



YOUTH
POWER!

Easy Read Edition

Real Work For Real Pay:

A Self-Advocate's Guide to Employment Policy

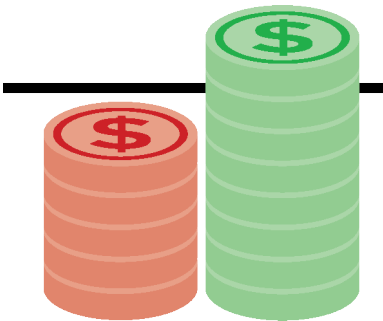
**Part 3: Why do we need
Employment First?**

3. Why do we need Employment First?

Fair Labor Standards Act Section 14(c)



The **Fair Labor Standards Act** is a law passed in 1938.

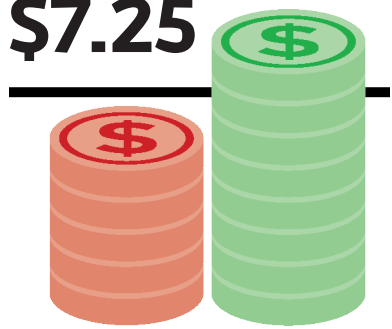


The Fair Labor Standards Act did some helpful things. The law made a **minimum wage** for everyone in the United States.

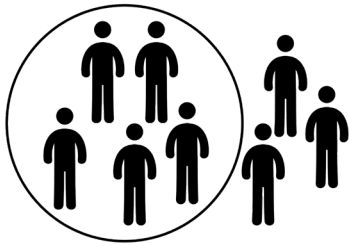


The minimum wage is the smallest amount that your boss is allowed to pay you for your work.

\$7.25



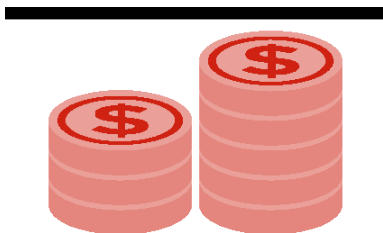
Right now (in September 2018), the minimum wage is \$7.25. The law says that workers have to be paid at least \$7.25 for every hour of work they do.



But the Fair Labor Standards Act leaves out some people.



The part of the law that leaves out disabled people is called **Section 14(c)**.



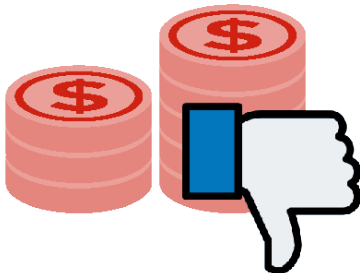
Section 14(c) lets companies pay disabled people less than the minimum wage.



Companies get a special piece of paper called a 14(c) certificate. The certificate says that the company is allowed to pay disabled people less than the minimum wage.



Today, about 141,000 disabled workers in the U.S. make less than the minimum wage.¹ This is because of Section 14(c).



It is wrong to pay workers with disabilities less than minimum wage.

¹ <https://www.dol.gov/whd/specialemployment/> accessed July 2018



Because of Section 14(c), many workers with disabilities do not make enough money to survive.

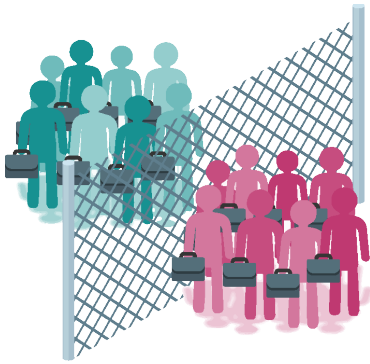


Workers with disabilities should be paid fairly.

Sheltered workshops



Most of the companies that have 14(c) certificates run **sheltered workshops**. “Work centers” are another name for sheltered workshops.



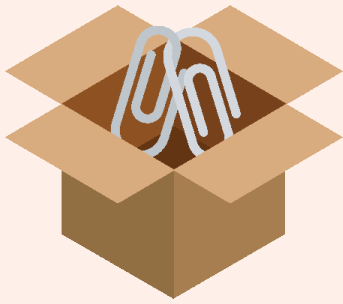
Sheltered workshops are a kind of **segregated employment**.



