



Cornell University  
ILR School  
Employment and Disability Institute

**Research Brief:**

# **Employer Characteristics Associated with Employment Discrimination Charges under the Americans with Disabilities Act**

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Research presented at the  
Innovative Research on Employer Practices:  
Improving Employment for People with Disabilities

**STATE OF THE SCIENCE CONFERENCE**

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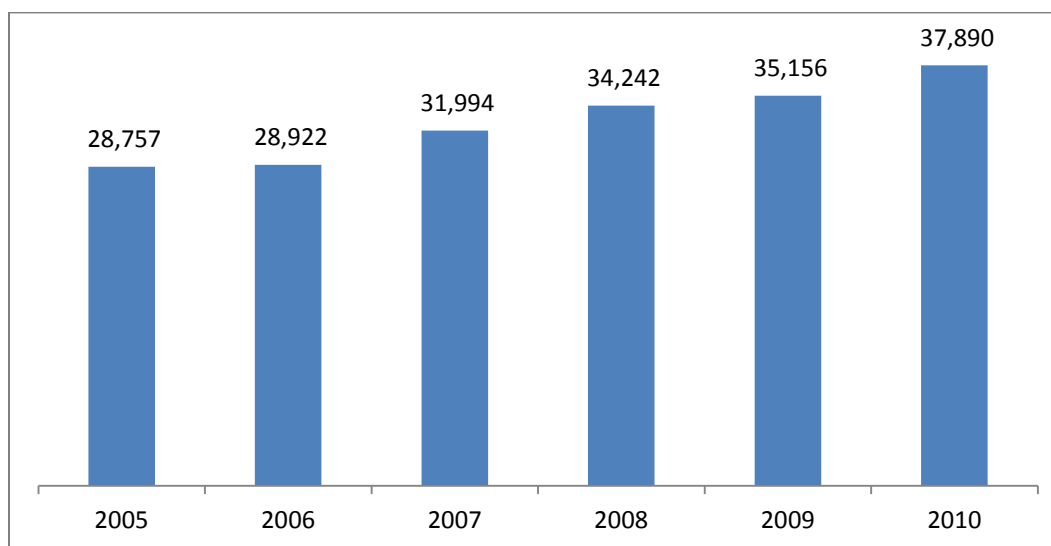
**Washington, D.C.**

**Sponsored by the Rehabilitation and Research Training Center on  
Employer Practices Related to Employment Outcomes among Individuals  
with Disabilities at Cornell University**

## Overview

Title I of the Americans with Disabilities Act (ADA) has been in place for more than 20 years, requiring most employers to provide reasonable accommodation to qualified individuals with disabilities while prohibiting discrimination in employment against them. Each year, around 30,000 individuals file charges citing disability discrimination with the Equal Employment Opportunity Commission or a State or Local Fair Employment Agency (FEPA). While not every filed ADA employment discrimination charge represents actual discrimination, and certainly not every case of perceived discrimination leads to a charge being filed, tracking trends in discrimination charges provides a unique source of data on perceived discrimination in the workplace. From 2005 through 2010, there was an annual increase in the number of employment discrimination charges filed under the ADA (see Figure 1); and according to Equal Employment Opportunity Commission (EEOC) tabulations this upward trend has continued through 2012.

**Figure 1. Number of ADA charges filed annually with EEOC or state and local FEPA offices from 2005 to 2010**



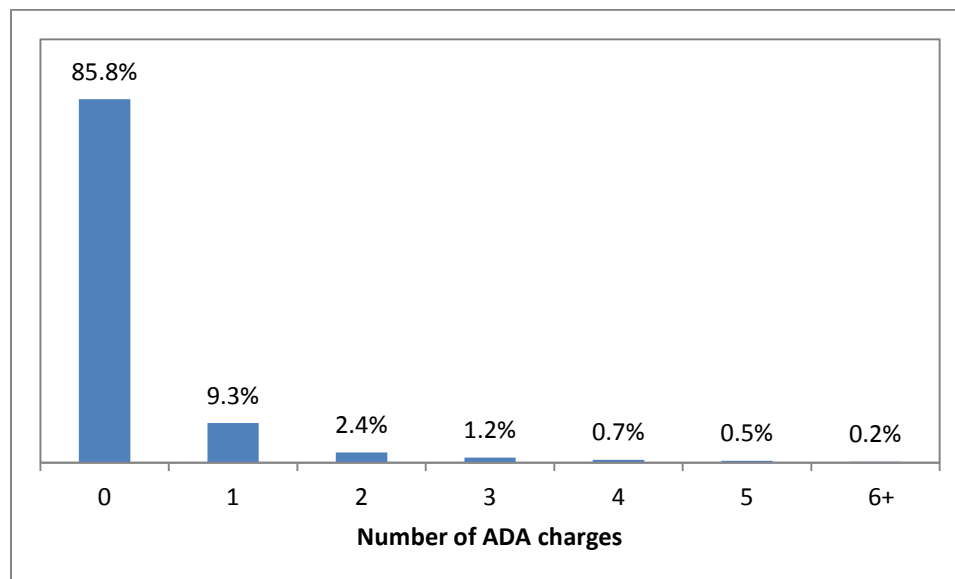
*Source: Calculations by S. von Schrader, Employment and Disability Institute, Cornell University using EEOC Integrated Mission System database containing information on all ADA charges filed.*

