

**Universitatea “Babes-Bolyai”**  
**Faculty of Sociology and Social Work**

**Social and Legal Aspects of  
Employing Mentally Disabled  
People in Israel**

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## INTRODUCTION

The goal of this research was to examine the origins and existing perceptions, both from legal and social points of view, regarding the employment of individuals with mental disabilities and investigating their effectiveness in light of their empiric implementation. In addition, the research aimed to identify possible failures, which ultimately led to recommendations pertaining to possible channels of action towards employment policy-making in the form of a proposed social-legal model for the employment of individuals with mental disabilities. A gap of knowledge was identified regarding this issue. This work sought to learn and try to improve the bleak reality of a social group whose members were born 'different', not by anyone's choice but that of nature and the reality is bleak indeed.

The goals of this research were:

- To examine the legal aspects of employing mentally disabled people within the Israeli society
- To explore the current shape of the existing perceptions regarding the employment of persons with mental disabilities
- To develop a social-legal model for employing mentally disabled people within work places in Israel

The main research question: **What are the social and legal perceptions pertaining to the employment of mentally disabled in Israel?**

The research approach was a two staged multi-methods qualitative research. Data collection was made via a documentary research, analyzing formal legal documents pertaining to the employment of individuals with disabilities, and conducting semi-structured interviews with employers, clients, social workers, teachers, and parents of individuals with mental disabilities. Content analysis was used to analyze the data.

The findings that emerged from the documentary analysis and the semi-structured interviews show that the employment of individuals with mental disabilities is characterized in conceptual duality, and a spectrum of emotional and ideological attitudes which constitute barriers, expressed in stigma and prejudice on the one hand, and motivators expressed in an emotional need to contribute to society on the other hand. The economic factors of employing individuals with mental disabilities also

present a duality, meaning, they are divided into barriers and motivators. The interaction between the social and legal aspects of employing individuals with mental disabilities, as well as the weakening of barriers and the enhancement of motivators also portray the desired picture of employing individuals with mental disabilities in Israeli workplaces.

These results might point to a need to institutionalize mentally disabled people's employment, both economically, using incentives for employers, and by providing support and guidance, by campaigning their right for work and for their inclusion in society.

**Key words:** mental disability, employment of mentally disabled people, prejudice, the right to work, work, economics.

### **Aims and Focus of the Research**

This work is the academic outcome of the establishment of a social movement, where the writer is the initiator and founder, and currently serves as president. The movement, a non-profit organization, was set up 13 years ago and adopts some 2000 children all over Israel. The movement consists of 500 volunteers. The initiative was inspired by the movement's president's mother who had been a special Education teacher for 35 years. The long-term volunteering activity with persons with mental disabilities has sought to improve their bleak life reality, in the way of enriching their leisure time, along with initiative seeking to remove the invisible, but highly tangible, barrier between persons with mental disabilities and their social surroundings. Over the years of this volunteering activity, consciousness and insights have intensified regarding the centrality of the labor market as "key player" in the individual's integration into society.

### **Gap in Knowledge: the Significance of Work in the Life of Persons with Mental Disabilities**

We must remember: Despite acknowledging the fact that work contributes to enhancing the quality of life of persons with mental disabilities, the literature presents ample evidence that unemployment rates within this population are far higher than those in the non-disabled population (Fresko, 1996; Rimmerman & Duvdevany, 1999). A statistical survey conducted by the Israeli Ministry of Social Affairs and

Social Services estimates that in 2007 there were some 32,000 persons diagnosed as intellectually disabled. This information means that their ratio in the population is 4.5 people per 1,000 in Israel (Gorbatov & Ben Moshe, 2009).

A non-uniform distribution of the special needs population in position papers produced by government authorities poses difficulties in presenting accurate data regarding the disability categories. Nonetheless, it can be noted that the employment rate of all persons with disabilities was 48% in 2010, and the employment rate of persons with severe disabilities was 32% compared to 75% within the general population (Pepperman, The Department for the Integration of People with Disabilities into the Labor Market, 2011).

The existence of a gap in knowledge in the researched issue is expressed in an updated review written by four researchers of Amsterdam University, which states, among other things, that their literature review reveals that not much had been written about the factors influencing the employment of youngsters with disabilities who enter the work market (Ahterberg, 2009).

This gap in knowledge derives, *inter alia*, from the fact that the body of knowledge extends to a number of content worlds (social, legal, psychological and so forth), and the issue being multi-disciplinary is an obstacle to gathering and summarizing accumulated knowledge into one theoretical approach.

The gap of knowledge has to be bridged, both because opposite the social convention regarding the existential significance of active integration into the work market, and the size of the special needs population, society has not been able to set up mechanisms which will provide a worthy applicable, comprehensive solution for the researched phenomenon, despite the dynamic progress in all life venues. Moreover, beyond personal and economic damage caused to that population, many of those engaging in the field and decision makers still do not realize the economic potential of the work of persons with disabilities, and the scope of loss of product due to low employment rates and high unemployment rates among persons with disabilities characteristic of that population.

Narrowing the gap in knowledge becomes important in light of Israel joining the Organization for Economic Cooperation and Development (OECD) in October, 2010, and the fact that Israel cannot reach the level of the 15 world developed countries' product

per capita, unless a far reaching change takes place in the employment of some special categories of minorities, including persons with disabilities (Pepperman, The Department for the Integration of People with Disabilities into the Labor Market, 2011).

Hence, this problematic employment reality sets a challenge of striving towards developing an applicable legal-social model for increasing the rate of persons with mental disabilities in the Israeli work market.

In the process of writing this thesis, the Central Bureau of Statistics in Israel (<http://www.cbs.gov.il/reader/21/3/2013>) has published new data stating that more than 50% of the persons with severe disabilities aged 45 – 64 (61%) in Israel are unemployed. 56% of the persons with severe disabilities with visual or hearing impairments or those who cannot walk or remember aged 20 – 65 are unemployed in 2011, compared to a 26% unemployment rate in the non-disabled population. According to the Central Bureau of Statistics data 16% of the adults aged 20 and over have some disability. According to the Central Bureau of Statistics data 16% of the adults aged 20 and over have some disability.

A new research published in an employers' conference held in Tel Aviv on March 21<sup>th</sup> 2013, presented data for the end of 2011 reveals that of the employers who hire individuals with disabilities, only a minority (5.4%) employ individuals with mental disabilities. It was also stated that employers of individuals with mental disabilities tend to object to negative attitudes to the integration of that population, more than those who do not employ individuals with mental disabilities. It can be stated that in light of the low employment rate of individuals with mental disabilities, there is a need to conduct research and develop models for increasing their employment rates (<http://www.moital.gov.il/NR/exeres/1A3143A9-8E0A-4FD9-93AE-E1D723F50959.htm> (/21/3/2013).

In the older ages 45 – 64, unemployment rates are high. But even when mentally disabled persons do work, they experience difficulties as they work for low wages, 40% earning minimum wage. This is also expressed in their feelings – 41% of the workers with severe disabilities believe they earn less than non-disabled persons with the same level of education, whereas only 29% of the non-disabled person who believe that.

Disability often causes difficulties in getting an education, which in turn, leads to fewer available jobs. The rate of disabled persons within uneducated persons is higher than among educated persons at all levels. According to the Central Bureau of Statistics in Israel, persons with disabilities suffer more from loneliness and are less happy in their lives than non-disabled persons. 48% of the disabled individuals feel lonely quite often or every once in a while compared with 22% among non-disabled persons. 19% of the severely disabled persons feel they have no one to turn to in times of distress or crisis, whereas only 8% of the non-disabled persons have that feeling. In general, the persons with disabilities are three times dissatisfied with their lives than non-disabled persons (25% compared to 8%).

The basic assumption of the law as an agreed social mechanism which can bring about structural changes unto the work market underlies the development of a interdisciplinary model. The approach is inspired by critical disability legal studies, connecting critical disability studies and critical legal studies, and examining the basic assumptions of the legal discourse regarding disability and the role of the law in the processes of social structuring of this disability. The outcome of this examination is enlisting the law to the process of social change, as this approach regards the legal field to be an important scene of change (Mor, 2012).

This ideational outline corresponds the thinking which has developed through years of professional activity together with volunteering activity with persons with mental disabilities, and corresponds to the research hypothesis. Hence, it appears that choosing the critical approach of disability and law as the theoretical framework for the study of the relevant legislation and its empiric outcome, is appropriate.

We will briefly note that the grounds for the critical approach to the conceptualization of disability were laid by a group of activists among persons with disabilities in the U.S. and England in the 1970s. In the British activists' group UPIAS, where one of the founders, Michael Oliver, was the first to argue in a way of contrasting the "individual model" and the "social model" of disability, "Disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society." As a result, persons with disabilities constitute an oppressed and excluded group in society in a way that is not necessary. In other words, the alleged social discrimination develops since society is not adjusted to persons with disabilities, who have an inferior image cast upon them by exclusion from the public

space; then it is society which turns them into a social burden. This approach stems from separation between the medical impairment and society which places barriers to integration, thus creating disability. Persons identified by society as undesirably different, are labeled, and this labeling intensifies the illegitimate characteristic and erases other components of one's identity. As a result, the worth of those persons who have been labeled decreases and they experience various forms of discrimination and oppression. These definitions are the relative product of power relations, and they change and multiply over time (Oliver, 1990). On the basis of these deliberations and context the goals and aims of the study were outlined.