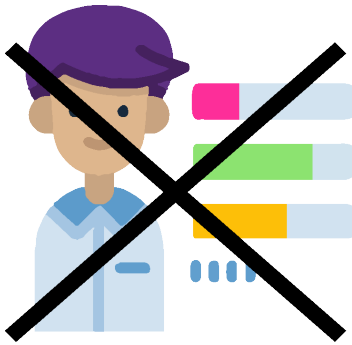
Only disabled people work at sheltered workshops. They work apart from the rest of the community.



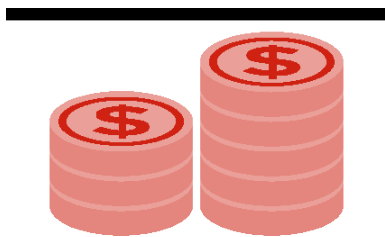
People in sheltered workshops often have to do the same task over and over.



For example, someone working in a sheltered workshop might put paperclips in boxes all day.



Working at sheltered workshops does not help workers learn new skills.



The disabled people that work in sheltered workshops do not make much money. They usually get paid less than minimum wage for their work.

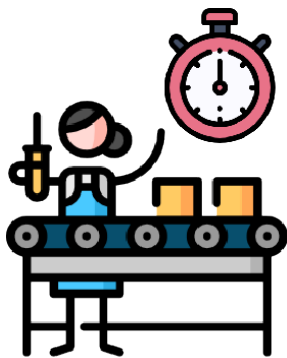


Some sheltered workshops pay their workers less than \$1 for an hour of work.



Even if the sheltered workshop pays the minimum wage, it is still a sheltered workshop. It is still a sheltered workshop because it is segregated work.

Sheltered workshops use productivity tests



Sheltered workshops use a test to decide how much money to pay someone. It is called a **productivity test**.



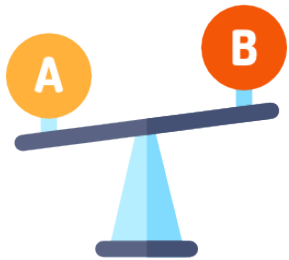
The test is not fair.



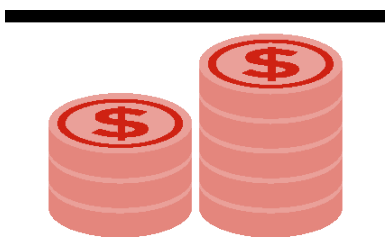
The test looks at how much work a disabled person does in an hour.



Then it looks at how much work a non-disabled person does in an hour.



The test compares how much work both people did.



If the disabled person did less work, the sheltered workshop can pay them less money. They can even pay them less than minimum wage.

Productivity test example: Gemma

Here is an example of how this test works:



Mr. Bossman runs a sheltered workshop where workers make toys. All of the workers are people with disabilities.



Mr. Bossman times himself making toys for one hour.



Mr. Bossman makes 100 toys. He decides this is the right number of toys for 1 person to make in 1 hour.



Gemma has a disability. She makes toys at the sheltered workshop. Gemma has to take a test to find out how much money she will get.



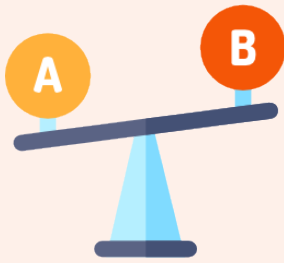
Mr. Bossman watches Gemma make toys for an hour.



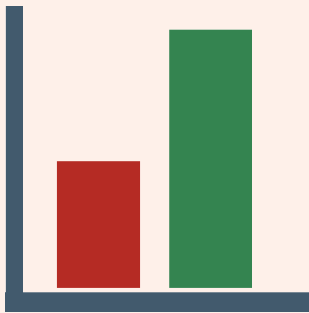
Gemma is nervous about taking the test. That makes it hard for her to focus.



In one hour, Gemma makes 50 toys. Mr. Bossman writes that number down.



Mr. Bossman compares the number of toys Gemma made, to the number of toys Mr. Bossman made when he took the test.



Gemma made 50 toys. Mr. Bossman made 100 toys.



Because Gemma made less toys, Mr. Bossman will pay her less.

Productivity tests do not work



Companies use productivity tests to decide how much money a disabled worker can get.



