

Measuring Disablement in Society: Working Paper 4  
Barriers to Employment for Disabled  
People

Sue Arthur and Gerry Zarb, 1995

## **Introduction**

This paper is one of several working papers which are part of the *Measuring Disablement in Society* project, currently being undertaken by researchers at the Policy Studies Institute in association with Colin Barnes at the University of Leeds, with funding from the Economic and Social Research Council. The aim of this research is to measure the type and extent of barriers that exclude disabled people from various aspects of society, including employment. Other working papers cover transport provision for disabled people, accessible environments, the Citizen's Charter and the involvement of disabled people in local planning.

The purpose of this paper is to outline the current position of disabled people in the labour market and to identify barriers to employment. This will include an overview of the evidence of employment disadvantage, an exploration of the process and different aspects of discrimination and a summary of government policy and employment initiatives for trying to overcome disadvantage. It will also look at how different barriers could be measured and the difficulties associated with this.

Equal employment opportunities are central for disabled people in terms of full participation in society. Both the financial rewards and the social rewards of work can be very important in determining people's quality of life (Berthoud et al, 1993). The disability movement's goal of independent living includes the right to employment, although it has been argued that discussion of employment issues has been limited: the "*initial emphasis has rested instead upon the role of personal assistance and social services, education and housing in enabling independent living*" (Thornton and Lunt, 1995, p 3). Although there is a large amount of research on employment and disability, most of it is therefore from the perspective of the government or employers. While the disability movement see the issue of access to employment within a framework of rights (within the social model of disability), the government approach is located more easily within a framework of human resources (within the medical model), whereby achieving equal access is seen at a much more individual level.

## **Employment disadvantage**

The focus of much of the existing research on employment issues is on the level of participation of disabled people in the labour market in comparison to non-disabled people and explores possible reasons for different patterns. The emphasis has been on whether disabled people have jobs or not, rather than on the types of jobs they have or their levels of seniority - in other words, how much choice or opportunity disabled people have in the labour market.

The unemployment rate is typically the key measure of labour market disadvantage. However, it is particularly important for measuring disability disadvantage to look also at the level of paid employment and the level of economic inactivity (i.e. those who are not in paid work, or who are on government training schemes or registered unemployed). This is because the workings of the benefit system and the lack of appropriate working arrangements mean that many disabled people do not actively seek work even though they would like to work if a suitable job came up. Low morale as a result of experience (whether actual or perceived) of discrimination may also discourage active job-seeking by disabled people. These 'discouraged workers' will therefore not appear in the official unemployment statistics.

The following table shows the levels of economic inactivity and unemployment among disabled and non-disabled women and men. Unemployment levels are very high among disabled people, and so too are levels of economic inactivity. The OPCS disability survey also estimates that only 29 per cent of working-age disabled women and 33 per cent of men are actually in paid employment (Martin et al, 1989). It is clear from the statistics that disabled people are excluded from the labour force in an extreme way.

**Economic inactivity and unemployment rates**

	Disabled	Disabled	Non-disabled	Non-disabled
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	Women	Men	Women	Men
Economic Inactivity rate	64%	53%	25%	8%
Unemployment rate (*including 'discouraged workers')	18% *28%	24% *52%	7%	11%

*Source: Labour Force Survey, 1994; (\*Martin, et al, 1989)*

It is important that statistical comparisons also allow for possible biasing effects, e.g. age profile and local labour market conditions: for example, unemployment could be higher among disabled people because they are more likely to be older or living in areas of high unemployment. Note: These factors will be explored as part of the Measuring Disablement project through an analysis of the Labour Force Survey (see final section in this paper).

One study has explored the extent of possible biases, by matching disabled and non-disabled people (by age, qualification, marital status) in order to make a direct comparison of employment rates (Berthoud, et al, 1993). The results suggested that the age profile of disabled people was not an explanation for differential rates (at each age group, disabled people had a far lower rate of employment). They also suggested that the greatest differences in employment rates were related to severity of impairment.

In addition to high levels of unemployment and inactivity, disabled people who are working are more likely than non-disabled people to be in low paid, low status jobs with poor working conditions. This includes a greater likelihood of part-time working and of unskilled manual jobs (SCPR, 1990).

Secondary analysis of the OPCS data showed that the likelihood of a disabled man being in managerial or professional work was between 32 and 50 per cent lower than the likelihood of a non-disabled man working at this level (Berthoud et al, 1993).

Given this concentration in lower-status occupations, it is not surprising that earnings levels of disabled people are lower than non-disabled people. This is

particularly true of disabled men compared to non-disabled men: analysis suggests that their earnings are between £1 and £1.50 less per hour. Disabled women's earnings are lower still than disabled men's (Berthoud et al, 1993). The nature of jobs is arguably as important as the numbers of disabled people in work, particularly in terms of pay and conditions, and the contribution of this to independence and quality of life.

### ***Explanations of pattern***

Several studies have attempted to explain the causes of disabled people's pattern of labour market participation. It is strongly argued and widely accepted that disabled people are not poorer workers because of their impairments: "*there is extensive evidence that on average disabled employees perform as well as their able-bodied counterparts; they are often more reliable, and have productivity, attendance and safety records equal if not better than those of other workers*" (RADAR evidence, Employment Committee 1995, p 17). In a major study, nearly four fifths of economically active disabled people said their productivity was the same or more than someone without an impairment or health problem (SCPR, 1990). This matches employers' own assessments of levels of performance among disabled employees (Morrell, 1990).

Despite this, there is clear evidence of direct discrimination in the recruitment process, which has been demonstrated by matching pairs of applications from a disabled and non-disabled applicant. The results showed that disabled people were 1.6 times more likely to be rejected on the basis of a letter of application; four out of ten employers accepted the non-disabled candidate while rejecting the disabled candidate (Fry, 1986). A follow-up study showed no change in the incidence of discrimination four years later (Graham et al, 1990). CAB evidence on discrimination in employment presents many examples of discrimination against disabled people in recruitment, dismissal, promotion, harassment and unfair treatment (NACAB, 1994).

Other studies have gone beyond this to explore the processes behind disadvantage and discrimination. Government commissioned research has tended to focus on employers' attitudes and policies, to see how they can be encouraged to employ more disabled people. These studies show that employers' perceptions of disabled people as employees are often highly stereotypical (Morrell, 1990, Honey et al, 1993).

