



CHECK THESE OUT...

U.S. Equal Employment Opportunity Commission (EEOC)
Describes federal laws that make it illegal to discriminate against a job applicant or an employee

<http://www.eeoc.gov/eeoc/index.cfm>

ADA Home Page
Information and technical assistance on the Americans with Disabilities Act

<http://www.ada.gov/>

Mental Health in the Workplace
Published by the Mental Health Association in Pennsylvania; reviews legal, economic and sociological aspects of mental illness among employees

www.openmindsopendoors.com/upload/EmployerGuide.pdf

Issue 4

focus

● Issue 4 2011

TOPIC WATCH

Each month we will feature a different topic; expanding the knowledge, resources, and peer networking in targeted areas. These target areas will include workforce development, transition, supported education, leadership, organizational development, sustainability, and others as they are identified.



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Mental Illness: Stigma and Discrimination in the Workplace

"I was a counselor, I was a substitute teacher, I was a daycare worker, I worked in a women's shelter, but once they labeled me "mentally ill", I lost all credibility." (Ruth Johnson, Out of the Shadows, 2006)

Stigmatization of people with mental disorders has persisted throughout history. It is manifested by bias, distrust, stereotyping, fear, embarrassment, anger, and/or avoidance. It deprives people of their dignity and interferes with their full participation in society and work. There are many prevalent myths about individuals with psychiatric disabilities that reinforce negative, inaccurate stereotypes. These include:

- Mental illness is uncommon.
- People with psychiatric disabilities are likely to be violent.
- Recovery from mental illness is not possible.
- People with psychiatric disabilities can't tolerate stress on the job.

Stigma refers to negative attitudes or beliefs that are held about people who are perceived as different. Because stigma relates to internal thoughts, it is difficult to measure.

Discrimination is the behavior resulting from stigma. Discrimination refers to actions taken to exclude others because of their perceived differences, but it can also include acts of hostility and aggression. There are legal protections against discrimination.

Federal Laws Impacting Employment

Several decades of advocacy and systems change have focused on meeting the employment needs of persons with disabilities, including mental illness. In an effort to eradicate stigma, bias, and discrimination in the workplace, multiple state and federal laws have been developed to protect individuals with disabilities, including those with mental illness. The most famous, the **Americans with Disabilities Act (ADA)** requires that employers make reasonable accommodations for persons with disabilities who are appropriately qualified for the position. Although many employers and individuals have a basic understanding of the ADA, the nondiscrimination policies of the other laws may be less familiar. All states have laws that add to these fundamental federal laws.



The **Americans with Disabilities Act (ADA)** prohibits discrimination against people with disabilities and guarantees equal opportunities for individuals with disabilities in employment, transportation, public accommodations, state and local government services, and telecommunications. Two sections of the ADA relate to employment:

- **“Title I: Employment”** prohibits covered employers from discriminating against people with disabilities in all employment-related activities, including hiring, pay, benefits, firing and promotions. Covered employers include private businesses, educational institutions, employment agencies, labor organizations, and state and local government entities with 15 or more employees.
- **“Title II: State and Local Governments”** protects people with disabilities from discrimination in state and local government services, programs and activities. It prohibits *all* state and local government entities, regardless of how many people they employ or whether they receive federal financial assistance, from discriminating against qualified individuals with disabilities in employment.

The **Rehabilitation Act** authorizes funding for various disability-related purposes and activities, including state vocational rehabilitation (VR) programs, independent living programs, training and research, and the work of the National Council on Disability. It also includes three sections that prohibit discrimination against individuals with disabilities by specific types of employers: federal agencies, employers/businesses contracting with federal agencies and programs receiving federal financial assistance.

- **Section 501** of the Rehabilitation Act prohibits federal employers from discriminating against qualified individuals with disabilities and requires them to take affirmative action to employ and advance in employment qualified individuals with disabilities.
- **Section 503** of the Rehabilitation Act prohibits employment discrimination based on disability and requires affirmative action in the hiring, placement and advancement of people with disabilities by federal contractors or subcontractors who have federal contracts or subcontracts in excess of \$10,000.
- **Section 504** of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities by federal agencies, or by programs or activities that receive federal financial assistance or are conducted by a federal agency.

The **Workforce Investment Act (WIA) Section 188** prohibits discrimination against individuals with disabilities who apply for, participate in or are employees of any program or organization that receives federal financial assistance under WIA or that provides programs/activities as part of the One-Stop system.

The **Civil Service Reform Act (CSRA)** contains several rules designed to promote fairness in federal personnel actions and prohibit discrimination against applicants and employees with disabilities.

Under the laws enforced by the **Equal Employment Opportunity Commission (EEOC)** it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.



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