

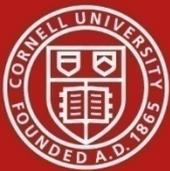
Cornell University
ILR School
Employment and Disability Institute

EEOC Charge Data: What We Can Learn About the Employment of Persons with Disabilities

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EARN

Employer Assistance and Resource Network



Our charge data project

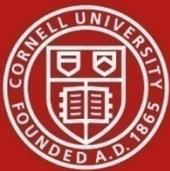
- Examining charges filed under the Americans with Disabilities Act (ADA).
- Funded by the U.S. Department of Education National Institute on Disability and Rehabilitation Research. This research is part of a larger project titled Employer Practices Related to Employment Outcomes among Individuals with Disabilities Rehabilitation Research and Training Center (grant #H133B100017).
- The statistics reported in these materials are derived from data files obtained under an agreement from the U.S. Equal Employment Opportunity Commission. The findings and their interpretation do not necessarily represent the policy of the Department of Education or the U.S. Equal Employment Opportunity Commission, and you should not assume endorsement by the Federal Government (Edgar, 75.620 (b)). Summaries of data are based on our aggregations and do not represent the EEOC's official aggregation of the data.



What is a charge?

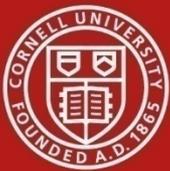
An individual who feels they have been discriminated against by an employer on the basis of their disability:

- must first file a charge (citing the ADA) at the administrative level,
- can file a the charge with either an office of the Equal Employment Opportunity Commission (EEOC) or a state or Local Fair Employment Practice Agency (FEPA).



Highlighted in this presentation...

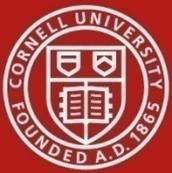
- The most common specific conditions cited on ADA charges
- Where in the employment process individuals are perceiving disability discrimination
- Trends over the last few years
- Implications for employers



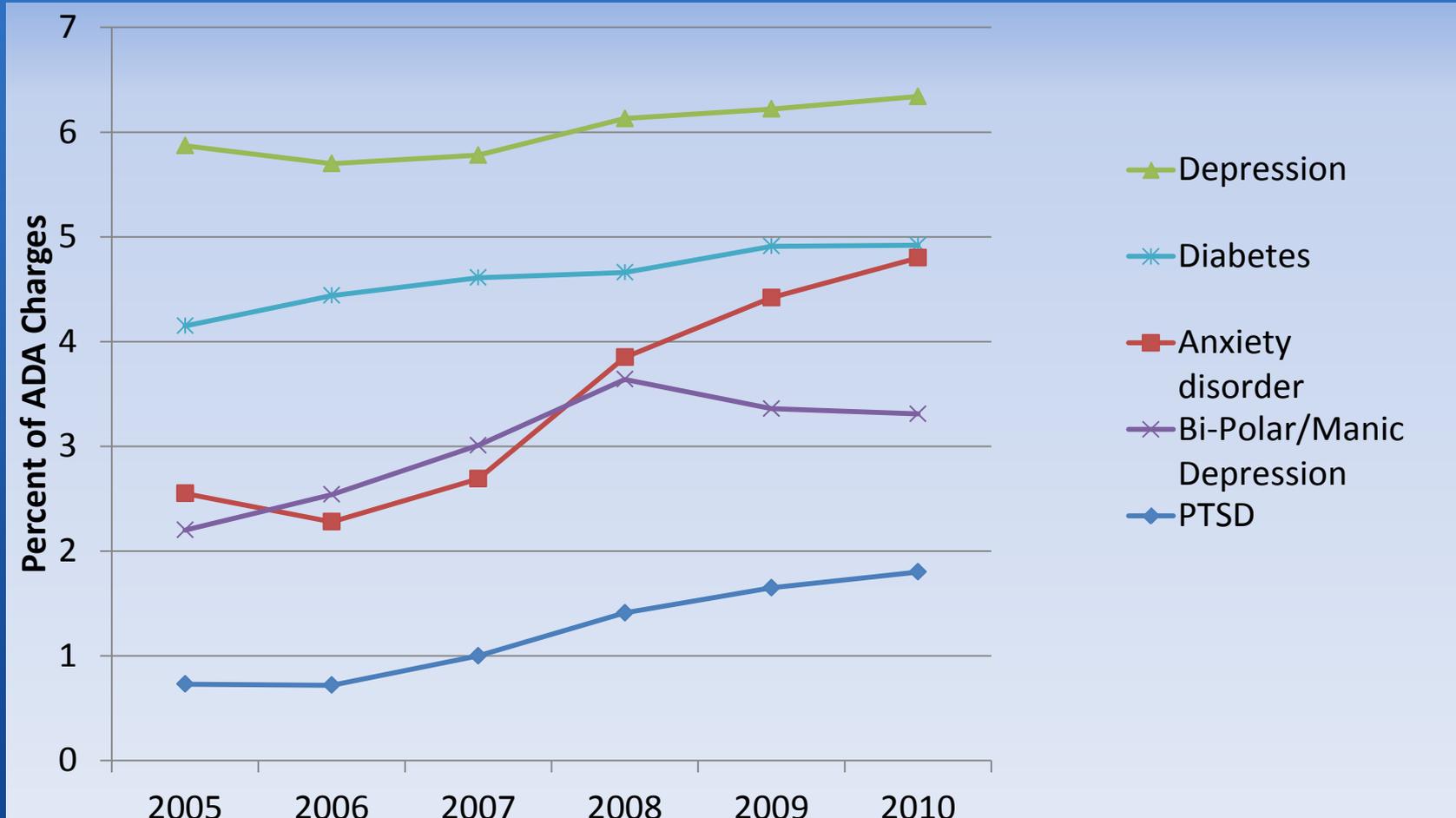
Most common specific conditions cited on ADA charges: 2005-2010