### **Research Goals**

The goals of this research were:

- To explore the sources and current shape of the existing perceptions regarding the employment of persons with mental disabilities
- To examine the legal aspects of employing mentally disabled people within the Israeli society
- To develop a social-legal model for employing mentally disabled people within work places in Israel
- **Research Questions**

The main research question:

#### **What are the social and legal perspectives pertaining to the employment of mentally disabled in Israel?**

- What is the social legislative structure regarding the employment of mentally disabled people in Israel?
- What perceptions exist in Israeli society regarding the employment of mentally disabled people?
  - How do employers, social workers, parents, and mentally disabled people perceive the employment of mentally disabled people?
  - What are the perceived difficulties and the advantages associated with employing mentally disabled people as perceived by employers, social workers, parents, and mentally disabled people?

Hence, the wish to expose the social, cultural, political, economic and historical elements participating in the shaping of the different meanings attributed to the term "disability" underpin the critical approach to disability. The basic assumption is that disability is a social-political phenomenon, which is context dependent and socially structured, the product of cultural level and environmental processes which influence the formation of our lives and the social relationships whereby human activity is anchored.

Chapter I of this thesis presents a description and a discussion of the current literature pertaining to employments of mentally disabled people in Israel and in the world. The first section outlines the conceptual framework that underpinned the research in order to provide an umbrella of understanding for the whole thesis. Then the context of mental disability is discussed from political, philosophical, cultural and legal points of view. Issues related to employment, work, the right for work, and the place of work in the lives of humanity are presented next. Then attitude theory, prejudice and stigma are discussed in order to demonstrate the intricacy of employing mentally disabled people. The chapter ends with an account of approaches to changing attitudes in general and towards employing mentally disabled people.

Chapter II describes the methodological choices and the consideration for designing a two-staged qualitative and multi methods research. In a funnel shape, Chapter II begins with a discussion of a qualitative research and its appropriateness to achieving the goals of the study. Then the research population is presented, the methods for collecting and analyzing data are described, the criteria of the research and data collection quality are illustrated. In this study, the role of the researcher as a lawyer and as the president of an association for integrating mentally disabled people in society is significant. The chapter ends with a detailed account of the ethical considerations that underpinned the data collection and analysis.

Chapter III presents the findings that emerged from the various research tools.

In Chapter IV the researcher discusses the findings while making links to the literature survey that illuminated the research in order to advance a strong evidence based conclusions to emerge. In the last chapter, we conclude with a new model of employment and we recommend a paradigmatic change in the Israeli society regarding integrating mentally disabled youngsters in the workplace. Finally, we give an account of the limitations of the study and the contribution of this research to theoretical and practical knowledge in the domain of employing mentally disabled people from social and legal points of view.

# **I. THEORETICAL PERSPECTIVES**

## **I.1. Conceptual Framework**

This research addresses the social and legal aspects of the employment of individuals with mental disabilities in Israeli society. Once the literature has been discussed, we can now depict the conceptual framework of this research.

The conceptual framework constitutes the collection of the significant concepts, terms and thoughts expressed in our writing.

In a naturalistic-inductive research as this, seeking to develop a theory regarding the research question, the conceptual framework constitutes the ideational grounds on which the research's basic assumptions rely, as well as the theoretical field within which the research is conducted.

Since this research engages in the legal and social aspects of the employment of individuals with mental disabilities in Israeli society, the conceptual framework guiding this research included such concepts as the political and social context of mental retardation, the right to work, employing individuals with mental disabilities in workplaces, economic issues involved with the employment of individuals with mental disabilities, changing attitudes, and stigma and prejudice.

### **I.1.1. Political and Social Context of Addressing Mental Disability**

The common definition by the American Association on Mental Retardation (AAMR) refers to individuals with cognitive disabilities as mentally retarded. In 2002, the same association determined that "mental retardation" is a deficiency disability originating before age 18 and is characterized by significant limitations both in intellectual functioning and in adaptive behavior. The fourth edition of the Diagnostic Statistical Manual (DSM) defines "mental retardation" as subaverage intellectual functioning existing concurrently with related limitations in adaptive skill areas such as self-care, home living, health and safety. To meet the criteria, the disabilities have to manifest before age 18. Mental retardation is then defined in terms of behavioral functioning. The attempts to define different levels of deficiency tend to rely more on measurements, especially on standard IQ tests (Carson, Butcher, Muneka, 1998). This research uses the term 'mental disability' in relation to people having cognitive

deficiencies, mainly because this is the term used in educational, social, and legal arenas in Israel.

### **I.1.2. The Right to Work with Dignity**

The labor market is a key player in the integration of individuals into society. In a nutshell, we will mention Harpaz's assertion (1990) that work has a major role in the life of the individual and occupies a great part of the individual's adult life. In most modern industrialized societies, people spend about a third of their waking hours in their workplaces. A good deal of time in the individual's routine is spent on training and preparation the activity in the workplace and planning how to improve its conditions.

Symbolic meaning is attributed to work in modern western society, beyond its being an economic resource. Work constitutes a significant means of gaining social status, a social network and self esteem. In other words, work is a dimension that has to do with personal independence on the one hand, and social-community belonging on the other hand (Gal, 2004; Jenkins, 1994; Moore, Fiest-Price & Alstone, 2002).

The significance of work for the individual can be divided into three dimensions (1) instrumental dimension whereby people work to guarantee their livelihood and provide for their material needs; (2) the human need dimension according to which a person is characterized by the need to make efforts, study, develop, reach achievements and influence their environment; (3) The need for meaning according to which work casts meaning in human life, shapes the identity of the individual, creates stability and continuity, generates social relationships and provides the individual with a feeling that he or she is part of society's mainstream (Harpaz, 1999; Kroner, 1997). All this is emphasized regarding the significance of the integration of individuals with mental disabilities into the work market, when their functioning is not like that of non-disabled individuals, due to their cognitive disabilities.

## **A. Employing Individuals with Mental Disabilities in Workplaces**

Despite the acknowledgement of the significance of work in the advancement of disabled individuals' quality of life, the literature presents ample evidence that the rates of unemployment amongst individuals with mental disabilities are higher than in the general, non-disabled population (Fresko, 1996; Rimmerman & Duvdevany, 1999). A non-uniform distribution of the special needs population in position papers produced by government authorities poses difficulties in presenting accurate data regarding the disability categories, but it can, nonetheless, be noted that the employment rate of all persons with disabilities was 48% in 2010, and the employment rate of persons with severe disabilities was 32% compared to 75% within the general population (Pepperman, The Department for the Integration of People with Disabilities into the Labor Market, 2011). In the light of the significance attributed to work in a person's life, this research seeks to develop a model to enhance employment of mentally disabled people.

## **B. Economic Issues Regarding the Employment of Individuals with Mental Disabilities**

We must remember that the principles of the work market are based on productivity and profitability, tough competition and modern technology and requires high skills (Ram, 1998). Therefore, employers are not interested in taking "risks" and investing in persons with mental disabilities, when they can employ normative workers. The fears of employing persons with mental disabilities focus on the need for intensive training and constant support, and on lack of required skills (Nietupski, 1996). Nevertheless, it was found that employers who integrated persons with mental disabilities, reported satisfaction with their capabilities (Liebster, 2003; Mandler & Gaon, 2003). It appears that the main difficulty is to persuade employers to attempt employing persons with mental difficulties, as once they have had experience, the employers can appreciate their worker's contribution. Employers, who have had contact with persons with disabilities, are inclined to employ them (Mandler & Gaon, 2003), and on the other hand they ought to be economically encouraged to employ individuals with mental disabilities.

## **C. The Law of Equal Opportunity**

In 1998 the Law of Equal Rights for People with Disabilities went into force (herein "the law"). When this law was made, the Law of Equal Opportunity at Work was in force and included a prohibition of discrimination based on innate and acquired attributes, but the law did not refer to disabilities.

In fact, until 1998, there had been no legal anchor for the prohibition of disability-based discrimination. Disability had indeed constituted grounds for entitlement to social services, but it had not served as grounds for equality claims. The Equal rights for Persons with Disabilities Law of 1998, has been the first legal tool creating an adequate framework for employment discrimination claims of persons with disabilities, and discrimination claims in general (Ofir & Orenstein, 2002). The law's main virtue is that it allows for the conceptualization of persons with disabilities' experiences as prohibited discrimination, and allows for legal action against this discrimination, although it still presents many obstacles on the way to realizing these rights (Rabin Margalioth, 2000).

## **D. Stigma and Prejudice**

Persons with mental disabilities often encounter attitudes of mostly negative generalizations based on misconceptions about them (Stacher, 1991). These types of prejudice cause persons with disabilities to be undesired workers, as their presence in the workplace causes discomfort and negative feelings, due to the fear they need protection or special treatment, or due to misconceptions as per their abilities to perform certain tasks (Yanay, 1996). Their unemployment is considered justified, the work market which is structured in a way that makes it inaccessible to them is taken for granted, and allowances paid to these persons are perceived as a burden on society.

