replaced the need for a foot pedal. Levi Strauss ordered the same equipment for riveting machine operators who risk repetitive motion disability when they operate foot pedals while standing.

For IBM, an unexpected benefit of working with the disabled has been that many products developed in its Boca Raton Special Needs Assistance Group have found their way into the marketplace. Voice recognition computers, for instance, were initially developed for mobility impaired →



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## CASE STUDY

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users. Now they are marketed as useful tools for executives with their hands full. An IBM engineer developed a talking screen program for a math professor friend who became blind. The company used Screen Reader internally for two years before marketing it to the public and now has introduced Screen Reader II, which describes graphics in addition to characters.

Image enlargement attachments help people with seeing impairments view computer screens. Steger, who wears bifocals, attached one to his computer so that he doesn't have to look through the reading sector of his glasses. "The market for the disabled is the same as the market for everybody else," Steger says. "If it's a good idea for a person with a disability, it's probably a good idea for everyone."

Obviously, and perhaps ironically, the cost of trying to duck the ADA far outweighs the cost of accommodation. Add the cost of litigation, and the price of noncompliance goes up further. From Title I's implementation July 26, 1992, through March 31, 1994, the EEOC has received 24,730 ADA cases and recovered more than \$12.7 million in settlements, back pay, insurance, and other work-related benefits and punitive damages. Discharge from jobs currently make up more than half of all complaints, according to EEOC figures, followed by accommodation issues that account for about one in four. The primary disability involved is back impairments, which are named in about 20 percent of all cases.


As expected, the ADA has contributed to the workload of EEOC's enforcement staff, which received a record number of discrimination charges in Fiscal Year 1993, the first full year of ADA implementation. Nevertheless, ADA complaints comprised only 17.4 percent of charges, fourth behind race discrimination (36.1 percent), sex discrimination (27.2 percent), and age discrimination (22.6 percent).

Though many other countries have

aggressive accessibility laws, and social health programs encourage advances in assistive technology and mobility aids, the United States led the way in addressing private sector employment of people with disabilities. Both Japan and Germany have quota-based affirmative action laws for disabled employees, but Japan's effort particularly has had problems because companies have preferred to pay the fines (which go into a fund providing rehabilitation services).

Now Japan is looking at the ADA as a model. When Henry Enns, executive director of Disabled Peoples' International, traveled to Japan two years ago, he said officials in each of the seven cities he visited discussed the ADA's application in the Japanese political and cultural system. It's a question being asked everywhere, he says.

"A lot of countries are looking at it in modifying legislation in the context of their own political structures," Enns says. Countries rewriting constitutions, such as Eastern Europe's young democracies and South Africa, have vocal disability groups pushing for equal rights in the new documents. Several nations have sent delegations to the United States to study the ADA and its impact, say officials with the President's Committee on Employment of People with Disabilities.

Enns says that every major country in the world now has some form of legislation to encourage the employment of disabled people, and many are looking to strengthen that legislation. Of American companies with holdings abroad, he says, "The things that you're doing in the United States you should be doing in other countries, too. If it isn't there at the present time, it will be there in the very near future. Even countries like China are passing major disabilities legislation that promotes employment for the general society." 

**Eric Minton**, a Dayton, Ohio, writer, began covering disability issues after spending three days in a wheelchair for an assignment.