Few studies look at the experience of the employment process from disabled people's perspective. In one study, over a quarter of respondents thought that their

chances of promotion were affected by their disability (SCPR, 1990). Another study gives further examples of how discrimination operates, in terms of employers' unwillingness to make adaptations to workplaces and working arrangements, with employer attitudes again being identified as a key cause of bad experiences at work (Thomas, 1992). This evidence from disabled people's experience points towards the significant role of these sort of barriers in the workplace.

## **Disability discrimination and the labour market process**

### ***The mainstream employment process***

Employment policy has in the past included a belief that many disabled people cannot compete in the open market for employment. There has therefore been an active element of government policy aimed at providing segregated employment opportunities, often in workshops offering unskilled manual work. More recently, the direction has been away from sheltered employment and towards providing appropriate training for and supported placements in mainstream workplaces, with wages subsidised (to a low level) where it is felt to be appropriate (Employment Department, 1990; Murray, 1994). The current government approach is that given the right access, opportunities and support, many more disabled people could compete with non-disabled workers.

The social model of disability, whereby disability is largely caused by social and environmental restrictions, points to a goal of removing barriers in order to enable equal access to mainstream employment for the majority of disabled people. While recognising that sheltered employment is nonetheless an important alternative for some disabled people, this working paper will therefore focus on mainstream employment.

The most difficult stage in the employment process is often entering the labour market for the first time or obtaining a job after a period of unemployment or inactivity. Because of direct discrimination and other barriers, this may be particularly difficult for disabled people. There will also be a key difference here between people who have acquired impairment in later life and people whose impairment dates from birth or prior to looking for work. This is due to their different opportunities to acquire skills, qualifications and work experience, which may also impact on levels of confidence and expectations. Socio-economic class is also likely to have an important influence on educational and work opportunities.

Keeping a job once found may be becoming more problematic, however, with the overall trend in the labour market towards intensified competition and flexible work, through the use of, for example, temporary contracts and irregular hours (Employment Gazette, 1995). Some of this flexibility may enable disabled people to retain jobs, although the type of flexibility is more likely to serve employers' interests. In addition, disabled people may find that, because of discriminatory processes, they are more likely to face job insecurity and repeated periods of unemployment. This may also have a negative effect on opportunities for career development and progression.

Outside the workplace, there are major societal and environmental barriers which make both getting and retaining a job more difficult for disabled people. These include lack of access to public transport and to the built environment as well as inappropriate social services provision. Although the focus of this paper will be on workplace barriers, it is important that this is set in the wider framework, with a recognition of the way that barriers in different aspects of social and economic life interact with each other. Note: these sort of barriers are explored in other parts of the *Measuring Disablement* project.

Discrimination against disabled people may be compounded as a result of their sex, race, age and/or sexuality, and the resultant prejudiced attitudes or stereotypical assumptions of employers about their needs and abilities. For example, disabled women may be expected and encouraged to work in traditionally female jobs or may be seen as less effective at work because of needing to also manage domestic responsibilities. One effect of this 'multiple discrimination' is likely to be even further restricted pay and career progression (see, for example, Lonsdale, 1990).

### *Finding a job*

Much of the government research and policy-making has focused on how to get more disabled people into paid jobs in mainstream employment. This is probably an effect of the Quota Scheme which, since 1944, has required that 3 per cent of employees in all but small workplaces should be registered disabled. This appears to have placed an emphasis on recruitment, rather than retention or quality of working arrangements (although both of these will affect whether employers can maintain the quota).

Despite the existence of the statutory quota, very few employers meet the 3 per cent requirement. This is partly because many disabled people choose not to register and are therefore not officially counted towards the 3 per cent. However, one major study found that only a third of employers had 3 per cent or more

disabled employees, registered and unregistered (Morrell, 1990). A slightly later study also found that four out of 10 employers had no disabled employees: many of these were small workplaces and many were in the construction, transport and communications industries (Honey et al, 1993). The quota is not enforced legally - there have only been ten prosecutions since its introduction, the last in 1975 - and there is now a consensus that it has become an ineffective method of combating discrimination (Employment Committee, 1995). Under the *Job Seekers' Charter*, the Employment Service has set a target that 3 per cent of the people helped back to work should be disabled. (Disabled people actually constitute about 13 per cent of the registered unemployed population.)

The important influence of employer perceptions was explored in the research by the Institute of Manpower Studies (Honey et al, 1993). While few employers said that they would never employ a disabled worker, substantial numbers thought that their type of work was unsuitable (over three quarters of respondents) or that access to their premises would cause difficulties. Large financial and business services were less likely to see the type of work available as a problem, reflecting the wider range of office-based activities and greater flexibility in hours and work location in these industries. Employers' perceptions of whether a job is suitable or not may be strongly influenced by stereotypical images of disabled people's abilities (Morrell, 1990). Among those who did employ disabled people, their experiences of and attitudes were far more positive: about three quarters had experienced no particular problems (Morrell, 1990; Honey et al., 1993).

Many employers argue in their defence that they do not receive applications from disabled people for vacancies, (although in one study few employers were actually monitoring their applications) (Honey et al, 1993). If it is the case that few disabled people are applying through open recruitment, this may be because they are more likely to seek jobs through a job centre or recruitment agency. Employers might also create a barrier to applications when the wording of a job advert or the description of the job is highly discouraging. Job descriptions sometimes include requirements (e.g. the ability to drive) which may not be an essential aspect of the work but have the effect of excluding some disabled people. The requirement for a health screening as part of the selection process is also likely to discourage or exclude some disabled people (Barnes, 1991).

This will be illegal under the new discrimination law, unless it can be shown to be necessary for the particular job in question.

Access to the work premises and environment is vitally important for recruitment. Disabled candidates who are unable or not invited to attend a job interview due to

lack of physical access, lack of information in an accessible format or no interpreters or facilitators at the interview are clearly barred from demonstrating their suitability for a job.