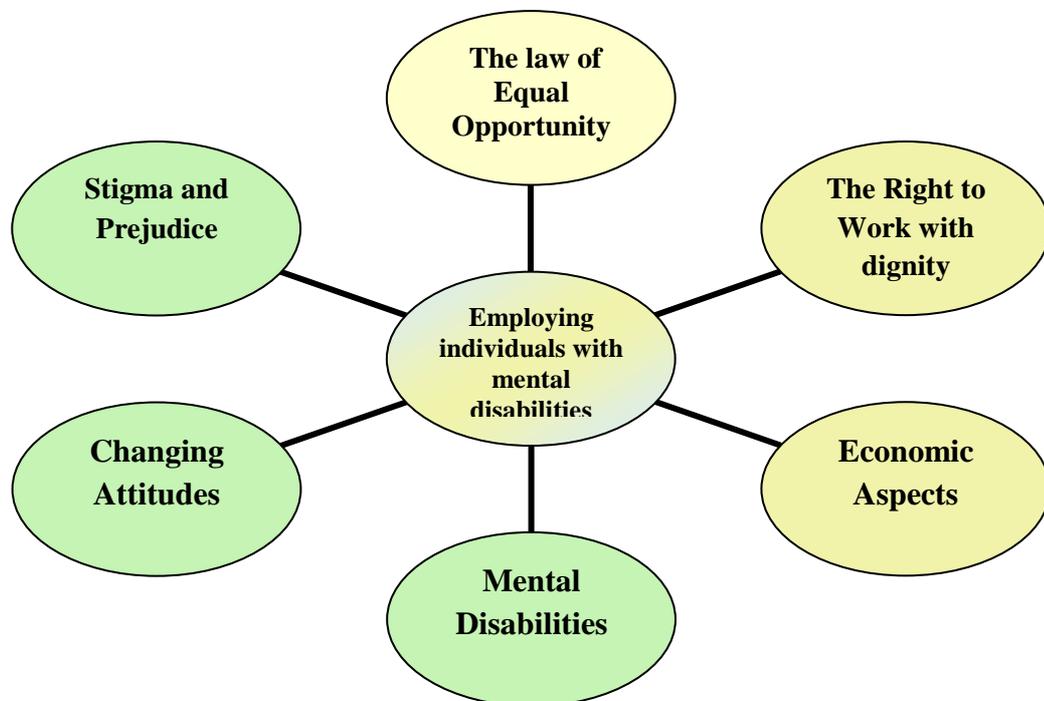
## **E. Changing attitudes towards individuals with disabilities**

The attempt to understand the barriers to the possibility of individuals with disabilities in general and individuals with mental disabilities in particular, to integrate into the work market leads us to one of the key concepts in social psychology's contents – the concept of "attitude". The concept "attitude" pertains to the individuals' relationships

with their material and social worlds as well as with themselves and their tendency to positively or negatively appraise people, objects or issues.

A significant "attitude" trait is that an attitude has both a positive and negative social and personal aspects. Sometimes an attitude gives a person a good feeling at the cost of humiliating others or hating minorities. Some attitudes tend to over-generalize others constitute prejudice, while others yet serve personality needs at the cost of twisting reality. In the course of life, the origin of the attitude is forgotten, and the individual develops his or her own justifications for the attitudes, which are based on previous models. This process works at the development of attitudes to different groups of people, some of whom the person may not even meet (Katz, 1983). That is the process of developing stereotypes and prejudice, which is not based on facts, including attitudes towards individuals with mental disabilities.

Figure 1 proposes a visual representation depicting the conceptual framework and the interaction among the concepts which leads to the research question and the research goals.



**Figure 1: Employment of individuals with mental disabilities – Legal and Social Aspects**

This research draws on the premise that each person is entitled to reach a state of self-realization via exercising his/her right to work. Nonetheless, the employment of individuals with mental disabilities in Israeli society is legally associated with the lack of legislation making provisions for the individuals with mental disabilities depend on the benevolence of employers. However, employers regard managing their businesses in terms of economic gain and profitability as the main aspect of the business. The employment of individuals with mental disabilities also involves difficulties stemming from negative attitudes, stigma and prejudice on the part of the environment. This research's main goal is to develop a legal and social model which will enable individuals with mental disabilities to be employed.

Given that employment is the "key component" in the experience of individuals with mental disabilities' integration into their social environment, the examination of the existing provisions for the employment of individuals with disabilities (emphasizing mental disabilities) and investigating their applicability will lead to recommendations for employment policy-making in the form of a proposed social-legal model for the employment of individuals with mental disabilities, which might meet the terms of the declared policy. In other words, an applied practice based on agreed upon ideational principles, trying to break through the barriers between "intent" and "practice", in a regulative way representing an applicable employment policy for the increase of the number of individuals with mental disabilities who are active in the work market. The following chapters provide an overview of the theoretical perspectives which underpinned this study.

## **I.2. Historical, Political, and Social Context of the Development of "Mental Disability"**

### **Introduction**

Mental retardation, as it was initially called, is first and foremost a social phenomenon, with a prevalence of 0.83% of the population, more with boys than with girls (Ronen, 2005). As a social phenomenon, mental retardation is characterized by multiple attempts to define it. Nevertheless, the changes in the perception of mental retardation began in the second half of the 19<sup>th</sup> Century. Before that, it was perceived to be an illness or a personal situation as a result of which those who had usually received support mostly expressed by providing basic needs and separating them from

the community life. Mentally disabled persons did not study, because they were considered incapable of studying. They mostly dwelled in closed institutions together with the mentally ill, who like them, were considered to be lacking any judgment. Research activity in the field of mental retardation is relatively young, and only started in the end of the 19<sup>th</sup> Century. Great progress was made in the first half of the 20<sup>th</sup> Century (Clarke & Clarke, 1974) when more research shed light on mental disability. Consequently, society abandoned the approach maintaining that the retarded person cannot learn, since if his/her intelligence is constant, there is no development, and the situation will remain as it is. One of the implications of this approach was that if a person was diagnosed as "retarded", the tag would last permanently. This is another example of the change creating "social ripples", since if intelligence is not constant, one can learn and change, and hence, attitudes to retarded persons is not only therapeutic/maintenance (attending to his/her physical needs) but also educational.

Over the years the causes of mental disability were divided into four major groups, despite the fact that in most cases no one clear cause can be identified (Ronen, 2005). (A) Biological factors chromosomal disorders and genetic factors (Down Syndrome, Fragile X Syndrome and more); (B) Physical factors pre-delivery injuries (viruses, illnesses, Preeclampsia, drugs and medications); injuries while in labor (forceps delivery, injury, lack of oxygen) and post-delivery injuries (brain damage and head trauma, vaccinations); (C) Environmental factors – sensory deprivation and psychosocial deprivation (bad nutrition, illnesses, poverty and backwardness).

### **I.2.1. Various Definitions of Mental Disability**

Ten definitions of mental retardation were written in the 20<sup>th</sup> Century. The first definition by Tredgold (1908) read, "*A state of mental defect from birth, or from an early age, due to incomplete cerebral development, in consequence of which the person affected is unable to perform his duties as member of society in the position of life to which he is born.*" The emphasis in this definition is on lack of cure and the constant state of deficiency.

Another definition of mental retardation reflects chronicity and maintains that mental retardation is a state of social incompetence obtained at maturity, resulting from

developmental arrest of constitutional origin (heredity or acquired); the condition is considered essentially incurable through treatment and irremediable through training (Doll, 1941). The definition included six elements which Doll (1941) considered essential to the concept of mental retardation:

(1) social incompetence (2) due to mental subnormality (3) which has been developmentally arrested (4) which obtains at maturity (5) is of constitutional origin (6) is essentially incurable. The first four of these elements have continued to be overtly central to the prevailing conceptualization of mental retardation. Social incompetence associated with deficits in mental ability runs from Doll's definition through later definitions (Smith, J.D, 2000).

However, there has been a gradual change in this perception, and in the late 1950s the fifth definition of mental retardation is already referred to as a developmental phenomenon (a phenomenon first manifested before age 16) which consists of three aspects: maturity, learning and adaptive behavior (Heber, 1959). The sixth definition already refers to a combination of sub-average general intellectual functioning and deficits in adaptive behavior.

The term "adaptive behavior" is relatively new and its significance lies in its being an additional characteristic of mental disability, in addition to intellectual functioning. In other words, a person can be of intellectual functioning that is sub-average, but with proper adaptive behavior, the person will not be considered "retarded. One of the problems of that definition is its ambiguity of the term "adaptive behavior". How is it identified? What are the criteria characterizing it? Subsequent definitions largely engaged in it. Gradually, a third element was introduced – the environment, which is primarily expressed in the attempt to remind us that mental disability was initially perceived as a personal trait, a phenomenon (disease or any other) which a person contracts regardless of the environment, and therefore, the environment/community is not obliged to support the mentally disabled individual, and his/her family has to cope with a constant situation which can neither be treated, nor rehabilitated. In this respect, providing support to the mentally disabled individual is considered an act of social grace and consideration of is/her state, although the community is not responsible for it. Gradually, awareness increased to the fact that mentally disabled individuals can be members of the community and can change and learn in their way and at their pace,

based on their capabilities, much like normative individuals. Consequently, mentally disabled individuals can also contribute to society. The tenth definition of mental disability was published by the AAMR in 2002 and expresses the change in perception by integrating three characteristics: sub-average intellectual functioning, adaptive behavior and the environmental context. This definition allows for regarding mental retardation, or as it is called "intellectual disability", in the context of alleviating intervention (such as individualized services of support), "*Mental Retardation is a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social and practical adaptive skills. The disability originates before age 18*" (Luckasson et. al., 2002). In this sense, defining mental disability is conducted in less deterministic terms.