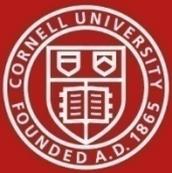
Condition	Percent of Charges
Orthopedic/Structural Back Impairment	9.3
Non-paralytic Orthopedic Impairment	6.9
Depression	6.0
Diabetes	4.6
Heart/Cardiovascular	3.6
Anxiety Disorder	3.5
Cancer	3.2
Hearing Impairment	3.1
Manic Depression (Bi-Polar)	3.1

Note: a charge may cite more than one basis.

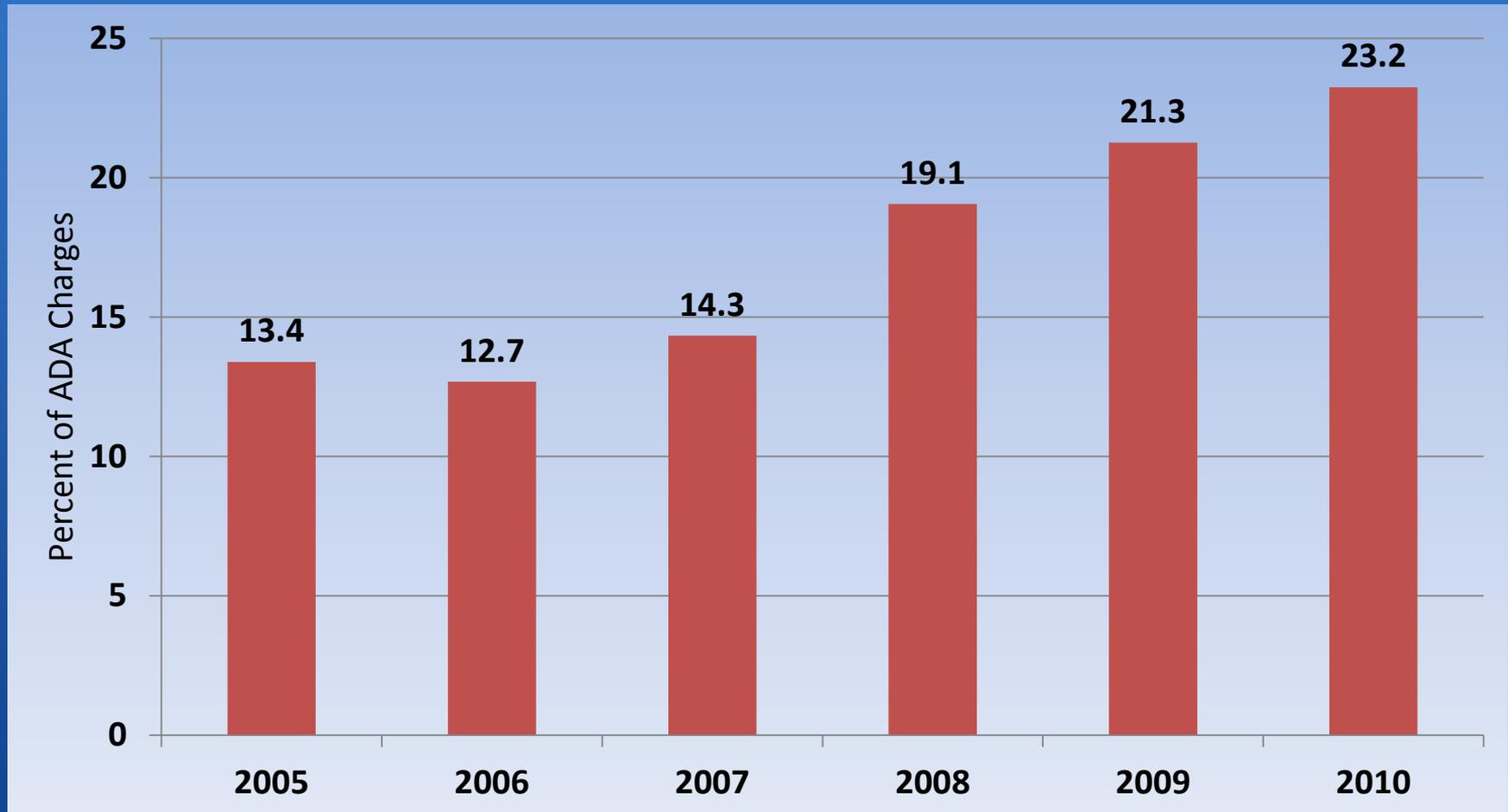


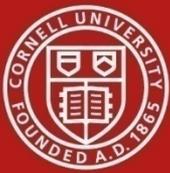
More ADA charges citing non-obvious disabilities





More ADA charges citing retaliation

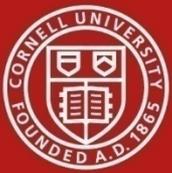




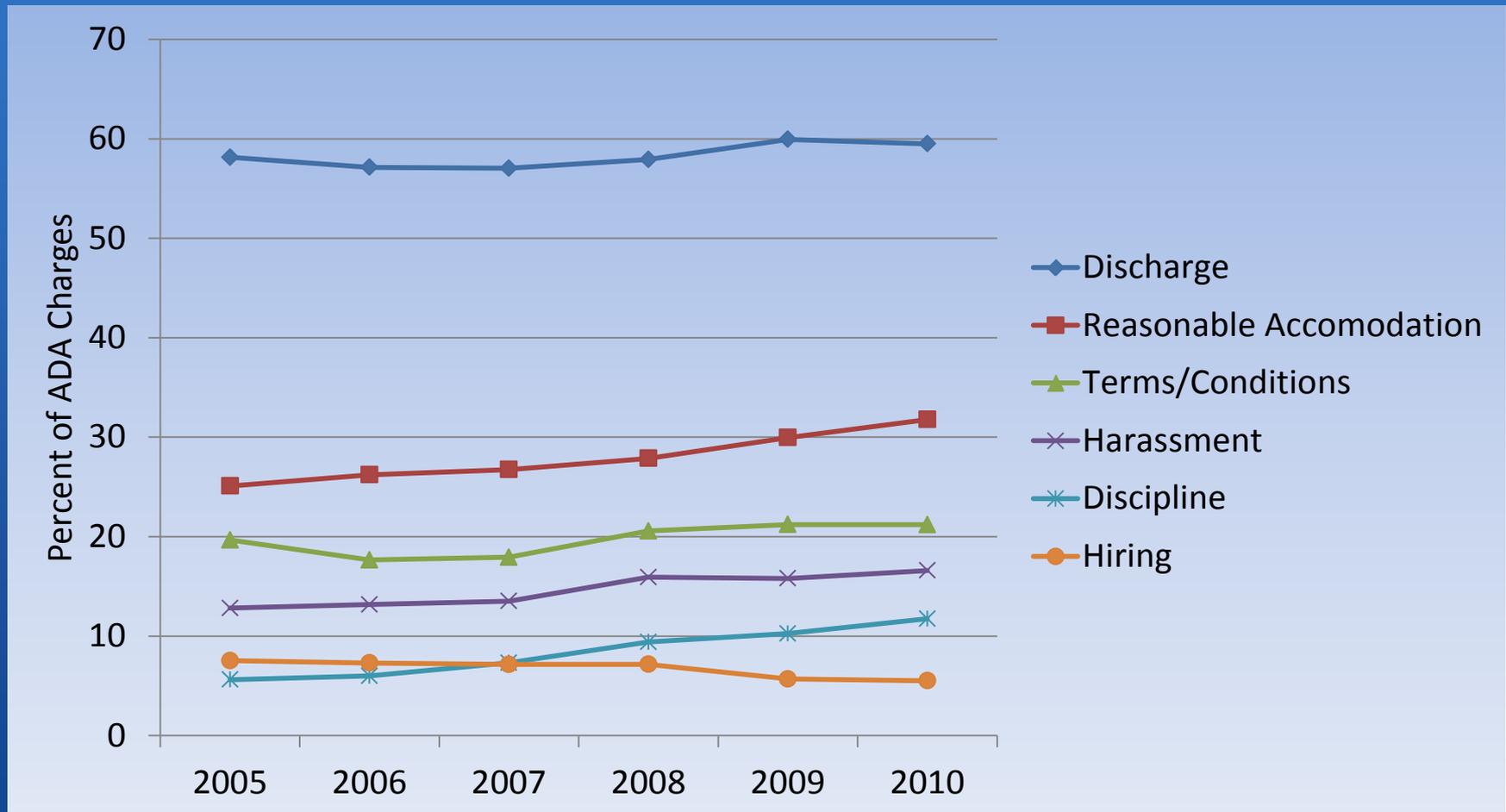
Most common issues cited on ADA charges: 2005-2010

