CHAPTER 6

Reasonable Job Accommodations for People with Psychiatric Disabilities

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Work continues to be the single characteristic used most often to define a person’s citizenship, resources, and community participation (Carling, 1994; Mancuso, 1990). It provides the framework for a person’s identity, self-esteem, daily schedule, socioeconomic status, and participation as a consumer in the community. Work also provides social contacts and a sense of belonging in the community. But people with psychiatric disabilities have rates of unemployment as high as 85% (Anthony, Kennard, O’Brien, & Forbes, 1989. Research findings also suggest there is no direct or simple relationship between a psychiatric diagnosis and a person’s specific functioning deficits (Jordan et al., 1996) or a person’s ability to work. Anthony et al., 1989; Gordon, Eisler, Gutman, & Gordon, 1991). So other factors, in addition to a person’s specific psychiatric disability, must contribute toward high unemployment rates for people with psychiatric disabilities.

The stigma created by attitudinal barriers affects all people with disabilities, but the general public has had a long-standing and significant discomfort with people who have psychiatric disabilities (Asch, 1984; Goffman, 1963; Link, Cullen, Mirotzink, & Streuning, 1992; Noe, 1997; U.S. Congress, 1994). Not surprisingly, stigma against people with psychiatric disabilities may be the most poignant in the world of work. Many employers continue to engage in behaviors and practices in the hiring process that devalue and discriminate against workers with psychiatric disabilities (Roberts, 1995).

Although many employers have implemented disability management programs designed to prevent and accommodate physical disabilities in the workplace, similar success has not been realized in the realm of psychiatric impairments (Akabas, Gates, & Galvin, 1992; Olsheski & Breslin, 1996). Employers only now are becoming aware of the work disruptions, lost time, and increased costs associated with emotional impairments among their employees.
Many employers find it difficult to make accommodations for employees with psychiatric disabilities. In a recent survey of 375 employers conducted by Watson Wyatt and the Washington Business Group on Health, 58% of the respondents indicated that mental health issues are a rising concern in non-occupational disability, and one third of the respondents expressed great difficulty in managing mental illness in the workplace (Watson Wyatt Worldwide, 1997). Another survey of medical and personnel directors of Fortune 1000 firms indicated that more than 70% of respondents rated mental health problems as fairly to very pervasive in the workplace (Warshaw, 1990).

Information from a variety of sources indicates that mental health disorders have a significant vocational and economic impact in our society. It has been estimated that over half of the 550 million lost work days due to absenteeism each year in American industry are in some ways related to psychological stress (Elkin & Rosch, 1990). Data reported by the National Institute of Occupational Safety and Health (NIOSH) indicated that the number of workers' compensation claims resulting from mental disorders increased from 1980 to 1990, and approximately one in 10 workers suffers from depression, costing society nearly $27 billion annually (Millar, 1992). Social Security Administration data show that social security awards for mental disorders are now more common than any other type of disability, and that workers below the age of 50 experience as much as two to four times the disability for mental disorders than for musculoskeletal or circulatory problems (Sauter, 1992).

In light of these findings, this chapter provides information that rehabilitation professionals and employers may find useful in hiring, accommodating, and retaining individuals with psychiatric disabilities.

Individuals who have severe psychiatric disabilities are legally protected from discrimination in the world of work. The next section provides an overview of two key pieces of Federal legislation that prohibit discrimination and mandate reasonable accommodations for people with disabilities in the world of work: the Rehabilitation Act of 1973; and the Americans with Disabilities Act (ADA).

FEDERAL LEGISLATIVE REMEDIES TO DISCRIMINATION

The Rehabilitation Act of 1973

The Rehabilitation Act of 1973 was the first Federal legislation designed to prohibit discriminatory practices against "otherwise qualified handicapped individuals" in both the public and private sectors (Wright, 1980). The law defined handicapped individuals as persons who have a physical or mental impairment that substantially limits one or more major life activity; or have a record of such impairment; or are regarded by others as being handicapped.

The second prong of the definition was included to rule out the possibility of people being discriminated against because of past impairments that may not affect a current situation. The third prong of the definition was included to rule out the impact of others' attitudes and prejudices toward a disability even without evidence that the disability currently impacts a major life activity. The scope of the law was considered to be broad at the time.

The 1973 Act covered all employers or programs receiving funds from the Federal government, and it was directed toward program accessibility, services, and employment opportunities (Wright, 1980). Specifically, Section 504 prohibited discriminatory employer practices in hiring, placement, employee classification, or advancement. This section also