It is important to clarify two major terms in this definition: the first term is that of "**significant disability**", and the second – "**adaptive behavior**". The term "significant disability" refers to the discrepancy between intellectual functioning in practice and during diagnosis and the functioning of the environment in which the mentally disabled individual lives. In the past this discrepancy was measured via different values such as a discrepancy of two years and over compared to the age group and so forth. Today, following the changes in the definition of mental disability, the assessment of intellectual functioning mostly performed via IQ tests is integrated with adaptive measures. The latter refer to the individual's ability to function in correspondence with the age group and the environment in which he/she lives in the domains of communication, self-help, daily life, social skills, use of community resources, self-direction, health and safety, academic functioning, leisure and employment. A combination of sub-average IQ results (below 70) and sub-normative functioning in two or more adaptive skills testify to "significant disability". The combination of these two measures allows for reference to a variety of intelligences, much like with people whose development is normative. In the past, diagnosis focused on cognitive functioning. The term "adaptive behavior" pertains to the individual's ability to function in correspondence with the age group and the environment. It is a collection of acquired perceptual, social and practical capabilities, so as to allow for proper daily functioning. Adaptive behavior deficiency influences the daily routine and the ability to respond to changes in life and to the environment's demands. This deficiency pertains to intellectual capabilities, participation, interaction and social

roles, health and context. Assessment of functioning pertains to both one-time and ongoing functioning, on the usage of existing resources in the individual's environment, and in behaviors promoting comfortable conditions which suit the need to protect one's mental and physical health (AAMR, 2002; Riklin and Kashmon, 2004; Ronen, 2005). It is an attempt to evaluate the individual's ability to cope within the daily routine in the flow of life. The issue is problematic and hard to evaluate, and the great bulk of weight still lays on IQ tests. Nevertheless, use of both measures creates a new situation, as a person with low intellectual capabilities may have good adaptive skills, which make up for the disability and allow for his/her integration into society. The definitions of mental disability in the last 25 years have examined the changes and their implications on society and the individuals to which those definitions apply. Thus new possibilities are offered to individuals with mental disabilities. The main difference focuses on the attempt to integrate intellectual functioning and other components such as adaptive behavior and the environmental context. This integration is significant as it points to the significance of all factors, which can make up for low intellectual functioning. This section provided a historical, political and social overview of mental disability. The next section will portray the various attempts to define mental disability.

### **I.2.2. Defining Mental Disability**

To demonstrate the changes that have taken place in the definition of mental disability, we will review the last three AAMR (American Association for Mental Retardation) definitions. The comparison, based on **Grossman, 1983, and Luckasson, 1992 and 2002**, is presented in Table 1.

**Table 1: Defining Mental Disability**

Grossman, 1983	Luckasson, 1992	Luckasson, 2002
<p>Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.</p>	<p>Mental retardation refers to substantial limitations in present functioning. It is characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental retardation manifests before age 18</p>	<p>Mental retardation is a disability characterized by significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical adaptive skills. This disability originates before age 18.</p> <p>The following five assumptions are essential to the application of this definition:</p> <ol style="list-style-type: none"> <li>1. Limitations in present functioning must be considered within the context of community environments typical of the individual's age peers and culture.</li> <li>2. Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors.</li> <li>3. Within an individual, limitations often co-exist with strengths.</li> <li>4. An important purpose of describing limitations is to develop a profile of needed supports.</li> <li>5. With appropriate personalized supports over a sustained period, the life functioning of the person with mental retardation will improve.</li> </ol>

To examine the differences among the last three definitions (Grossman, 1983; Luckasson et. al., 1992; Luckasson et. al., 2002) we will first identify the significant characteristics in the three definitions and see how those characteristics have changed, and the significance of the changes pertaining to the mentally disabled individual and society (AAMR, 2002).

**The 1983 definition** (Grossman, 1983) emphasizes three aspects of the mental disability definition: intellectual functioning (IQ 70 and below), adaptive behavior (learning capabilities, independence in daily life and personal responsibility which corresponds to chronological age) and the developmental period (from conception to age 18). Noting the age, distinguishes those individuals characterized by brain injuries which have occurred in the maturity stage and after full maturation of the nervous system, and mentally disabled individuals. As we will see, those three domains continue to constitute key factors in the two subsequent definitions, but the extent of their influence varies.

**The 1992 definition** (Luckasson et. al., 1992) refers to the current state rather than a permanent trait. This suggests a new perception of mental disability. According to which, changes in cognitive functioning may occur during the developmental period. Other elements were added to the definition providing details of such terms as "adaptive behavior" and the "developmental period". Following the 1983 definition, which first engaged in these terms without clearly identifying them, a need arose for clearer diagnosis. Consequently, "adaptive behavior" is described in the 1992 definition through a list of adaptive skills, such as communication, self-help and so forth. The 1992 definition preserved only some of the previous definition (Grossman, 1983), and changed in the following four ways: (1) It expressed the changing understandings that mental disability is a functioning state; (2) It omitted the inter-disability classification (light, moderate and hard disability); (3) It assumes the environment which offers support conditions to individuals with disabilities may have a positive influence on the individual's functioning to the extreme point (in rare cases) a change in diagnosis of the individual being "mentally disabled"; (4) It extended the concept of "adaptive behavior" from a global description to a specific detailed description of adaptive skills. The 1992 definition's uniqueness lies in the attempt to expand from one focal measure of intellectual functioning to other measures in the adaptive domain. The adaptive measures testify to a person's ability to learn, assimilate and cope with social norms. They seek to broaden the grounds of mental disability diagnosis and suggest criteria which are anchored in the external environment's reality, which can be demonstrated. All that in addition to internal personal criteria (allegedly associated only with the person, such as cognitive capability). Another uniqueness of the definition is its usage. It turned the definition

of mental disability into the first stage in a process which starts with diagnosis and continues with adjusting support services for the mentally disabled individual. The diagnosis process also includes the strong and weak points of the individual who is diagnosed in four functional domains: intellectual and adaptive skills, psychological and emotional skills, physical and health skills and the environment (living and working environments). In the end of the diagnosis process, a matrix can be drawn, whereby on one axis strength and weaknesses are described, and on the other axis – the level of required support, base on four measures: alternately, limited, long-term and extensive. This constituted the first attempt to acknowledge the mentally disabled person's individuality; like normative people, he/she has a unique strengths and weaknesses pattern. The four levels of severity of mental retardation are replaced by a system that classifies the intensities and patterns of support required by individuals:

**The 2002 definition** (Luckasson et.al. 2002) maintains significant "adaptive behavior" limitations can only be determined based on standard measures sampled on the general population including normative and disabled individuals. These measures are still in the process of development and reaching an agreement about them is still hard. Therefore, using them depends on environmental contexts. The 2002 definition assumes the following: (1) Limitations in present functioning must be considered within the context of community environments typical of the individual's age peers and culture, meaning, the standards according to which the functioning of the individual is measured have to correspond with what is acceptable in his/her community and not in foreign environments – the examination has to be conducted in the individual's environment, culture and age group. (2) Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors. A significant assessment has to consider factors of personal variation and unique responses. It has to consider the individual's culture such as the spoken language at home, non-verbal communication and customs which may influence the assessment results; (3) Within an individual, limitations often co-exist with strengths; individuals with mental disability, much like normative people, have strengths and limitations. Hence they can be capable and have strengths that have nothing to do with mental disability. It is important to note these capabilities. (4) An important purpose of describing limitations is to develop a profile of needed supports. An important goal in the description of disability is the development of a

profile of support, meaning, assessment is the first step in the work on developing the supports which the individual requires to improve functioning. Branding a person as "mentally disabled" must lead to drawing a profile of required support. This assumption was already used in the 1992 definition, but was validated here (the term "support" refers to any action seeking to help the individual function in various situations). (5) With appropriate personalized supports over a sustained period, the life functioning of the person with mental retardation will improve. Lack of improvement should serve as grounds for re-assessing the support profile. Adequate supports may preserve the situation or halt regression. The following section depicts a shift in understanding mental disability.