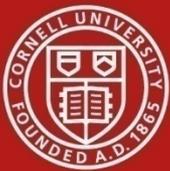
Condition	Percent of Charges
Discharge	58.4
Reasonable Accommodation	28.2
Terms and Conditions	19.8
Harassment	14.8
Discipline	8.6
Hiring	6.7

Note: a charge may cite one or more issues.



Common issues cited over time

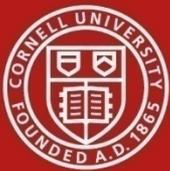




Key issues and implications

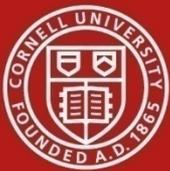
Examining EEOC data is a useful tool to identify where employers can improve their employment processes to minimize discrimination and maximize inclusion of people with disabilities in their workplaces.

- ✓ Over 65% of charges involve termination-related issues.
 - Businesses need to think through particular parts of the employment process and recognize possible disparate impact on people with disabilities.



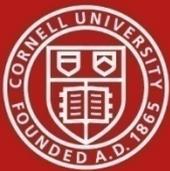
Key issues and implications

- ✓ Increasing numbers of charges citing failure to provide a reasonable accommodation.
 - With special attention to the more common conditions (and common bases for complaints), employers can be more proactive in providing accommodations for particular conditions. Specific impairments can often be accommodated with good ergonomic design.



Key issues and implications

- ✓ Increasing number of non-evident disabilities in charges.
- ✓ More charges citing retaliation and harassment – indicating a employees are perceiving a hostile work environment.
 - Persons with disabilities (including non-evident) are feeling marginalized in our workplaces and we need to create a culture in our workplaces that is inclusive of people “of difference” of any kind, including people with disabilities.



More resources

EARN has a variety of resources to guide employers around the issues highlighted including the following briefs:

- Non-Visible Disabilities in the Workplace
- Implementing Inclusive Employment Policies and Practices
- Absence and Disability Management Policies

More background on our EEOC charge data research:

- Bjelland, M.J., Bruyère, S.M., von Schrader, S., Houtenville, A.J., Ruiz-Quintanilla, A. and Webber, D.A. (2009). Age and disability employment discrimination: occupational rehabilitation implications. *Journal of Occupational Rehabilitation*.
- Bruyère, S.M., von Schrader, S., Coduti, W., and Bjelland, M.J., (2011). U.S. Employment Disability Discrimination Charges: Implications for Disability Management Practice. *International Journal of Disability Management*.

- EEOC web site - <http://www.eeoc.gov>
- Sarah von Schrader– e-mail: sv282@cornell.edu