### *Training*

Employers may in part have their negative assumptions fulfilled if disabled people have been unable to obtain relevant qualifications and skills through training and previous work experience. Disabled people need equal access to appropriate occupational training and development throughout their working lives, without which it is difficult to break out of the pattern of low skilled, low paid jobs, unemployment or withdrawal from the labour market altogether. For young disabled people, developing initial work skills through education and training is particularly important. However, government training schemes have been shown to direct young disabled people into a far narrower range of occupations and a greater likelihood of unemployment than their non-disabled peers (YETRU, 1992). Similarly, a recent Employment Department study showed that disabled people are under-represented on the main TEC training programmes and do not perform as well as other trainees in terms of job outcomes (Employment Department, 1994/ECOTEC, reference to follow)(to be expanded).

Access to training may be denied in the same ways as access to work. Training centres or work placements may not be physically accessible, information may not be accessible to those with sensory impairments, and training courses may not recognise the need for flexibility in hours and/or other arrangements. There is a vital role for TECs (Training and Enterprise Councils) here which does not yet seem to be fulfilled (Smith, 1992a; Business in the Community, undated). It has been argued that there is a risk that by linking TEC funding to achievement levels, this may discourage training providers from offering places to those with greater than average disadvantages or with different needs (Berthoud et al., 1993). This has partially been addressed by changes in the Youth Training and Training for Work funding arrangements, but concerns about the detrimental effect on disabled trainees still persist (Youth Aid, 1994).

For individuals who acquire impairments while in paid employment, training may be equally important in terms of re-training for new skills or new working methods or in some cases for a new occupation. Someone who has an impairment prior to entering the labour market may have experienced additional barriers in schooling, careers' advice, lack of qualifications and work experience. All of these factors will also influence expectations and confidence levels.

Government policy is focusing increasingly on training for the individual as a means of overcoming employment disadvantage. It is important that disabled people have equal access to quality education and training opportunities, but there is a risk that this might be emphasised at the expense of improving access and working arrangements. A focus on training as a solution may overlook the existence of structural discrimination in the labour market.

#### *At work*

Some of the barriers that face disabled people in work are the same as the obstacles to obtaining work, particularly restrictive access. For people who acquire an impairment at work or who have a deteriorating condition, their need for employers to respond appropriately to their changing situation will be similar to that of a potential employee. The advantage for the existing employee over the job applicant is that, particularly if s/he is in a relatively senior and/or highly skilled post, the employer will probably wish to retain them in employment if at all possible (Honey et al, 1993). Retaining existing employees saves on training costs for their replacements (Bristo, 1995; see below on costs). However, it is likely that the less skilled and more short-term an employee is, the easier s/he will be to replace.

Some of the barriers at work will be a result of direct discrimination; for example there is evidence of disabled people being dismissed or refused promotion on the grounds of their impairment (NACAB, 1994). However, a large part of workplace discrimination arises from the fact that work premises and jobs are designed in such a way that disabled people are effectively excluded.

In the employment setting, accessibility includes physical access to all the work premises, including other work or training sites and access to equipment and to organisational information. However, there is evidence that employers are often unwilling to make necessary adaptations (Thomas, 1992). The OPCS disability survey found that 57 per cent of male and 61 per cent of female respondents said that their employer had done nothing to meet their employment needs (Martin et al, 1989).

Another survey, also found that 50 per cent of employers with disabled employees had not taken any specific action to accommodate them. It has been argued that this suggests the level of adaptation needed to employ disabled people is lower than many employers might think (Honey et al, 1993). However, it may also reflect lack of awareness of adaptation needs, or premises that are already accessible; or it may show that employers take on those disabled people whose adaptation requirements are minimal. The level of cost in making accommodations following the Americans with Disabilities Act suggests a similar pattern (see page 12). (Issues around

accessible environments and design are covered in more detail in the MDS working paper on access).

The survey, Employment and Handicap, found that of 1,500 disabled employees, 28 per cent required flexibility in work tasks, 20 per cent needed part-time hours but only 8 per cent reported access difficulties. This need for flexible working is also reflected by the finding that more than a third of unemployed disabled people and a similar proportion of self-employed disabled workers could not work a seven to eight hour day (SCPR, 1990). In the IMS research, of all employers who had taken any action at all only 2 per cent provided flexible hours (Honey et al, 1993). Clearly, these different requirements also have an effect on finding a job: among unemployed disabled people, well over half felt that their success in finding work was affected by the type of work and working conditions (Martin et al, 1989). It has been suggested that *'employers' reluctance to provide flexible working arrangements to meet the needs of individuals may well contribute to high unemployment rates among disabled people.'* (Berthoud et al, 1993, p 25).

It is clear therefore that for many disabled employees (or potential employees), an important factor that determines how effectively they can do their job is their employer's approach to flexible working, for example restructuring of jobs, flexible hours, part-time work, teleworking and leave arrangements (Thomas, 1992). For people with learning difficulties, this may also include a need for support staff at work. The DSS also estimated that in 1990 there were approximately 140,000 disabled people who may be affected by employers' lack of flexibility. The different need that disabled people may have in terms of working arrangements does not imply that they will be any less productive while at work. However, there can be negative effects for a disabled employee in recognising different needs at work and trying to change the existing pattern of working. These negative effects can include lower levels of pay, conditions of work or restricted opportunities and the reaction of colleagues to a disabled employee if it is felt that he or she is receiving favourable treatment.

Poor treatment at work and lack of opportunities will also be significant barriers to continuing and successful employment for some disabled people: for example, exclusion from training or other opportunities for career development, or harassment at work from colleagues or managers (NACAB, 1994). The SCPR research showed that, because of the reaction to their impairment, nearly one in five disabled employees felt they were unable to take up training opportunities, that three in ten felt their chance of promotion was hindered and a quarter felt they were earning less than others doing the same job (SCPR, 1990). Little is known about the proportion of disabled people who are in senior positions in organisations.

One way for some disabled people to avoid the discrimination which exists in mainstream employment, is to work for themselves. Figures suggest that self-employment is a slightly more popular choice among disabled people than among the population as a whole, with about 14 per cent of working disabled people being self-employed (SCPR, 1990). This form of working allows greater flexibility of hours and a greater degree of control over the working environment, but may only be chosen because of few alternative options (Fleming et al, 1993). Nearly one in five self-employed disabled people have to work at home because of the difficulties associated with their impairment their condition (SCPR, 1990). To set up a business requires a large degree of confidence and considerable risk-taking, particularly in terms of job security, and can involve considerable isolation if working from home. Many disabled people therefore do not see it as an appropriate substitute for mainstream employment (Thomas, 1992).