### **I.2.3. A Paradigm Shift in Understanding Mental Disability**

The authors of the most recent AAMR manual (Lukasson et al., 1992) have characterized their revisions as a paradigm shift in the field of mental retardation. This paradigm shift is presented as consisting of two facets. The first of these is a change in the perception of mental retardation from a trait existing in an individual to an expression of the interaction between a person with limited intellectual and adaptive skills, and that individual's environment. The second element of the paradigm shift is the emphasis on the pattern of the person's needs rather than a focus on that person's deficits (Schalock et al., 1994). A paradigm shift in the field of mental retardation is likely to have profound implications for the education, care, and treatment of millions of human beings. The 2002 definition has three major characteristics: (1) It adheres to the term "mental retardation" and the guidelines suggested by the 1992 definition, including the functional orientation and emphasis on support; (2) It includes the three diagnostic criteria pertaining to intellectual functioning, adaptive behavior and age; (3) it maintains commitment to the notion that classification based on required support must be the primary focus of classification and determination of the preferred situation. The concept of "mental retardation" was significantly extended in this definition which emphasizing functional orientation, ecological perspective and the use of support paradigms for classification and providing services. The theoretical model, which is an application of the 2002 definition, continues the ecological model regarding key factors in the understanding of mental retardation and individual functioning: the individual, the environment, and the support the environment has to

provide. The new model presents current understandings of multi-dimensionality of mental retardation, and the role of mediation which support plays in the individual's functioning. Moreover, cognitive disability and the accompanying characteristics are dynamic, flexible and changing according to the development of the individual and in the course of his/her life. This development depends on the right output at home, in the education system, in employment and in the community as grounds for the advancement of persons with cognitive disabilities (Luckasson et al., 2002).

In other words, this definition tells the mentally disabled individual's community it is the community's duty to create conditions which will allow mentally disabled individuals to live a life which has quality attributes and realize their potential. This is, to a great extent, similar to the commitment society has for all of its members. This definition suggests that the mentally disabled individual is first and foremost a member of the community, and hence is eligible to services delivered by the community, and then, as a member, he/she also has to contribute to the best of his/her abilities. The term "support" seeks to bypass or minimize the component of custody, by responding to the mentally disabled individual's needs and helping rather than initiating, deciding or performing for him/her. Support transfers the control from the environment to the mentally disabled individual, thus increasing the potential for his/her autonomy. This section discussed the shift in understanding mental disability, while the next section presents the change in definition of mental disability.

#### **I.2.4. Change in Perception: from Retardation to Disability**

Regarding the definition of mental retardation, it must be noted the population of mentally disabled individual is diverse, much like normative people. The distinction between different levels of disability was omitted from the 1992 definition and those that follow, and in its stead, came the level of required support and its duration. The goal was to strive for the mentally disabled individual's quality of life and realization of potential within the community. This omission has dramatic implications on the entire mentally disabled individuals' population, especially those functioning at a level of moderate disability and below, or in contemporary terms, those in need of intensive long-term support in most life domains.

The first result of this change is professional modifications regarding the nature of support required by the individual after diagnosis. This change changed diagnosis from a summative, branding tool into a primary (important) component in the process of planning support intervention. The support design expresses society's commitment to the mentally disabled individual. The second result is that light retardation, constituting the majority of the mentally disabled individuals' population (75% - 80% - Field & Sanchez, 1999) assimilated into the mild disabilities' population (learning disabilities and other difficulties). Researchers have argued that the 1992 definition caused the disappearance of the mild retardation category (MacMillan, Gresham, Bocian & Lambros, 1998).

Current distinction is between two groups in the mentally disabled individuals' population: the "mild disability" group and the "moderate, severe, profound and complex" disability known as "significant disability" (Westling & Fox, 2000). The differences between the groups focus on the following differences: learning and adaptive capabilities (personal factors) and the level of required support (environmental factors).

The term "significant disability" refers to a state whereby the individual has a severe physical or mental impairment which seriously limits his/her general learning capabilities, personal and social skills and or physical and sensory development. These individuals have low capabilities in skills requiring independence for functioning. In most cases, such a state requires ongoing, intensive support from the environment (Westling & Fox, 2000). The traditional categories regarding "significant disability" pertain to individuals who have been diagnosed with moderate, severe and profound disability, autism and other disabilities. These individuals are often described as persons whose behavior is unacceptable, who often engage in self-stimulation, or whose self-care capabilities, language and communication are deficient (Baker, 1979; Brimer, 1990).

The American Association for Persons with Severe Handicaps – TASH defines "significant disability" based on the required level of support. According to this definition, persons with severe handicaps are individuals of all ages, who require ongoing support so as to be able to participate in the community life and enjoy the quality of life available to persons with lesser disabilities or none. Support may be

required for mobility, communication, self-care and learning (Meyer, Peck & Brown, 1991). This definition corresponds to the 2002 definition of AAMR (AAMR, 2002).

The term "support" was first used with regards to mental disability in the 1992 definition (Luckasson, et al., 1992) and became a central concept in the 2002 definition (Luckasson et al., 2002). Although the term is not new, there is a change in the significance of its application for individuals with mental disabilities. The belief that adjusted support may improve the mentally disabled individual's functional capabilities and quality of life is new. This belief is applied via making the distinction between types of support, such as support in employment, in housing and inclusive education, and the nature of support (intensity and duration). The significance of support lies in the promise it brings of the creation of an ongoing natural and effective process of advancing the mentally disabled individual. The perception underpinning the term is that through a consistent, adjusted and interactive process of the environment with the mentally disabled individual, a change may occur, following which the mentally disabled individual's functioning and integration into the community will improve. The attitude to the mentally disabled individual in the process is new and testifies to a change based on acceptance and understanding, according to which mentally disabled individual can also be partners in processes that concern them. This partnership requires the creation of conditions for the intellectually disabled individuals, which the environment has to create. Even when the intellectually disabled individuals are not able to realize the possibilities offered by the environment, the latter still has to create opportunities, much like opportunities for normally developing individuals.

Conversely, we ought to present the American Psychiatric Association's clinical definition of "mental retardation" in the fourth edition of the Diagnostic Statistical Manual (DSM, <http://allpsych.com/disorders/dsm.html/21/3/2013>), "Deficits in general mental abilities (intellectual functioning) and Concurrent deficits or impairments in adaptive behavior" (p. 39), in different domains such as self-care, work, health and safety. Any equivalent functional disability appearing after the age of 17 will be considered Dementia, and not intellectual disability. The distinction between the ages is directed at the psychological state of a person encountering an intellectual defect after reaching maturity, in contrast to a person whose intellectual

resources were less than normal for most of his/her development years. Mental disability is perceived as a specific disorder, though it may be accompanied by other disorders. The fifth DSM edition is to be published in May 2013, and the term "mental retardation" is likely to change into "intellectual disability". This change in terminology represents the transition to a model of rights and is in accordance with the Montreal Declaration on Intellectual Disabilities signed in 2004 in collaboration with the world Health Organization, as well as with the change recently made by the former American Association of Mental Retardation (A.A.M.R) which changed its name to American Association on Intellectual and Developmental Disabilities (AAIDD) after many deliberations. This happened as an outcome of the developments of the 1980s in the United States, where a change in values on which those who provided services for people with intellectual disabilities, resulted in a council for individuals with developmental problems in the State of Minnesota, (<http://www.mnddc.org/learning/document/GT042.PDF/21/3/2013>) which in 1987 determined that those people, like all others, are entitled to equal opportunities and to information that will enable them to exercise their rights, learn the skills necessary for integration into the community and employment that will contribute to society. This significant stepping stone led to the introduction of the Americans with Disabilities Act in 1990. In this view, the change in definitions and terminology reflects change of attitude to mentally disabled people as equals in society.

In The United Kingdom, on the other hand, organizations of individuals with intellectual disabilities claimed that even this title is unsuitable, and led to the introduction of the alternative term "individuals with learning difficulties" (Feldamn, Lahav & Haimovich, 2007).

Intensive engagement in the definition of "mental retardation" leads Robert Edgerton (1993) to wonder about the purpose of the definition, *"There are many cognitively limited people in the United States and the rest of the world who live in dramatically different social cultural worlds. Until we enter those worlds and learn from the people who live in them, we will not know what mental retardation is or what people with it can accomplish, and that what they can accomplish can enlighten and enlarge us all.* (p. 234). Mental disability, then, reflects an attempt to depict it as a difficulty to learn. Following these perceptions we will discuss various levels of disability as they appear in the literature.

### **I.2.5. Intelligence for Attributing Meaning to Individual Differences**

In the past, there was a consensus between the American Psychology Association (APA) (publishers of the DSM) and the AAMR (American Association on Mental Retardation) regarding the definition of "mental retardation and the levels of mental retardation (MacMillan, Gresham & Siperstain, 1993). The DSM-IV identifies four levels of mental retardation: mild with an IQ range of 50 – 70; moderate with an IQ range of 35 – 50; severe with an IQ range of 20 – 40, and profound retardation with an IQ range lower than 20.

However, in 1992 AAMR deviated from the traditional definition emphasizing 75 IQ cutoff score in diagnosing mental retardation, and thus, in fact, broadened the number of those diagnosed. The four levels of severity of mental retardation are replaced by a system that classifies the intensities and patterns of support required by individuals, meaning (1) intermittent, or "as needed," short-term supports; (2) limited, those supports needed regularly, but for a short period of time; (3) extensive, seen as ongoing and regular; (4) pervasive, viewed as constant and potentially life-sustaining.

The AAMR approach also includes some technical revisions in the standard diagnosis procedure. A great deal of professional and academic controversy has been generated by the 1992 revision of the AAMR definition, and believed the split in approaches between APA and AAMR increases confusion in the diagnosis of mental retardation (MacMillan, Gresham & Siperstain, 1993).

