

**IPS-DPA Roundtable  
on  
Employment Discrimination Against  
People with Disabilities**

**Thursday, 27 July 2017**

**Conference Room, Level 1, Oei Tiong Ham Building**

# Forms of Discrimination Faced by People With Disabilities at Work

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# Discrimination Faced by People with Disabilities at the Workplace: A Qualitative Study

# Aim of the Study



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# Aim of the Study

- Explore cases in which persons with disabilities feel they were treated unfairly and/or discriminated against in the workplace. This is not meant to be representative of the prevalence of discrimination in the workplace.
- Understand the full range of potentially unknown or invisible forms of employment related discrimination that happens to people with disabilities.
- Appreciate the social consequences of such actions to the well-being of people with disabilities and the adaptive strategies they use to cope with unfair treatment.



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# Aim of the Study

- Learn from these cases, rather than naming and shaming employers, service providers or getting the participants to prove they were discriminated against.
- Identify gaps in disability or employment policies that we can close and make it less likely that other employees with disabilities face unfair treatment.



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# Types of Discrimination



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# Serious Forms

- Blatant exploitation and maltreatment
- Manipulation
- Shaming and verbal putting down
  - Name calling, mocking of traits related to disability
- Disrespect, denigration and personal attacks
  - Uncivil language, uncouth behaviour



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# Moderate Forms

- Being disingenuous and breaking of promises
  - Breaking word, paying lip service, misleading
- Breach of confidentiality
  - Information divulged to unauthorised persons without permission
- Paternalistic and patronising attitudes
  - Veneer of benevolence, ready excuses for unequal treatment
- Indirect discrimination
  - Company policy applies to everyone in the same way, but has a more negative effect on people with disabilities
- Inaction
  - Failure to act and respond to incidents of discrimination

*“Being someone who is unable to defend for himself, the worker with intellectual disability seemed to be a good target for someone to push the blame on.”*

*Respondent 05, person with physical disability*



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# Discrimination Across The Employment Journey



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# Pre-Employment

- Parents' disproportional power in shaping educational choices and career paths
  - Some are ill-informed about medical condition, abilities, needs and wishes
- Pigeonholed by service providers
  - Job matching services were sometimes ineffective and lacking for those with higher educational qualifications or skills
  - Funding model, Key Performance Indicators (KPIs)



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# Recruitment Process

- Blacklisting by interviewers
  - Ignorance, prejudice
- Inappropriate interview questions
- Hired only to fill manpower shortage for undesirable jobs



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# Unfairly Onerous Work Conditions

- Lack of reasonable accommodation
  - Lack of job redesign and modifications
  - Inflexibility in work schedules
  - Non-inclusive design in physical environment
  - Communication challenges
  - Accommodations which went awry
- Social exclusion
- Dishonest or unethical employers



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*“They ‘blamed’ me for asking them many questions and ... they called me ‘sotong’.”*

*Respondent 02, person who is deaf-blind*



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# Lack Training Chances and Career Progression

- Misguided concerns about safety issues
- Scepticism about ability to undertake tasks
- Fewer opportunities to attend training or courses



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# Unfair Dismissal and Treatment when Leaving

- Dismissed without any justification
- Badly managed exit processes
- Seeking to get rid of employee with disability



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*His superior had admitted: “I don’t know how to give you work.’ That’s why all the data entry and other unimportant work give to me.”*

*Respondent 20, person who is deaf*



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# Causes and Effects



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# Individual Level (Causes)

- Unconscious bias
  - Categorisation into in-groups and out-groups
  - Stereotyping
  - Evaluation and attribution bias
  - Prejudice
- Vulnerability
  - Fear of reprisals
  - Unbalanced power relationship
  - Lack of know-how
  - Dependency on others for help



# Individual Level (Effects)

- Impaired mental health
- Diminished self-worth
- Lost ability to trust
- Diminished financial capacity



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# Organisational Level (Causes)

- Mandatory disclosure in job application forms
  - Information misused and abused
- Absence of formalised evaluation system
  - Subjective assessment of work performance



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# Organisational Level (Causes)

- Lack of accountability in decision-making
  - No anti-discrimination and affirmative action laws and regulations
  - Subjective judgements and decisions made without fear of backlash
- Culture of productivity
  - Revenue and profits prioritised over employee rights
  - Efficiency more important than slowing down to accommodate needs



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# Organisational Level (Effects)

- Reduced job performance
  - Lack of opportunities to develop skills and knowledge
- Withdrawal behaviours (e.g. absenteeism)
- Poor morale, camaraderie, teamwork



Lowered workplace  
productivity



# Societal Level (VWOs)

- Failure to account for job accommodation, co-workers' attitudes, client readiness
- Inaction in response to feedback on unfair treatment
- Clients' opinions and feelings not respected
- Lack of empathy and "heart"
- Clients' not comfortable with workers
- **Reason**: Are meeting KPIs at odds with or given greater importance than clients' satisfaction and welfare?