### *Other barriers*

Besides discrimination in the employment process, disabled people's access to paid work can be severely limited by societal, material or environmental barriers outside the workplace. The level of access to transport, housing, and personal assistance that a disabled person has will greatly affect their choice of employment opportunities and control over working arrangements. In terms of transport, for example, the ability to drive or use a car may affect the opportunity to obtain work: twice the proportion of those in work, compared to those wanting work, have personal use of a car. In addition, 40 per cent of disabled employees believe that they find travelling more tiring than someone without an impairment (SCPR, 1990). Lack of universal access may restrict disabled people to a selection of local employers, and limit their opportunity to move around the country with work or looking for work (Barnes, 1991). As with many of the possible employment barriers outlined here, many disabled people will not be restricted by them. However, there is a risk that employers will make assumptions about restricted ability or mobility and then discriminate on the basis of these negative assumptions.

### *Interaction between the benefit system and employment*

Many studies have identified the major problem of a 'benefit trap': the financial disincentive for disabled people to obtain work when the (frequently very low) wage that they would receive in a job is not much higher or is even lower than the level of benefit they receive (SCPR, 1990, Smith, 1992b, Berthoud et al, 1993). This is not to say that benefits are paid at too high a rate: the additional expenses associated with disability "*need to be met by the state in a way that does not jeopardize the participation of disabled people in the labour market .... the state welfare system currently represents one of the most significant barriers to disabled people entering the workforce.*" (Gooding, 1995, p 12).

In addition, the benefit system requires a rigid, medical definition of 'capable' or 'incapable' of work for the receipt of benefit. This discourages disabled people from trying to move in and out of the labour market in the flexible way that may be required (either because of their impairment or the increasingly flexible nature of jobs). Disabled people may be discouraged from taking a job (or enrolling on a training course) through fear of losing the amount they receive in benefits or not being able to reclaim those benefits if, for whatever reason, they find themselves out of work at a later stage.

The government have been attempting to combat this problem through the introduction of Disability Working Allowance and other measures (for example, to guarantee receipt of Incapacity Benefit during training), although it is not clear that this has been very successful so far (Finn, 1995; Rowlingson and Berthoud, 1994). Note: the effect of people qualifying for Incapacity Benefit or Severe Disablement Allowance means that they are not counted among the registered unemployed. (To be expanded)

## **Employment policy, initiatives and legislation**

### ***Legislative situation***

Until recently, the government approach to countering the employment disadvantage of disabled people has been largely based on encouraging voluntary good practice among employers.

The only legislative duties for employers have been the 3 per cent quota and the requirement for companies with over 250 employees to publish their disability equality policies (under The Companies Act, 1985).

In November 1995, the government passed the Disability Discrimination Act which replaces the quota scheme and sets out (among other things) the situations and conditions where discrimination against disabled people in employment will be illegal. The main employment areas the Act covers are recruitment, terms of employment, promotion, transfer, training and dismissal. Unlike the sex and race anti-discrimination legislation, discrimination is only illegal if it is 'unreasonable' (EOR, 1995). Following the implementation of the Act, there is likely to be an informal 'test' period to establish what is and is not reasonable.

The Act also places a duty on the employer to make 'reasonable adjustments' to overcome working conditions or physical features which might substantially

disadvantage a disabled person. This duty is only in relation to a specific applicant or employee, and is not a general duty to improve access to employment (EOR, 1995). Reasonable adjustment is expected to cover the same areas as in the Americans with Disabilities Act:

*“making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers and interpreters, and other similar accommodations for individuals with disabilities”*. Because of the diversity of both jobs and impairment types adjustments will often be fairly specific to each workplace. There is a risk that the duty will only apply in limited circumstances: for example, a disabled person wishing to work in a more ‘unusual’ job or who has a more significant impairment may find that the necessary adjustments are not seen to be reasonable.

Employment equal opportunities (EO) legislation and policies have historically used the concept of discrimination (implying an intention), but equal opportunities can also be thought of in terms of removing barriers, which more easily covers issues around access or inflexibility. In existing anti-discrimination legislation, this is covered by the concept of indirect discrimination, in the Disability Discrimination Act, it is dealt with by the ‘reasonable adjustment’ clause. Indirect discrimination applies where there is a requirement which members of a particular group are less likely to be able to meet

(for example, women are less likely to be able to fulfil minimum height requirements,

or to be able to have the employment rights accorded to a full-time employee). The idea of ‘reasonable adjustment’ is in some ways a more practical way of countering the way society is designed to exclude groups of people, including disabled people; it more clearly requires employers to make some material change.

The disability legislation will, however, work at an individual level, and it has been argued that this needs to be backed up by positive action and collective responsibility (Gooding, 1995) or legally enforceable measures to make all employers adopt minimum access standards (Lunt and Thornton, 1995). Employer action to date has in most cases been about providing equipment or access on an ad hoc basis. It is difficult to know how well the legislation will address the need for

restructuring work, particularly where this is seen as fundamental to the nature of a job or a way of working.

In addition, many of the barriers outside the workplace, e.g. inaccessible transport, are not fully addressed by the legislation.

### ***Government employment policy***

Two of the main threads of government employment policy (prior to the introduction of the discrimination Act) have been persuading employers to adopt good practice, and providing financial support for employing disabled people through supported employment or special schemes, now amalgamated to form *Access to Work*. Government employment services, advice and support for unemployed and employed disabled people are available through Placing, Assessment and Counselling Teams (PACTs), which are staffed by Disability Employment Advisors.

### ***Codes of practice***

The voluntaristic approach to government employment policy is demonstrated through the Code of Practice and the 'two tick' disability symbol policy.

The Employment Service first introduced a Code of Good Practice for employing disabled people in 1984, which has subsequently been revised, most recently in 1993. This can be seen as the basis for the government's current thinking on employment policy and is therefore worth covering in some detail.

There is a section on each of the following:

*recruitment*: think about which job requirements are essential, where you advertise and how (wording); if questions are asked about relevant disability needs, these should be premised by supportive statement; consider guaranteed interview, make practical arrangements at interview if necessary; must not make assumptions about medical state or other abilities.