Moreover, since mental disability is defined both in terms of intellectual (academic) and social competence, it is important to assess the two characteristics before diagnosing a person as mentally disabled. This is not a simple task. Errors in the IQ score may be due to a number of reasons: mistakes in test administration and scoring, each child's personal characteristics, language problems, lack of motivation to excel in tests, transitory circumstances disrupting the child's life such as illness or stress in the family and the limitations of the tests (Carson, 1998). Researchers further state although it seems simple to assess social competence, mainly when assessment is based on observations and clinical scales it is still easy to make the errors that are so common in IQ scores. Most skills listed in the AAMR extended adaptive competency skills list do not allow for accurate measurements in the existing techniques

(Luckasson et al., 1992; MacMillan et al., 1993). Furthermore, there is great significance to the criteria used by those making the assessment. For instance, if children are well adjusted to life in the city environment, but not to the formal school requirements, should they be assessed as having high, medium or low social competence? Researchers (Luckasson et al., 1992; MacMillan et al., 1993) raise doubts as to the ability to make any such objective judgments.. In the short-term, such classifications may cause parents, who already feel helpless, provide the child with faulty, discriminating education (Richardson, Koller, & Katz, 1985), and are also likely to influence teachers who are already overloaded. In the long term, such a classification may turn into a "self fulfilling prophecy", which is fed by the human tendency to behave in terms corresponding to people's sense of "self" and the expectations of others. Conversely, certain programs have shown that it is possible to generate significant changes in adaptive skills, via special education and other rehabilitation means. Vigorous cognitive stimulation constitutes the grounds for solid development of mental capacity. The expected change depends on a specific person's state and the level of mental disability.

It appears the discourse pertaining to the term "intelligence" started with a person's cognitive competence, which guides reasoning. This discourse takes place within the psychological discourse and engages in the most effective ways of measuring intelligence and the issue of the tension between intelligence's biological factors and its social factors, and the question whether it represents one mental attribute or an array of such attributes.

An additional angle of this issue, which also leads us to the core of this research, is presented by Tzipori (2012), who maintains that the discussion of the tension between nature and nurture raises the context where the intelligence in which psychologists engage is rooted – the context of inequality. That is also the context which motivates the sociological criticism of intelligence tests as a mechanism of exclusion and discrimination. Tzipori (2012) follows in the footsteps of Bourdieu (2005), claiming intelligence is an arbitrary mythical criterion for perpetuating social inequalities, to the point which Bourdieu calls "Racism of Intelligence". Tzipori (2012) believes that if we believe with Bourdieu that "intelligence" is what "intelligence tests measure", then there is not intelligence as an entity which precedes the test, and therefore it cannot be used to account for academic success or failure. There is a need to account

for the tests' predictive ability in a different way. According to Bourdieu, the answer lies in the tested objects, which are not the result of learning, but rather, part of the condition that enable learning. Nor do results depend on the will or work of the tested individual. According to Bourdieu, then, intelligence is the scientific term which the governing class gives to a group of intellectual competencies which can be measured in a standard test. As a scientific object and test practice, "intelligence" is a method for setting a price on the producers of linguistic products in a specific market. And whereas language is, in general, a "free market" where one has to read between the lines, rely on intuitions and make do with general impressions on people one meets, "intelligence" seeks to turn language in to a "uniform currency" in the linguistic market, thus alleviating the setting of price and trade: tell me what your intelligence is, and I will tell you what you do (Or will do), what your cultural inclinations are, to what extent you can comprehend what I say and what is the value of truth I ought to attribute to what you say. Bourdieu's criticism, claims Tzipori, applies to all scales based on individual potential, meaning on capabilities which are allegedly not acquired.

A brief review of the history of the term "intelligence" depicts it as a mental or intellectual capacity, and was first used in the early years of the 20<sup>th</sup> Century, but scientifically it was systematically used in biology. In 1883, George Romanes published a book engaging in the mental evolution of animals and the animals' ability to use reasoning or intelligence. Since the term "reasoning" stood for absolute competence, rather than relative thinking activity, Romanes chose to use the term "intelligence" precisely because he wanted to mark intellectual competence which is not uniform, but rather has infinite variations (Tzipori, 2012).

Theoretically, the grounds for ranking intelligence already appear in Charles Darwin's "*On the Origin of the Species*" and Herbert Spencer's "*Principles of Psychology*". In both cases, evolution can account for the fact that humans are not the only ones with mental capabilities. The conclusion, then, is that there is no fundamental difference between savages and educated men, or between apes and any other animal, except for an infinite number of ranks on one developmental continuum.

Binet (Tzipori, 2012) argued the scale only represents the student's present mental state and special needs, and does not presume to represent the way in which the tested

student arrived at the measured capability – genetic or social or both, and the child's future cannot be predicted by it. All the scale allows for is the identification of students who require special treatment, so he/she can get it from his/her educators. The Binet-Simon scale's goal was not to grade, but to differentiate. Binet had no interest in normal persons, geniuses or adults, but rather in exceptional children. He was convinced that each child, retarded as he may be in his/her mental age, can still improve and achieve with proper guidance and support. Therefore, Binet engaged in the development of teaching methods for special children.

And there lies the problem. The American versions of the intelligence are far from being tests of measuring intelligence for the purpose of improving academic achievements, and are directed at classifying the population, for distinguishing the normal from the sub-normal and supervising the human quality of various social institutions. An example of that is the Brigham's research in the early 1920s. Brigham was a member of the eugenics movement, examined the results of mental tests conducted with the American military recruits during World War I, and claimed in his book, *"A Study of American Intelligence"* (1923), that the absorption of immigrants with low intelligence caused the decline in the level of general intelligence in the United States, and that this tendency will increase as the races will mix due to immigration. His research even led to the restrictions on immigration in 1924. The inherent assumption was that intelligence is not only a tangible and measurable entity, but also genetic with group characteristics. Although as the years passed the eugenics movement declined, the format of the test which were the target of harsh scientific criticism, served Brigham in the development of his Scholastic Aptitude Test, which is in use to this very day.

The controversy over Brigham's book points to the difficulty of defining intelligence, specifically in attributing meaning to individual differences. The contemporary definition of "intelligence" seeks to avoid racial or political implications and appears in a report published by the American Psychological Association: *"Individuals differ from one another in their ability to understand complex ideas, to adapt effectively to the environment, to learn from experience, to engage in various forms of reasoning, to overcome obstacles by taking thought... Concepts of "intelligence" are attempts to clarify and organize this complex set of phenomena. Although considerable clarity has been achieved in some areas, no such conceptualization has yet answered all the*

*important questions, and none commands universal assent.*" After discussing intelligence within the context of mental disabilities, the next section portrays linguistic aspects of the term mental retardation.

### **I.2.6. Some Linguistic Aspects of the Term "Mental Retardation"**

In the late 1950s Russian Psychologist Luria's studies and findings were published. He maintained that the phenomenon of retardation involves the inability to form a language as a secondary code system for assessing behavior. This led western researchers to re-evaluating the phenomenon and setting the definitions that are accepted today, mentally disabled individuals are normal, and their retardation stems from a slow rate of development. The re-evaluation of the concept of intelligence which started in the late 1990s introduced new approaches in the domain of imparting basic cognitive skills. This approach emphasizes current psychological thinking maintaining we have to avoid set premises about the limitations of learning skills, and instead, we have to strive for a functional analysis approach to learning difficulties and adopt a non-conservative approach offering ways to remedy the disabilities arising from the findings (Gillham, 1977).

Therefore, a person's performance limitations ought to be assessed in relation to the community environments typical of the peer group and the culture, and we must ask ourselves whether the personal adjustment of the support systems will improve the skills of a mentally disabled person. In other words, this is an extensive but dynamic disorder, whereby the limitations deriving from it are greatly affected by the interaction between the individual and his or her immediate environment and the level of the available supporting systems' adjustment.

This approach is reflected in the terminological transition from the term "mentally retarded" to the term "individuals with mental disabilities". This change in terminology represents the transition to a model of rights and is in accordance with the Montreal Declaration on Intellectual Disabilities signed in 2004 in collaboration with the world Health Organization, as well as with the change recently made by the former American Association of Mental Retardation (A.A.M.R) which changed its name to American Association on Intellectual and Developmental Disabilities (AAIDD) after many years of deliberations (Shalock et. al., 2007).

This happened as an outcome of the developments of the 1980s in the United States, where a change in values on which those who provided services for people with intellectual disabilities, resulted in a committee for individuals with developmental problems in the State of Minnesota, which in 1987 determined that those people, like all others, are entitled to equal opportunities and to information that will enable them to exercise their rights, learn the skills necessary for integration into the community and employment that will contribute to society.

The updated 2010 AAIDD definition reads, "*Intellectual disability is a disability characterized by significant limitations both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills. This disability originates before the age of 18.*" Five assumptions underlie this updated definition: (1) Limitations in present functioning must be considered within the context of community environments typical of the individual's age peers and culture; (2) Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors; (3) Within an individual, limitations often co-exist with strengths; (4) An important purpose of describing limitations is to develop a profile of needed supports; (5) With appropriate personalized supports over a sustained period, the life functioning of the person with mental retardation will improve. According to this updated definition, the phenomenon of mental disability is not terminal, nor is it static, but rather dynamic, and an individual with mental disabilities may, with suitable help and support develop and get out of the exclusion boundaries.