The tests do not really tell companies how good a worker is at their job.



There are lots of reasons someone might do badly on the test. They might do badly on the test even if they usually work very fast.



For example, they might be nervous about the test, like Gemma was. She could not focus very well because she was worried about the test.

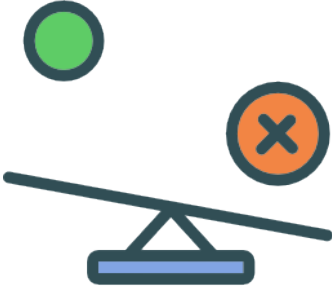


Companies might use one test to decide how much someone gets paid for many years.

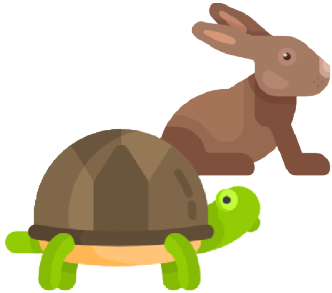


Someone could get better at their job but still get paid the same amount. This is a problem.

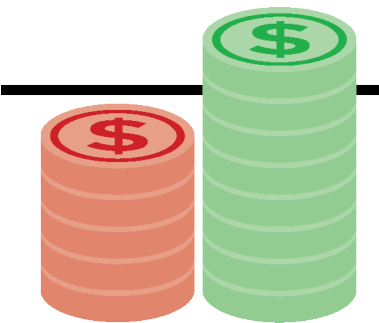
Productivity tests are unfair



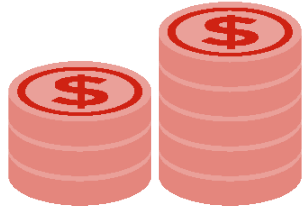
Productivity tests are unfair because companies do not treat non-disabled workers this way.



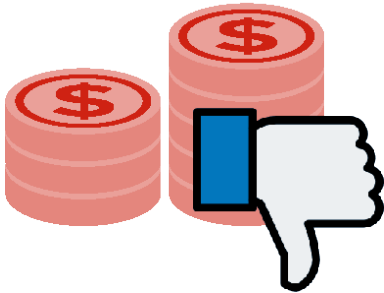
In any job where a lot of people work together, some people work slower. Some people work faster.



Companies still have to pay all their workers at least minimum wage. They have to pay minimum wage no matter how fast or slow the workers are.

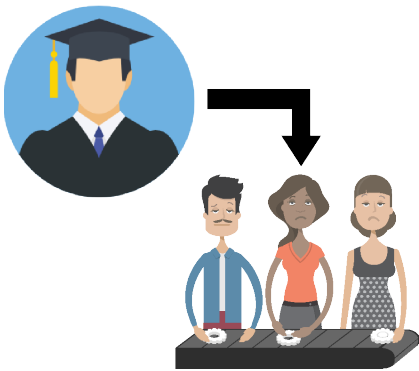


But if the workers have disabilities and the company has a 14c certificate, the rules change. Their bosses can pay them less than minimum wage.



This is wrong. Disabled people should have the same rights at our jobs as everyone else.

Disabled workers get pushed into sheltered workshops



Many people with disabilities get pushed into sheltered workshops. They go straight from being in school to working in a sheltered workshop.



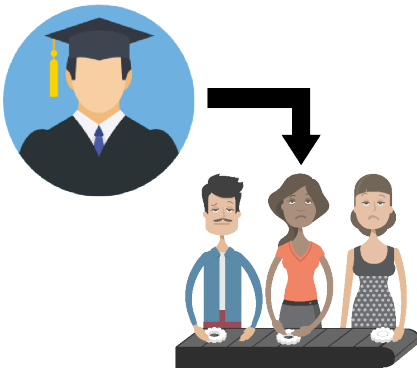
While they are at school, their teachers teach them how to work in a sheltered workshop.



Their teachers do not teach them about jobs in the community.



