



## **Employment and the Americans With Disabilities Act**

Enactment of the Americans with Disabilities Act (ADA) sought to ensure the full participation of people with disabilities in all aspects of community life, including employment. To that end, Title I of the ADA prohibits private employers with 15 or more employees, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Title I of the ADA provided a complement to other disability rights employment laws such as Sections 501 and 503 of the Rehabilitation Act. Section 501 requires federal government agencies to recruit, hire, and advance people with disabilities and Section 503 requires similar affirmative action and employment discrimination protections by federal government contractors and subcontractors.

### Why Is This Important to Veterans with Disabilities and Their Families?

Despite the ADA and these other longstanding disability employment rights laws, the labor force participation rate among people with significant disabilities remains at roughly 30 percent. This is compared to the labor force participation rate among people without disabilities which is approximately 70 percent.<sup>1</sup>

There are many reasons for these disappointing statistics. Some have to do with program policies that limit the amount that people with disabilities can earn without risking important supports and benefits. Others have to do with attitudinal barriers on the part of employers that fear the costs of hiring people with disabilities or on the part of people with disabilities themselves.

According to a report prepared by the ADA National Network, 57 percent of veterans with disabilities surveyed said that they feared they would be discriminated against in hiring because of their disabilities. In that same survey, 36 percent said that they would disclose their disabilities to an employer and only 27 percent indicated an intention to request an accommodation when they became employed.<sup>2</sup>

A June 2020 report issued by Westat surveyed employer policies related to employment of people with disabilities. Among the findings: the percentage of companies that report employing people with disabilities increased significantly from 18.4 percent in 2008 to 22.7

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<sup>1</sup> Bureau of Labor Statistics, Employment Situation Summary, October 2020, <https://www.bls.gov/news.release/empsit.nr0.htm>

<sup>2</sup> Employment Data for Veterans with Disabilities, ADA National Network, <https://adata.org/factsheet/employment-data-veterans-disabilities>

percent in 2018. However, the increases in employment over the past decade were confined to medium-sized and large companies with no significant change for small companies. And despite the perceived benefits of hiring people with disabilities, 87 percent of companies surveyed expressed concern about hiring them, from safety on the job, to ability to perform duties to absenteeism.<sup>3</sup>

### What Resources Exist to Help Veterans and Other People with Disabilities Enter or Re-enter the Workforce?

Veterans typically look to VA for employment assistance, especially those with service-connected disabilities. However, veterans with significant disabilities, whether service-connected or non-service-connected, have access to an array of programs beyond VA that can provide guidance on their employment rights as people with disabilities and connections to agencies tasked with aiding them in entering or re-entering the workforce.

**Equal Employment Opportunity Commission** – In addition to a variety of [guidance documents](#), the EEOC has developed fact sheets and other publications to help employees and employers understand the issues surrounding [disability discrimination](#). The EEOC has also created resources for [employers](#) seeking to hire veterans with disabilities and [veteran employees](#) that explain their respective workplace rights and responsibilities. EEOC has also recently produced several [guidance documents](#) directly related to COVID-19 and employment protections.

**Job Accommodation Network** – The [Job Accommodation Network \(JAN\)](#) is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues.

**Office of Disability Employment Policy** – The Office of Disability Employment Policy (ODEP) in the Department of Labor (DOL) promotes policies and coordinates with employers and all levels of government to increase workplace success for people with disabilities. [ODEP's website](#) has information for employers about disability diversity and inclusion; job accommodations and federal contractor requirements; and information for individuals with disabilities about employment supports from accessible technology to personal assistance services, asset development, and return to work tax and employment incentives.

**PAVE** – Since 2007, Paralyzed Veterans of America's employment program, [PAVE](#), has provided free employment support and vocational counseling assistance to all veterans, transitioning service members, spouses, and caregivers. PAVE employment analysts and vocational rehabilitation counselors work with their clients to guide them on a path toward meaningful employment.

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<sup>3</sup>Westat, Survey of Employer Policies on the Employment of People with Disabilities, June 2020, [https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/EmployerSurveyFinalReport.pdf?utm\\_campaign=&utm\\_medium=email&utm\\_source=govdelivery](https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/EmployerSurveyFinalReport.pdf?utm_campaign=&utm_medium=email&utm_source=govdelivery).