The changes which have occurred in the definition of mental disability over the years suggest the ultimate definition for this complex human phenomenon has not been found yet. Mental disability requires that each human society deliver maximum support to its members to whom the definition applies. The change in definition from "mental retardation" to "intellectual disability" also points to a change in thinking, from a traditional approach distinguishing the "one" focusing on a "medical" perspective and a weakness in the individual which represents him/her, to a holistic approach with a social orientation, perceiving mental disability as one component of various characteristics representing the individual, and his/her connection to the social environment, in correspondence with the Convention On the Rights of Persons with Disabilities- Adopted by the U.N General Assembly (2006) which states persons with

disabilities are: *"Those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on a equal basis with others"*.

This research adopted the term 'a mentally disabled person' to be used throughout the writing of the thesis as it reflects the definition advanced by the study. Thus, a mental disability reflects a range of intellectual, social, emotional, and cognitive competences as they relate to a person's functioning within society. The following chapter adds a layer to this theoretical discussion regarding the individual's **status in society**.

### **I.3. The Status of Mentally Disabled Individuals in Society**

#### **I.3.1. Philosophical Perspectives**

This chapter outlines the philosophical and the cultural aspects of a person's status in society as they relate to mental disabilities. When we discuss the rights of mentally disabled individuals to work, like all other people, we had better anchor this right by drawing basic concepts in social philosophy and the social framework and culture in which they exist. Aristotle, whose discussion of the term "justice" determined, to a great extent, the nature of the discussions of the term for generations distinguished between "distributive justice" (fair allocation of resources to all those entitled to them), and "corrective justice" ( How to repair lack of balance in allocating resources). His philosophy pertaining to this topic appears in his *Nicomachean Ethics* Book V, Chapters 2 – 3. The principles of justice in Aristotle's work are utterly formal. He does not discuss the nature of the object of allocation and the nature of the grounds for allocation (Weinreb, 1980). Those two perceptions of justice were central to moral discussions of "justice". The "distributive justice approach" became central to the issue of social justice, and the "corrective justice" approach became dominant in discussion of punishment and retribution (Ezra, 2006). The influence of the Aristotelian principles of justice is emphasized in philosophical and legal literature, and one of the most famous definitions is attributed to a Roman litigator, Marcus Tullius Cicero, *"Justice is the set and constant purpose which gives every man his due."*, and a version expressing the rational elements of the formal principle of justice is *"Individuals who are similar in all respects relevant to the kind of treatment in questions should be given similar benefits and burdens, even if they are dissimilar in other irrelevant*

*respects; and individuals who are dissimilar in a relevant respect ought to be treated dissimilarly, in proportion to their dissimilarity."*

The Aristotelian assumption is that each person has a goal or a purpose ("telos"). Just like the acorn aspires to reach its goal and grow into an oak tree, the person aspires to grow and realize his/her purpose. Aristotle associated the human purpose to political democracy, but this comparison cannot be translated into contemporary reality, as its politics is so much different from Aristotelian democracy, although Aristotelian basic assumptions are well rooted in the modern philosophical and social discourse. We can still maintain Aristotle's characterization of human's purpose, which is closely linked to the society in which the person lives and acts. A person's growth only occurs via participation in self-government via cooperation with others. This is not about a process of elections every few years, but rather a process of dialogue requiring mutual respect and a sense of belongingness. The need to allow the individual to develop within the community context while influencing the nature of the community in which the individual participates, requires the acknowledgement of each individual's need of basic capacities. It is possible to define the individual basic capacities which ought to be developed. These capacities include the individual's ability to live life to the fullest without dying prematurely, and without his/her life turning hopeless and pointless; the ability to live in good health – thus generating the requirements of food, shelter, the possibility of social and sexual relationships and the ability to move from one place to another; the ability to avoid suffering and enjoy positive experiences; the ability to communicate socially with others; the ability to reflect on achievements and define goals; the ability to acknowledge the needs of others; the ability to enjoy the trivial pleasures of life – laugh, play and so forth; the ability to live one's own ambitions and life rather than realizing the dreams of others. Above all these is the individual's ability to choose, to write the story of his/her own life, including the ability to make decisions regarding the subsequent chapter. The book of one's life is personal, but is meant to be read by others. Others' life stories influence the writing of one individual, and hence the personal a process of creation is part of the public process of creation.

The unique aspect of this approach is that it sets a direction for human development in the here and now, on all of one's problems and distresses, acknowledging the notion that each person has a different life story, a concrete person with a name, a past and social circumstances which define the person's state. Each person has his/her unique

background, shaped by a combination of social, cultural and historical aspects and past personal choices which shaped the person's future. Under the circumstances of one's personal life story, we have to find how we can advance the individual's capabilities. The assumption we can advance one's ability to write one's life story is normative rather than descriptive.

### **I.3.2. Cultural Perspectives**

In his book *The Interpretation of Cultures*, anthropologist Clifford Geertz (1973) maintained that the human nervous system does not only enable a person to acquire a culture, but it actually orders a person to do so. The *Homo sapiens'* brain, like cabbage, which it resembles in shape, has developed within the framework of human culture, and cannot exist outside it.

It can be said, then, that human nature would not have consolidated in the course of evolution without ongoing interaction with cultural patterns. One of the stages of human society's development led to the realization that human rights derive from the perception of Man and Man's basic needs, regardless of belonging to a particular group or gender, and they derive from the basic needs common to all human beings wherever they are. These rights are expressed in demands of others and society in general; demands to uphold the basic interests of respect, freedom and equality, demands that prevent individuals and organizations from violating these rights.

This ideal of human rights is primarily universal. It does not depend on a specific society. Nor is it group, religion or gender related. Human rights stem from human nature, and hence they are not subject to any judicial system. An individual does not have these rights due to living in a society which acknowledges them. The rights derive from the mere fact that the person is a human being. In this respect these are "natural" rights which precede the positivist judgment of one society or another, and are independent of any society. This view is not self-evident.

American philosopher, Rawls, is more particular and describes justice as fairness (in: Ezra, 2006). The principles of justice attributed to Rawls are:

- (1) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

- (2) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society.

These principles express justice as consisting of three ideas: liberty, equality and rewards for services for the greater good. Rawls emphasizes the two principles follow each other, where the first principle is prior to the second, meaning, principle of equality precedes the principle of inequality, pertaining to unequal distribution of positions (lexical priority). Rawls sought to replace the conceptual discussion of questions such as "What is justice?" by discussing normative questions such as "Which is the right way to allocate resources?" Contrary to the approach advocating equal allocation of income and wealth at all costs, Rawls sought to justify non-egalitarian allocation provided that its goal is to improve the situation of those who have the least. He assumed non-egalitarian allocation would motivate people to engage in a variety of occupations and invest varying levels of effort, arguing this type of allocation can be used to create a system of incentives, which will eventually benefit all, especially those who are at the bottom of the economic ladder. Rawls maintains egalitarian allocation of resources benefits no one, while non-egalitarian allocation might benefit everyone. It appears that Rawls drew a social contract based on society's members' mutual guarantee.

In previous works, Rawls (1972) described the participants of "the social contract" as equals as "rational long-term planners" who are required to be "free, equal and independent" fearing their contribution to society will be lesser because of that dependence (Rawls, 1972 p. 127). However, this approach is problematic, as claimed by Mor (2009), in her work about barriers to the realizations of the rights of mentally disabled individuals, Rawls's early writings suggest, as Rawls's first writings suggest, and he even claimed so explicitly, that people with handicaps do not meet the threshold demands of entry into the "social contract" - the "veil of ignorance". Those who can be partners in this alliance and be part of the imaginary community behind this curtain are those who can be trusted to become equal members as far as their contribution to the future society is concerned, otherwise other participants will not enter if they realize they will have to carry the burden of others. One might think, Mor claims, that Rawl's intention was to exclude from society only those who are

intellectually disabled and cannot meet the rational demands at the heart of the liberal theory; However, in 1985 Rawls (cited in Silvers, 1998, p. 13) clarified that even the place of people with physical handicaps is not guaranteed.

American Philosopher Martha Nussbaum analyzed Rawls's theories in her book *Frontiers of Justice*, (2006). She stated, "*In so conceiving the person Rawls omits from the situation of basic political choice the more extreme forms of need and dependency that human beings may experience. Both physical and mental. This is no oversight: it is deliberate design. Rawls recognizes the problem but he argues that this problem should be solved at a later stage, after basic principles are already chosen. Thus, the unusual needs of (disable persons) do not seem to be included at this initial stage, when basic political principles are chosen*" (Nussbaum,2005 p.109). In this view, a mentally disabled person has basic needs, such as the need for work as a social resource, which will be discussed in the next chapter.