The students do not get a chance to try **real work for real pay.**

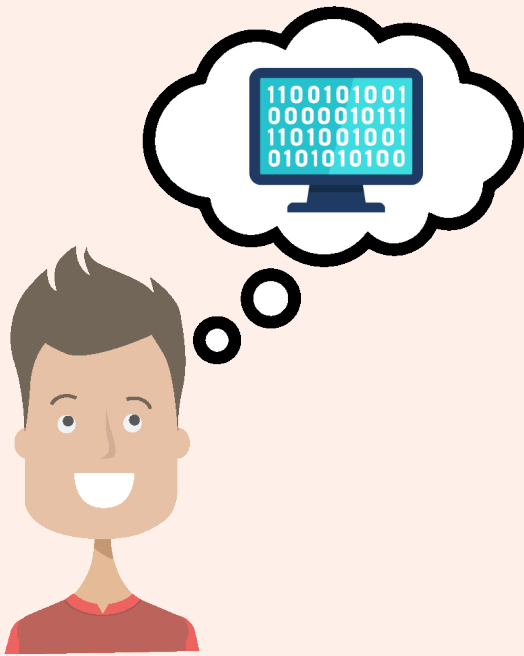


When they leave school, they are sent to sheltered workshops.



People will not help them find jobs in the community.

Here's an example:



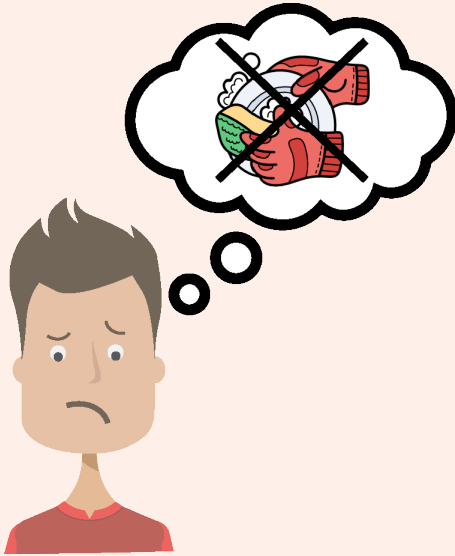
Jamie has a **developmental disability**. He is a senior in high school. Jamie wants to work with computers when he leaves school.



Jamie's teachers talk to him about getting ready for a job. For a month, Jamie has to spend time traveling to a sheltered workshop. Working at the sheltered workshop is part of his classes.



Jamie does different kinds of work at the sheltered workshop. Sometimes he washes dishes. Sometimes he cleans up messes. The sheltered workshop pays Jamie \$5 a week.



When Jamie leaves school, he starts getting training to be a dishwasher. He does not really want to be a dishwasher.



The sheltered workshop offers Jamie a job as a dishwasher. The job does not pay very much money. But Jamie feels like it is the only job he knows how to do.



He does not feel like there is another choice if he wants to have a job.

Integrated employment is the best choice



Some people think working in a sheltered workshop helps disabled people. They think it helps the disabled people get **integrated employment** later. They are wrong.



People have done a lot of research about sheltered workshops. They did research to find out if working in a sheltered workshop helps disabled people get jobs in the community.



They talked to people with disabilities.



All of the people had jobs in the community.



Some of them went straight to integrated employment.



Some of them worked in sheltered workshops first.



Here's what the researchers found out.
Working in a sheltered workshop does not help disabled people get more jobs.

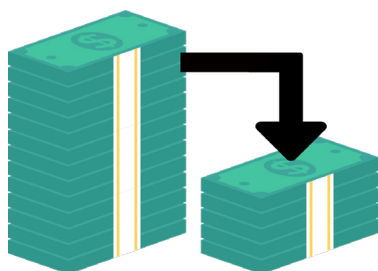
People who never worked in a sheltered workshop did better:²



- They got more money.

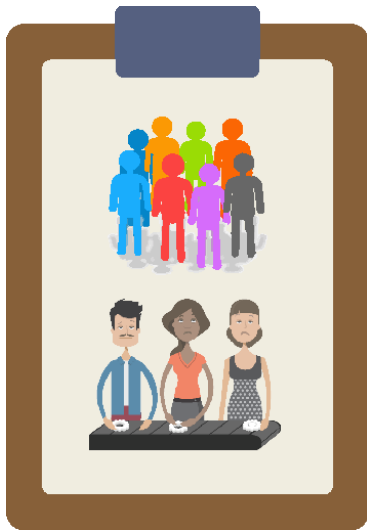


- They worked more hours.