To limit perceived and actual discrimination in the workplace, some employers need support to comply with the ADA and to create a more inclusive environment for individuals with disabilities. In order to best target limited resources to reach employers, it is important to better understand which types of employers are being charged, as establishments that share these characteristics will likely be the most motivated to improve practices and limit additional charges. The study discussed in this brief sheds light on what types of employers are being charged with employment discrimination under the ADA at a higher rate, an area that has not been well explored before due to data limitations. Outreach can target those organizations that are most at risk to receive a charge, and educate those employers about disability inclusive practices.

## Study Design and Method

This study combines two data EEOC databases: the EEOC's Integrated Mission System (IMS) which has information on discrimination charges and the EEO-1 Employer report, a survey completed annually by medium and large private sector employers. In this study, a sample of 3,600 private employers was drawn and merged to the charge data. In the unweighted sample approximately 14 percent received at least one ADA charge in 2009. A Poisson regression model was estimated to identify employer characteristics and contextual factors related to the ADA charge rate. An exposure parameter was included to take into account the fact that establishments with more individuals with disabilities have more employees who can file a charge under the ADA.

**Figure 2. Percent of sample establishments with one or more ADA Charges in 2009 (unweighted)**



*Source: von Schrader, S. Nazarov, Z (in press). Employer Characteristics Associated with Discrimination Charges under the Americans with Disabilities Act. Journal of Disability Policy Studies.*

In the unweighted sample, approximately 14 percent of establishment had at least one ADA charge (See Figure 2). When weighting the sample to obtain estimates for the population of EEO-1 establishments with 50 or more employees, the mean number of ADA charges per establishment was 0.05. The mean establishment size was 214 employees, and the mean parent organizational size was nearly 64,000. Fourteen percent were single establishments, with the remainder being multi-unit establishments; nearly 40 percent were federal contractors. The most common industries among the establishments were Manual and Sales, each accounting for approximately 23 percent.



## Key Findings

Our regression analyses indicate that ADA charge rates are higher for some employer and contextual factors, even when adjusting for the estimated number of individuals with disabilities in the establishment. As in previous research on charge rates for sex and race discrimination, ADA charges rates were higher among establishments with fewer employees and establishments that are part of a larger parent organization. Diversity in terms of race and ethnicity was associated with a higher ADA charge rate; in particular, having greater minority representation in the workforce as compared the state/industry level. Other characteristics such as being a federal contractor, a multi-unit headquarters (as compared to single establishments and multiunit-non-headquarters), or in the industries of transportation and services (as compared to as compared to manual, professional and sales sectors) were also associated with ADA higher charge rates.

<b>Higher ADA charge rates among:</b>
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| <ul style="list-style-type: none"><li>• Smaller establishments</li><li>• Establishments with larger parent organizations</li><li>• Federal contractors</li><li>• Multi-unit headquarters</li><li>• Establishments with a high proportion of minority employees relative to state/industry level</li><li>• Sectors of Transportation and Services (as compared to Manual, Professional and Sales Sectors)</li></ul> |
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## Conclusions and Implications

An aging workforce and federal policies aimed at increasing disability employment have the potential to greatly increase the number of people with disabilities in the workplace. However, it is not clear that employers are prepared to successfully integrate qualified workers with disabilities into the workplace. These finding can help to understand employer types that may value additional support around implementing the ADA, as they have been subject to higher rates of charge activity. For example, it appears that smaller employers that may not have extensive HR structures in place may need support in creating an inclusive and accommodating environment. Interestingly, federal contractors that have affirmative action requirements around employing individuals with disabilities have a higher charge rate, perhaps as a result of more rights awareness among their workers. As the new federal contractor regulations are rolled out over the next year, it will be interesting to see if these new regulations are associated in changes in charge rates among this group.

This study suggests employers to target for outreach, e.g., smaller establishments or those in the industry of transportation. However, these data do not allow us to understand the practices, policies and culture of individual establishments in these categories. That is, these findings indicate that certain employer groups experience a higher rate of charges; however, we must hypothesize about why. Further research is needed to understand how systematic actions within establishment may impact ADA charge rate.



## Author's Note

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Sarah von Schrader obtained an Intergovernmental Personnel Act (IPA) position at the U.S. Equal Employment Opportunity Commission (EEOC), affording her access to data from the EEOC's annual EEO-1 Employer Report and Integrated Mission System which includes detailed information on every charge the EEOC receives, as well as those dually-filed with Fair Employment Practice Agencies (FEPAs). Further questions about the IPA or study methodology should be directed to Sarah von Schrader (Email: [sv282@cornell.edu](mailto:sv282@cornell.edu)). The statistics reported in these materials are derived from data files obtained under this agreement with the EEOC. 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.



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