*at work*: find out special needs (if any) early on; check disabled employees receive same consideration for on and off the job training and for promotion; consider different work methods, restructuring the job or special aids or adaptations if performance isn't as effective as you wish; remember it is illegal to discriminate when making redundancy decisions.

*if employee becomes disabled*: think about restructuring current job slightly, or (if necessary) of alternative jobs, part-time/job sharing,

sheltered placement schemes, delaying return to work, general flexibility; as far as possible, pay, terms and pension rights should be maintained in new or restructured job.

The Code also recommends that employees and representatives should be fully involved in development and implementation of the policy, through consultation, publicising policy and increasing awareness about disability. Large companies can consider employing officers to co-ordinate policy and practice, including monitoring implementation, consultation, encouraging managers. There is a final section on practical help with drawing up a policy.

The disability symbol was introduced in 1990 as a means whereby employers can advertise that they have made certain commitments to good practice, in particular to encourage disabled applicants, but also for their public image. It is now used by about 700 organisations. The elements of good practice which employers commit to in order to use the disability symbol are:

- a) to interview all disabled applicants who meet minimum criteria and consider them on their abilities,
- b) to ask disabled employees at least once a year how their abilities can be used and developed,
- c) to make every effort when employees become disabled to make sure they stay in employment,
- d) to take action to ensure that key employees develop the awareness of disability needed to make the commitments work and
- e) to review commitments and achievements annually and inform employees about progress and future plans.

Under this scheme, there is no formal monitoring of employer practice, employers are left to police themselves.

#### *Access to Work*

Under this scheme, introduced in June 1994, disabled people who are unemployed, employees or self-employed can qualify for grants which help to dismantle barriers in the workplace to enable them to get into or stay in employment. For example, workers or employers can be reimbursed by grants for or towards the provision of equipment, adaptations, car adaptations/transport costs, deaf awareness training for colleagues, interpreters, personal assistance, support or job coaches. There is a guideline of a £21,000 upper limit on grants, which is spread out over a five-year period.

It is still too early to know how well *Access to Work* (ATW) is operating. The Employment Service are currently conducting a major review and evaluation of the scheme, which will be reported in 1996. RNIB research suggests that where ATW works well, it is highly valued by disabled people. However, there are many examples of disabled people finding it very difficult to get hold of detailed information about the scheme, poor support and advice from PACTs (Placement, Assessment and Counselling Teams) and delays in getting the ATW support in place. It was also suggested that there are very low levels of awareness of ATW (RNIB, 1995). The initial ATW proposals were that employers should pay 50 per cent of the costs of adaptations etc, but this was dropped after considerable pressures, although subject to review after a year of operation. There is considerable concern that employers will not be prepared (or be able) to pay their 50 per cent, and that if they are required to, the benefits received under ATW will be lost. Another possible difficulty with the operation of the scheme is that an individual who moves from one workplace to another may use up their financial limit before the 5 year period ends.

Provisional government statistics on the take-up of *Access to Work* show that, between June 1994 and March 1995, there were about 9,000 people who received assistance under the scheme (some will receive more than one element of assistance), at an average cost of 1,600 per application (Hansard, 1995). It is not known how many of those being helped are in work and how many are unemployed. There is however concern that the help available for unemployed disabled people is limited (RNIB, 1995).

### ***Costs of good practice and legal compliance***

The costs of implementing anti-discrimination measures became one of the key issues in the political debate around the introduction of disability legislation. One of the government's key arguments against the Civil Rights Bill (introduced as a private member's bill in summer 1994) was that employers would be faced with unreasonably high levels of cost, although the calculation of these costs was strongly disputed (references to follow).

The cost to employers of providing equal opportunities is invariably raised as an argument against employing disabled people. However, it is important to make a distinction between direct and indirect costs, and between those which are short term and long term.

The economic argument for equal opportunities is based on the idea of long term cost-benefits: in other words, it would be far less expensive in the medium term to

retain a trained, experienced employee than it is to dismiss (or refuse to accommodate) them and recruit and train-up a new employee.

Research in the USA on the costs and benefits of implementing the Americans with Disabilities Act suggests that overall the benefits to employers far outweigh the costs of making accommodations. About 70 per cent of accommodations made by employers cost less than \$500 (15 per cent cost nothing). In addition, for every dollar spent (on average, since 1992) companies calculated returns to the value of about \$30, in terms of increased productivity, reduced training (of replacement employee) or compensation/insurance costs (Bristo, 1995). [These figures are calculated from information provided by companies who have contacted the American Job Accommodation Network (JAN). It is interesting to note that about three quarters of all callers are enquiring about retaining or improving the work environment of an existing employee (rather than seeking to recruit or promote disabled employees). This may affect the level of cost required for the adaptation (JAN, 1994)]

A wider and more longer term argument is that disabled people are being kept in dependence on state benefits instead of being productively employed and contributing to the economy through taxes and national insurance. The strength and economic rationality of this argument can be seen in the following figures: in 1989/90 the government spent 7,500 million on disability benefits, nearly 20 times the amount spent on employment policy activity (Berthoud et al, 1993).

It is not yet clear how the 'reasonable adjustment' duty (from the Disability Discrimination Act) will link with *Access to Work*, nor how much employers will be expected or be prepared to pay.

Interestingly, prior to these debates, the 1993 IMS research study found that only 43 per cent of employers thought that there were or would be extra costs associated with employing disabled people. The amount that individual employers were prepared to pay often depended on each individual case and employers were reluctant to specify financial limits; however, firms showed an (unsurprising) tendency to be prepared to spend more on recruiting someone at a higher salary level and on an existing employee (Honey et al, 1993).

These issues around costs raise the question of how far individual employers can be expected to act on longer term economic arguments. In the short-term, employing disabled people does involve additional expenditure, particularly for those with more significant impairments. For example, in the US, 13 per cent of accommodations cost more than \$2,000 (JAN, 1994). There could be a role here for the government to encourage all employers to account for the extra costs associated with making workplace adaptations, in the same way that employers

now need to account for the costs of maternity and sick pay. It has been suggested that one way to encourage employers is to allow tax relief for expenditure on adaptations and reduced National Insurance Contributions for disabled employees (IOD, 1994).