- It cost less money to support them.

² Cimera, R. E. (2011). Does being in sheltered workshops improve the employment outcomes of supported employees with intellectual disabilities? *Journal of Vocational Rehabilitation*, 35, 21-27.



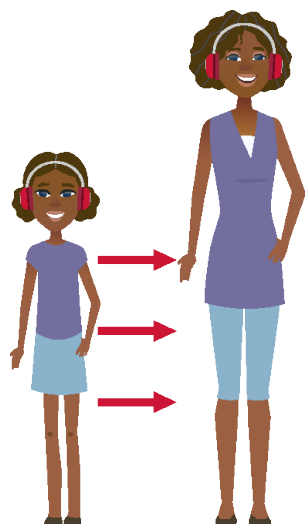
Researchers asked people who had been in both kinds of jobs which kind they liked better.



Most people said they like integrated employment better than being in a sheltered workshop.³

3 Kober, R. & Eggleton, I. R. C. (2005). The effect of different types of employment on quality of life. *Journal of Intellectual Disability Research*, 49 (10), 756-760; Migliore, A., Mank, D., Grossi, T., & Rogan, P. (2007). Integrated employment or sheltered workshops: Preference of adults with intellectual disabilities, their families and staff. *Journal of Vocational Rehabilitation*, 26, 5-19; Petrovski, P. & Gleeson, G. (1997). The relationship between job satisfaction and psychological health in people with intellectual disability in competitive employment. *Journal of Intellectual and Developmental Disability*, 22(3), 199-211.

Glossary



developmental disability

A lifelong disability that can begin from ages 0-21.



Fair Labor Standards Act

The Fair Labor Standards Act is a law about employment. The Fair Labor Standards Act did some helpful things. For example, the law made a minimum wage for everyone in the United States.



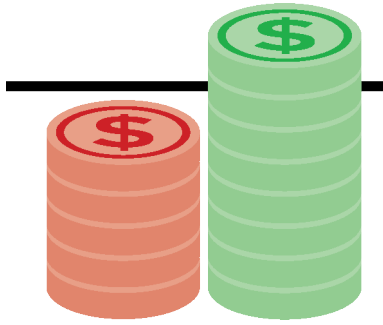
integrated employment

Integrated employment means that disabled people work in the same place as people without disabilities. Disabled workers do the same kind of work as the non-disabled workers. A job doesn't count as integrated employment unless it is also "competitive" employment.



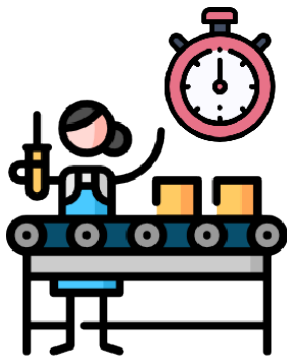
intellectual disability

A disability that makes it harder for someone to learn and apply new skills, including communication, social, and self-care skills.



minimum wage

The minimum wage is the smallest amount that your boss can pay you for your work. Right now, the minimum wage is \$7.25. The law says that workers have to be paid at least \$7.25 for every hour of work they do. It is illegal to pay somebody less than \$7.25 for an hour of work.



productivity test

Sheltered workshops use a productivity test to decide how much money somebody gets.

The test looks at how much work a disabled person does in an hour. Then, it looks at how much work a non-disabled person does in an hour. The test compares how much work both people did.



real work for real pay

“Real work” means that people with disabilities can get the same kinds of jobs as non-disabled people. “Real pay” means disabled workers are paid the same amount as a non-disabled worker doing the same work.



Section 14(c)

Section 14(c) is part of the Fair Labor Standards Act. Section 14(c) lets companies pay people with disabilities less than the minimum wage. Companies get a special piece of paper called a 14(c) certificate. The certificate says that company is allowed to pay people with disabilities less than the minimum wage.



segregated employment

Some jobs make disabled people work separate from non-disabled people. This is segregated employment.



sheltered workshop

Sheltered workshops are places that give disabled people jobs. But, these jobs do not help workers gain skills. Workers often have to do the same task over and over. For example, putting together a toy in a factory. The disabled people that work in sheltered workshops do not make much money. They are usually paid less than minimum wage for their work.