*“The staff would lock up clients who absconded from work in a “prison cell” with “only one cubicle and a bed.”*

*Respondent 43, person with mental illness*



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# Societal Level (Government)

- UNCRPD a “paper tiger”
- Programmes and services focus more on severe disability
- TAFEP’s and MOM’s and incentive-based approach no real impact on discrimination
- TAFEP’s limited jurisdiction to deal with discriminatory or unfair work practices



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# Societal Level (Media and Culture)

- Persons with mental illness depicted as “crazy” and “violent”
- Local companies less inclusive compared to MNCs
  - MNCs more likely to have “equal opportunity” employment practices and aspirations of diversity due to anti-discrimination laws back in home countries



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# Why Discrimination is Hard to Detect



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# Salary Disclosure Rules and Norms

- Salary benchmarks are unavailable
- Salary information difficult to access
- Pay confidentiality
- Keeps persons with disabilities in the dark about wage differentials



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# Ignorance

- Disability can hinder recognition of unfair treatment
- Unaware of what counts as appropriate or reasonable workload
- Acceptance of discriminatory treatment as the norm



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# Pseudo-Legitimate Reasons

- Ease of finding business-related justifications
- Hard to dispute



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# Internalisation

- Accepted unsound accounts of disabilities
- Normalised unfair treatment
- Internalised disability stereotypes
- Attributed blame upon themselves



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# Inaction

- Non-confrontational culture
- Not wanting to “burn bridges”
- Embarrassment, humiliation
- Perceived powerlessness; lack clear proof of wrongdoing
- Unaware of available avenues and mitigation measures
- Gratitude for opportunity



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# Informal Means not Documented

- Shared experiences or sought advice from friends, families, trusted colleagues and social service professionals
- Informal means fail to alert authorities or employers



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*“...a social model of disability that views disability as the product of society’s attitudinal and structural barriers, rather than the result of an individual’s physical or mental impairment”*

*(Stuart, 2006)*



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# Recommendations



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# People with Disabilities, Caregivers & Families

1. Educational and informational outreach to provide families and caregivers with balanced and accurate information about disability
2. Workshops for persons with disabilities to build social skills and self-acceptance, and combat self-stigma
3. More hands on workshops and orientation courses to equip workers with disability with knowledge of (a) employment laws and rights, (b) what discrimination is, (c) how to identify discrimination, and (d) available avenues and mitigation measures



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# Companies and Employers

1. Ask job applicants for accommodations which they require, rather than compel them to disclose disability
2. Work with HR professionals and job-matching practitioners on a process to ensure, from the outset, that employee with disability is aware of and agrees to job scope. They should also look at accommodations throughout the employment journey, not just at recruitment.
3. Consult employee with disability about accommodations required



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# Companies and Employers

4. Conduct outreach and educational initiatives to raise awareness of necessity and impact of accommodations on staff productivity and retention
5. Implement formalised and transparent evaluation process to assess an employee with disability holistically and based on work performance (Make templates available?).
6. Establish fair and impartial HR procedures relating to allegations of discrimination and/or unfair treatment.



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# VWOs, Job Placement Agencies

1. Review criteria used to assess employers' readiness to hire in terms of knowledge and understanding of the disability, the adjustments and level of commitment
2. Focus more on social and interpersonal issues between employers and employees (Employers includes the whole team from managers to HR team to colleagues).
3. Assist employees with disability to specify kind of accommodations required and the support/sources available to help prospective employers better assess feasibility of hiring and anticipate issues



# VWOs, Job Placement Agencies

4. Conduct client-centric and holistic assessment of job seeker with disability by taking into account client's personal preferences, aptitude, and values
5. Conduct regular follow-ups with clients successfully placed in jobs, noting their job satisfaction, psychological and emotional wellbeing
6. Help employees with disability identify and understand how to utilise feedback and grievance procedures
7. Conduct research on effectiveness of service delivery and competency of staff to identify gaps and barriers in system



# Government

1. Establish a task force or Parliamentary Committee to study the necessity and feasibility of enacting a Disability Discrimination Act
2. Implement mandatory guidelines
  - a. Companies requiring applicants to disclose disability to prove that they require information to provide accommodation and are committed to making adjustments. Or, they can explain relevance of information to job
  - b. HR practitioners and HR management curriculum to include diversity and inclusion content
  - c. Wage information to be made more transparent



# Government

- d. Feedback mechanisms, complaint and grievance procedures to be established
  - e. Employees to have recourse to an external arbitration or mediation body
3. Review KPIs and outcome indicators set for VWOs
  4. Review insurance requirements for employees with disability
  5. Establish code of conduct for media reportage on disability



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# Concluding Remarks



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- Discrimination appears in many guises and forms, and to varying degrees of severity
- When unfair treatment is not outwardly severe, they tended to be overlooked
- Discrimination generally thought to occur only at the workplace, during the course of the daily work routine. In reality, discrimination occurs throughout the entire employment journey



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# Concluding Remarks

- Problem is so pervasive that almost no organisation or company is free from incidents of discrimination
- Discrimination occurs in places where it is least expected, and in organisations which are supposed to adhere to best practices
- Discrimination not purely an individual construct, but also consists of deeper structural causes



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# Concluding Remarks

- Cognitive, attitudinal, behavioural and structural elements interact to create and perpetuate social inequities, discriminatory treatment
- Neither sufficient nor effective to focus only on mitigating measures targeted at the individual who harbours malicious intentions
- Need to reform broader system of rules, norms, and incentives that contribute to discrimination



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*“We can explain 101 things as to why we cannot hire you...I’ll just say you don’t fit the culture, [and] you can’t fine me...There are no policies on how to help someone [with disability]...The policy is ‘Let’s get rid of them’... for both private and public companies.”*

Respondent 14, ex-HR staff with a physical disability



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THANK YOU

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