### ***Employer Initiatives***

The role of individual employers is clearly important in determining disabled people's employment experience, particularly in the light of the government's emphasis on voluntary employer initiatives. The most recent government research looking at employer practice and policies found that fewer than half of the organisations surveyed had an explicit policy relating to the employment of disabled people, and that only one in five of these said they were actively seeking to recruit disabled people; in each case larger organisations were more likely to be active (Honey et al., 1993). Designating someone with responsibility for implementing an EO policy is seen by many employers as an important step (Smith et al, 1991). National Westminster Bank appointed a full-time manager in this role in 1987 and within three years the number of disabled employees had increased by 175 (albeit out of a total workforce of 88,000) (IRS, 1990).

When employers were asked what they had done to enable their disabled employees at work, around half had undertaken specific action (Honey et al, 1993). Special equipment had been provided by three fifths of these and half had modified their premises.

Fewer employers, about a quarter, had reorganised work or run programmes to raise staff awareness; 14 per cent had provided special training for the disabled employee. Follow-up case study research revealed a range of work accommodations tailored to the needs of the job and the individual; these included, minicomms, magnifying VDUs, document readers and mentoring systems. Some employers have extended adaptations to work facilities as well as the immediate work environment, and some have taken the opportunity of moving to a new site to design accessible premises.

It has been suggested that employment initiatives are more prevalent than a few years ago (EOR, 1992). Employer networks, such as the Employers' Forum on Disability (see below) and regional forums of public and private sector employers, provide an opportunity to exchange and encourage aspects of good practice. Voluntary organisations have also been involved in working with employers and/or TECs, for example SCOPE's Fast Track management employment scheme (Employment Committee, 1995).

This process of exchanging good practice has also been informed by case study research detailing examples of employer initiatives (e.g. IDS, 1992; EOR, 1992). An example of this is a 1992 case study of employment initiatives by Manchester City Council, which demonstrates the important role that positive action can play in increasing the proportion of disabled job applicants and appointments. The Council's 1989 Code of practice on recruitment and selection includes ensuring that job requirements do not discriminate, positive advertising, shortlisting procedures (guaranteed interview for qualified candidates) and meeting disabled people's needs at interview. The Council also has a responsibility for ensuring access. Following a workforce audit, targets have been set to achieve the representativeness of disabled people over 10 years (EOR, 1992). (There should be an opportunity to follow up these Council initiatives in the Measuring Disablement fieldwork, as one of the case studies is based in Manchester.)

Other employer initiatives which can be explored further as part of the MDS project are the 1986 Lambeth Council 3 per cent policy, (where for a three month period all vacant posts were open only to disabled applicants, and Lambeth achieved its target of fulfilling the 3 per cent Quota, (see Gledhill, 1989)), and the positive action policy at Barnardos. [To be updated]. A result of the fact that local authorities must now follow a procedure of compulsory competitive tendering (CCT) for an increasing number of their services, is that they have little or no control over the employment practices of the private companies who win the bid to run services.

Trade Unions have a potentially important role in supporting their disabled members and in trying to secure equal opportunities. A number of the major unions have established structures for the representation of disabled members, and one union, the National League of the Blind and Disabled, is exclusively for disabled people. If disabled people are to participate in trade union activity, it is clearly important that venues and information are fully accessible to members (LRD, 1993).

The Employers' Forum on Disability (EFD), set up in 1986, operates an information exchange network and newsletter for employers to communicate examples of best practice, services and resources. It has over 130 member organisations, most of which are large employers. It developed the 'The Employers' Agenda on Disability' 10 point plan, which was launched in 1992 by 21 major companies. This includes making assurances on integrating disabled people into equal opportunities policies; raising staff awareness; taking reasonable steps in working environments, recruitment, development and training; recognising that disabled people are also customers, and monitoring.

The EFD approach is mainly aimed at large employers, and may not apply so well to smaller employers, who form a growing proportion of all employers. Those with less than 20 employees are currently excluded from the requirements of the Disability Discrimination Act. In addition to the difficulties with covering short-term adaptations costs, small companies may face further problems in following equal opportunities programmes due to lower resource levels, for example, being able to employ a member of staff to develop and monitor Equal Opportunities or personnel policies.

Monitoring is recognised by both government and employers' forums as an important step in the direction of ensuring equal opportunities: it enables employers to identify existing areas of discrimination and to measure the effect of initiatives aimed at reducing discriminatory practices. The Employers' Forum on Disability has produced a guide to monitoring disabled people's position in the workforce. Once the relevant information has been gathered through an audit of the workforce, it is recommended that employers can analyse the position of disabled people in terms of: recruitment patterns, types of job, grade and salary, training, career progression, duration of employment, full-time/part-time, leavers, and disability employment goals.

It also recommends that targets are set in order to measure progress on numbers recruited, numbers trained, numbers on work experience, numbers of young disabled people in compacts etc. This kind of information is very important for measuring the effects of discriminatory practice.

A workforce audit can also identify if special equipment/adaptations, flexible working, alternative formats of information/training, facilitators or specialised training are needed. The publication also includes a guide to best practice, which is helpful for identifying barriers.

There is a current debate over whether or not measures to provide equal opportunities for disabled people should be integrated with measures and policies on equal opportunities for other groups, i.e. women, minority ethnic groups, gays and lesbians, older people. The Employers' Forum on Disability currently supports this idea of a wider EO programme (Scott-Parker, personal communication).

## **Conclusions**

The effect of disabled people's unequal opportunities in employment is striking, in terms of numbers actually in work, but also levels of pay and types of occupations. The social model of disability suggests that this disadvantage is largely due to a range of barriers that disabled people face, not only in the workplace, but in the

wider labour market through lack of equal access to public transport, housing, services. If these barriers are to be removed, both employers and the government need to take a share of responsibility in a co-ordinated approach.

A wide range of barriers to employment exist, which will effect disabled people's chance of getting and keeping a job, and will operate in different ways depending on the nature of the work, the nature of the impairment, an individual's existing experience of the labour market and his or her age, class, gender and ethnicity. Employers to date have been unwilling to make accommodations in the workplace: where action has been taken, it tends to be providing equipment or improving access. Evidence suggests that reorganising working patterns or job specifications may be as important to overcome barriers for disabled people as improving access, although full access is also obviously essential. It is not clear how far the new discrimination legislation will be able to address these types of adaptations.

It is important, however, that both employers and those who will operate the new law, have a good understanding and knowledge of the many different types and effects of barriers, and the range of options for addressing them. Further research to build on the Measuring Disablement project is therefore very important.

## **Proposed research and measurement issues**

### *Use of secondary data*

The MDS project will use data from the Labour Force Survey (LFS), which is collected quarterly, in order to identify the effects of employment discrimination on disabled people in terms of their patterns of participation in the workforce. This can include information on economic activity and unemployment levels by region, which can be broken down further into those who would like work and/or those who are seeking work (which might give an indication of numbers of 'discouraged workers', i.e. those who would want to work, but have given up looking because no appropriate jobs are available). It can also be used to look at working patterns and hours, occupation and industry breakdown, issues around job security (i.e. temporary contracts, length in current post) and receipt of training. The LFS has recently started collecting information on earnings, which may provide a further indication of employment discrimination. All of these can be analysed while controlling for age, impairment type, qualification level and region, if required. This will allow the calculation of the relative probability of employment for disabled people in each region when the effects of these other variables have been accounted for.

Detailed large-scale survey data is also available for comparison from the OPCS survey (although now about 10 years out-of-date) and from the SCPR survey, Employment and Handicap (1990). The latter is restricted to those who are defined as having a connection to the labour market (those who are economically active and 'discouraged workers'), and therefore may not fully explore issues around economic inactivity. (Of the people identified as having a health problem, which affected their work opportunities, nearly half were economically inactive).

The SCPR research developed a definition and measurement of 'work handicap' based on the medical model, whereby an individual's impairment is the cause of work disadvantage rather than the work environment. This definition identifies twelve categories of difficulty, including the ability to work full-time, sick leave and absence from work, need for special equipment or adaptations to work environment. The proportions of economically active disabled people who have a difficulty within each category are broken down by gender and age group. The questions which are being developed as part of the *Measuring Disablement* project (pages 20 - 23) adopt the social model approach instead, in that they aim to measure workplace barriers.

### ***Measuring employment barriers - what and how to measure***

Many barriers to employment exist at the level of the individual employer or workplace. Barriers to employment can also be created at the level of the state, and by other agencies involved in the labour market process, for example job centres, training providers, and in particular the TECs (LECs in Scotland) whose main objective is to build links between training and employment. The key focus here however will be on employers, (although the government may also have an important role in the removal of workplace barriers).

As with other areas that the MDS project is looking at such as access and transport, measuring disablement or barriers in employment is often about identifying 'best practice' and measuring current practice against this: the gap can be said to stand for the level of disablement. For example, disablement on bus transport can be measured in relation to 'universal access' to buses. The difficulty then becomes the extent to which 'best practice' has been or can be identified given limited knowledge and research in the field. For this reason, it is very useful to look at government and employer initiatives on employment practice, although recommendations tend to be fairly generalised. It is also essential to involve disabled people in an assessment of what really is 'best practice'. Good employment practice may involve an element of positive action, e.g. guaranteeing an interview for all disabled people who meet the job specification. This raises questions about measuring disablement

which will need to be explored further, for example, whether failing to implement positive action can count as a disabling barrier.

Measures can be of the type which describe the extent of exclusion in terms of use, e.g. disabled people's relative use of different forms of public transport or degree of involvement in the labour market, both in mainstream or supported employment. This measure does not however say anything about the barriers themselves which are causing the exclusion.

There is also a need to recognise the spread as well as the degree of disablement; again transport provides a straightforward example, the proportion of bus routes within an area which are accessible.

Measuring employment barriers is, however, less straightforward than measurements of transport or access barriers. This is partly because most employers operate in the private sphere, which means that the structure of an organisation, of job descriptions, equipment and premises are often very individualised. In addition, the employer environment is not controlled and monitored in the same way as that of the public sector. [Many of the barriers will, of course, be reflected in their effect, i.e. the position of disabled people in a company's workforce, which can be closely monitored.] Measurement criteria on access to work premises and to the wider work environment, including access to information and equipment can be developed (see MDS working paper 2 on Access for more detail). Access issues can also be gauged across a spread of types of employers to achieve a greater understanding of disablement, e.g. location, size, industry category, occupational category, public/private sector.

As has been described in the sections above, however, barriers to successful employment and choice of occupation can be far broader than physical access. They might include inflexible work arrangements or job requirements, poor recruitment and selection procedures or restricted opportunities to acquire skills and qualifications.

These 'broader' barriers are far more difficult to categorise and to specify in terms of measurement, in part because far less work has been done around them in this context than around physical access. It is also; however, because of the vast range and diversity in the nature and type of workplaces and the different ways work is organised. It is important to clarify the extent of disablement caused by different types of barriers: measurements of employment barriers include not only finding and retaining a job, but the nature of the work and the opportunities for progress. For example, an employer who offers flexible working arrangements may appear to have a lower level of disablement, but an effect of this arrangement may be to reduce pay or opportunities for training and development.

There is a need for further research which explores barriers within different types of workplace or occupational or professional areas, in order to identify the different types of provision and support that may be necessary.

At this level of detail, Disability Employment Advisers or Supported Employment Agencies might be in a good position to provide a broad range of information from their experience as advisers, on the types of adaptations which are appropriate within particular occupations/workplace types and for specific impairment types.

The type and experience of impairment, as well as of chosen occupation, will clearly have a considerable impact on the experience of employment discrimination, and will require different and flexible adaptations and arrangements. The ethnicity, gender, sexuality and age of the disabled person may also have a significant effect. Measurements need to be able to allow for this diversity, as well as measuring minimum general standards of accessibility and work practices. The combined effect of diversity of work type and of impairment type means that detailed measures of disablement can only be conducted at a more local level, i.e. at the level of an individual employer/occupation. It is therefore important to include within measures of disablement, the operational and organisational measures which will indicate the extent to which employers are attempting to overcome work barriers within their particular workplace; for example, are disabled employees consulted about their needs, are job descriptions reviewed to ensure that peripheral requirements do not exclude disabled people, is there an individual responsible for implementing the equal opportunities policy, etc?

Because decisions in the employment process are usually made by one or two key individuals only, negative assumptions or attitudes towards disabled people and impairment can be a considerable barrier. This is reflected directly in unequal treatment, (e.g. not inviting for interview, offering different conditions of work, harassment) and indirectly in terms of unwillingness to implement change. This will be difficult to measure, although some indication will be provided through attitude surveys. Some of the effects of stereotypical assumptions will be easier to measure, e.g. different pay and conditions, restricted career opportunities, but these cannot necessarily be linked back to employer attitudes.

The following checklist summarises the points discussed above and attempts to identify practical questions for inclusion in the MDS project and for monitoring levels of disablement. Most of the questions/measurements would be asked of individual employers, some would be asked of other agencies.

We would like to receive comments on how well the checklist below identifies the barriers to employment and which of these are seen as the most important. We would also like views on whether the questions we are suggesting below and the more general questions on page 23 help to identify levels and types of disablement in employment. We are interested in both an employer's perspective and those who have experience of looking for paid work or working either in employment or as self-employed.

## Barriers

### 1) Getting a job:

*Accessibility of job centre;  
information provision*

*Disabled people don't apply for job*

*Cannot fulfil requirements of job*

*Accessibility at interview*

*Access to workplace premises, external  
and internal*

## Measures

Is job centre fully accessible? (See MDS working paper no. 2 on Access for full details of measuring access).

Is information in accessible format?

Is the attitude and approach of Employment Service staff disabling? (E.g., do staff have stereotyped ideas of 'suitable' jobs?)

Does employer use PACTs? How effective are they?

Are adverts placed in places where disabled people are most likely to see them? Is the language/style of the advert designed to encourage disabled applicants?

Are application procedures in accessible format?

Is there contact with disability organisations?

Are applications from disabled people monitored?

Does the employer use a guaranteed interview scheme?

Are job descriptions/requirements unnecessarily restrictive? Is there a policy of checking job descriptions?

Is the work premises fully accessible?

Are interpreters/facilitators provided at interview if appropriate?

Has there been a workplace access audit?

*Medical examination a condition of*

Are disabled applicants required to have a medical? Is this necessary for the job/tasks they are applying for?

*Confidence levels/morale*

What do employers do to encourage disabled applicants?  
Are mainstream job-seeking initiatives fully open to disabled people? (E.g. Job Clubs)

*Access to education and training opportunities, qualifications*

Accessibility of premises; access to information.  
Are training courses flexible (e.g., hours, location)?  
Is there segregation in training courses and outcomes?

*Facilities for setting up as self-employed*

Do disabled people have equal access to Employment Service schemes?

*Workings of benefit system*

Do disability benefits act as a disincentive to finding work, (i.e. are wages particularly low)?

*Transport, housing, personal assistance*

Does employer/employee use *Access to Work* scheme to help remove barriers outside workplace? (see MDS working papers on transport, access and user involvement ((nos. 1, 2 and 5) for more detail)

## **2) At work:**

*Accessibility of premises and work Environment, including information provision, personal assistance*

Is employer aware of *Access to Work*? Is it used to help remove barriers in/outside the workplace?  
Has there been a workplace access audit?

*Skill level at work - job segregation within workforce, between workplaces/ of disabled people in the types of work*

Has any equipment been adapted or provided where relevant?

Is organisational information provided in appropriate formats?

Has there been an audit of position of disabled people in the workforce? If disabled people work in particular jobs or grades, how is this segregation justified?

Is training provided to improve disabled employees skill levels where appropriate?

Has there been an audit of the position of disabled people in the workforce?

*Pay and conditions - e.g. access to pensions plus other benefits, contract conditions (temporary or permanent)*

If disabled employees have different pay and conditions how is this justified?

*Availability of flexible working - hours, part time, job sharing, leave arrangements etc*

What are the official policies, and what is the practice?

Are hours suitable for employee? If not, are employees offered flexible working, e.g. flexible hours or working at home?

Is this available at all job levels? Is employee worse off by working flexibly?

Do leave arrangements recognise fluctuating conditions?

*Availability of job restructuring - e.g., re-allocation of non-key tasks*

What are the official policies, and what is the practice?

Are jobs reviewed to identify core tasks?

Are employees offered restructuring? on whose terms?

*Harassment by colleagues, managers*

Has the employer organised Disability Equality Training for all staff?

<i>Unfair dismissal/redundancy policies</i>	<p>What is their harassment policy? Does it result in disciplinary procedures? Criteria for deciding on redundancy, are decisions made on health grounds?</p>
<i>Access to training and development, Promotion prospects/requirements</i>	<p>Has there been an audit of th workforce? Is training/development equally available to disabled employees? Are promotion procedures accessible and open (as recruitment procedures, see above)</p>
<i>Transport, housing, personal assistance</i>	<p>Does employee have control over their support arrangements? Does employer/employee use <i>Access to Work</i> to help remove barriers outside the workplace?</p>

### **3. Organisational measures**

<i>Policy and practice towards providing opportunities</i>	<p>Does the organisation have an <i>equal</i> Opportunities/disability policy? Is there a senior individual with responsibility and for implementing policy? Has there been a workforce audit/access audit? Has employer conducted Disability Awareness Training? Does employer consult with disabled employees?</p>
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### **Issues for consultation**

1. What are the different types of barriers to finding work, retaining work, working for reasonable pay/conditions, progressing within a workplace/occupation? Which are the most important?
2. How do the different types of barriers interact with each other to restrict choices and affect levels of exclusion, e.g. flexible working hours which restrict

opportunities for progress, or working for low pay because it's the only job available?

3. What are disabled people's experiences of flexible working, working at home, e.g. teleworking, or self-employment? What are the disabling factors associated with these 'new' forms of working?

4. How important are barriers outside the workplace, i.e. general access, transport provision, support arrangements, workings of benefit system, employment service provision?

5. What is considered to be good practice in terms of removing barriers at work or to obtaining work?

6. What type of accommodations should employers be making, e.g. physical access, flexibility of working hours or job tasks and of leave provisions, provision of equipment or adaptations, positive action in recruitment or promotion?

7. Are there any limits on what accommodations employers should be expected to make, e.g., in terms of the nature of the work, the size of the employer, financial limits?

8. How can employers ensure that EO policies are implemented in practice?

9. How should positive action measures, e.g. guaranteed interview schemes, be assessed in terms of levels of disablement? In other words, should not having a policy of positive action be measured as a barrier?

10. How well are current government employment policies working, e.g. Code of Practice, Access to Work, in terms of removing barriers?

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