## **I.4. Work as a Social Resource**

### **I.4.1. Meaning of Work as a Value in Human Life**

The literature relates extensively to the meaning and the role that work embodies in a person's life cycle. The significance of the "work" resource to the individual's status in society is clear, as productive behavior expresses the individual's contribution to the existence and livelihood of the society to which he/she belongs, and his/her active involvement in it. Although the value of "work" in the different primitive societies was not equal, there seems to be a change in attitudes to work in Christian society starting from the beginnings of urbanization in the 12<sup>th</sup>-13<sup>th</sup> centuries A.D., when the guilds developed the techniques of work, nurtured the crafts, increased their value and acquired a respectable status for their members. In the second stage, in the 16<sup>th</sup> and 17<sup>th</sup> centuries, Protestant practices attributed spiritual value to work, including trade and banking, mostly by Calvinists and Puritans. The French economist Charles Gide (1920) defined work as the internal struggle within the individual's mind and his victory over himself. Two ideologies of work developed in the 17<sup>th</sup> Century: in the Catholic states, mostly in the principalities, the idea of creative work causing pleasure to the worker. A different approach was inspired by Protestant Reformation, and its representatives include Martin Luther, who defined work as the basis of life – the work of God. Protestant immigrants brought their approaches to North America,

where they constituted the most important element of the new American culture. Over the years, the religious grounds of work were lost, and secular ideology of work became part of the Industrial Revolution's approach. Locke regarded work as the source of private property and of most goods used by society. According to Locke, people are motivated to work because the wish to receive material rewards. Some 100 years after Locke, Adam Smith laid the foundations of modern economics, whereby work is perceived as the main source of national wealth. Another boost to the value of work was given by socialist philosopher such as Robert Owen, Charles Fourier and Marx, who were later referred to as "utopists". They described the process of "work" in society as playful, creative and a friendly experience. In the 10<sup>th</sup> Century, interest in "work" increased and different perceptions of "work" were the focal issues in different social movements and major variables in society's scientific models. Philosophers have treated "work" as a central factor in the life of the individual and the social structure. In the 29<sup>th</sup> Century thinking and research of "work" have become more extensive and profound. The moral approach and attributing moral dimensions to production, which characterized the Protestant states at first, were accompanied by industrialization attempts in states whose original cultures had perceived work as inferior activity. The new perception often integrated into the old cultural texture, such as in Japan, and sometimes, new movements developed, carrying the message of productivity. The two great movements were Russian style Marxism, and Mao Zedong Marxism, had been the secular continuation of values which were part of Protestant thought and became the basic values of 19<sup>th</sup> Century manufacturing culture.

In the western industrialized states work culture consisted of three stages: (1) In the beginning of the 20<sup>th</sup> Century the productive tendency which begot research interest in human labor and its integration into the technological-productive process. At the same time, interest in leisure and well being terms increased; At first, each of these terms moved in a separate course. Already in the 19<sup>th</sup> Century, well being was defined as a problem of just trade, getting adequate remuneration for work and guaranteeing humane working conditions. (2) The term "work" expanded to domains which are distant from the work situation, including various aspects of the worker's life, accidents, illness, old age and unemployment; (3) Between the two World Wars, mainly in The United Kingdom and in Scandinavian States, the perception of "Welfare Society", whose moral principles determine that each person has the right to

have his/her needs satisfied regardless of success in the work market. This principle is expressed in practice in the creation of a system of services and allowances which are independent of a person's wages or status as an employee, but rather to his/her status as a citizen. The following stage in thinking leads to an integration of the well being, leisure and work terms, and the following assumptions are formed: (1) Work is a necessary activity and constitutes a positive factor in the organization of a person's life; (2) therefore, work which is significant and interesting is part of a person's well being; (3) leisure is an inseparable part of the organization of a person's life, and it is likely that the boundaries between work and leisure will be blurred (Bar-Yoseph, 2011).

Davidov (2005) asks why acknowledge a person's right to work when it is possible to suffice with acknowledging the right to minimal life conditions, as if the goal of work is merely attaining living conditions, the "living conditions" have to be protected rather than the right to work. The answer to the question lies in the fact that indeed the right to work provides the individual with better living conditions, but it is doubtful that this potential constitutes sufficient justification of the right to work, which is to be found on a completely different level. According to Davidov, the right to work has to be understood on the grounds of the personal-social perspective, the significance of work to the individual on the personal, social and psychological levels.

#### **I.4.2. The Role of Work in Human Life**

Empiric studies in the domains of social psychology and sociology teach us that work has three major roles in the individual's life, besides making a living (MOW, 1987). First, work is a significant source of self-realization. Work plays a significant role in giving meaning to our lives. It creates opportunities for intellectual development, satisfaction and personal advancement. It constitutes a significant part of a person's identity and a source of the individual's ability to express thoughts and feelings and contribute to society (O'Boyle, 1994). It is the means for self-confidence and self-respect. Clearly, this description does not necessarily apply to all types of work, but generally, it can be argued that work is one of people's main sources of self-realization. Second, work provides individuals with a social framework of belonging, and hence its significance in a person's social life (Castel, 1996). Work constitutes a significant component of the sense of citizenship and the feeling that the individual

contributes to society and is involved in it (Marshall, 1965). Work is even important for the creation of leisure time activities. It was found that unemployed individuals often suffer from the lack of framework for other activities in life (Ciulla, 2000).

The third role of work regarding the personal-social perspective pertains to social status. The mutual way in which society and the individual regard a person has to do with work. Indeed research reveals that most people would like to go to work even if they do not feel the economic need to do so (O'Brian, 1992). It should be noted that the personal-social aspect of work on its components is not necessarily unique to hired workers. Thus, one research engaged in the "lottery question" – the question seeks to find whether the respondents would stop working or keep working if they won the lottery or inherited a large amount of money, which would allow them to live comfortably without having to work. The findings show that 64% - 95% of the respondents (in Israel and around the world) would prefer to go on working even if they had enough money to live comfortably without a job (Arvey, Harpaz & Liao, 2004). Solow also associates respect and work based in the findings of empiric research about the "Welfare to Work" program implemented in the U.S., which show Americans identify themselves via their work. Work is the most significant indicator of personal status, at least according to research respondents. Standing (1999) states from a historical perspective the 20<sup>th</sup> Century is the century of working people: from the demand for rights in the beginning of the century to, to a demand for full employment in its midst to the welfare to work programs towards its end. After discussing work as a social resource in people's life, we will address the legal aspects of work as a basic human right.

## **I.5. The Right to Work - Legal Perspectives**

### **I.5.1. Legal Right to Work**

Underlying the "Human rights" tradition is the notion that each person has some unconditional basic rights. These rights derive from the value of human dignity. That is, then, the source of all rights, but is also a right in itself, along with the right of liberty, equality and due process. The right of dignity, meaning the right not to be humiliated includes a number of rights such as not to be subject to cruel and humiliating torture, the right of privacy and a good name. The accepted categorization of human rights is dividing them according to civil and political rights also known as

birthrights and include the right to life, freedom of speech, and freedom of movement; the second category is that of social rights, including the right to adequate standard of living, the right to health, the right to social insurance, the right to education and workers' rights, such as the right to work, to unionize and the right to strike. There are those who now discuss a third category of human rights engaging in collective rights such as minority rights.

It is customary to regard the U.N Charter of 1945 as the first significant international document mentioning the nations' commitment to maintaining their citizens' human rights. The charter, however, did not include details of the different human rights, nor did it define the nations' duties clearly. The following important stage in the development of the Human Rights Movement was the 1948 Universal Declaration of Human Rights (U.N., 1948). Though it is not a binding legal document, the declaration represented consensus by 48 states and included the first comprehensive list of human rights, which has been the core of modern human rights laws.

The list in the 1948 declaration served as a normative basis upon which the two 1966 Human Rights covenants were prepared.

The declaration even adopted some basic principles constituting the ideological grounds of the Human rights Movement, as well as "natural right" deriving from people's humanity, do not depend on any conditions and cannot be negated.

Fundamental disagreements among states, mainly regarding the issue of social rights, led the United Nations Commission on Human Rights to divide the Universal Declaration of human rights into two covenants: International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both became international laws in 1976. These two covenants together with the Universal Declaration of Human Rights became the International Bill of Human Rights. ICCPR focuses on such issues as the right to life, freedom of speech, freedom of religion and the freedom of choice. ICESCR focuses of food, education, health and shelter. Both covenants attribute those rights to all people and prohibit discrimination. Furthermore, Article 28 of the ICCPR establishes the U.N. Human Rights Committee. The committee is composed of 18 human rights experts, who monitor implementation of the International Covenant on Civil and Political Rights by its State parties. The committee reviews the reports submitted by

the member states to make sure the laws are obeyed and publishes its report on the conduct of each member state.

Rabin and Shany (2004) note that the two human rights covenants of 1966, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), were created on the grounds of the historical debate as per the status of the "second generation" social rights, reflecting the historical division of the categories of rights: the group of western states ("capitalist") and the group of states representing "pure socialism". The explanation of the discourse regarding the different rights as a "safety net" for adequate human existence, or "dignity" (Kamir, 2007) is rooted in the horrid outcome of World War II, when western society found out that with no boundaries marking the common denominator, even the most enlightened nations can exercise their freedoms without boundaries and trample over the rights and liberties of individuals, their rights of liberty, and their lives. "Dignity", claims Kamir (2007) is perceived as an inherent human attribute, and one does not have to do anything to earn it. Dignity begets a culture of rights, which are indeed minimalist, but at the same time absolute, and do not depend on any obligations. Mizrahi (2011) describes the transition from one social state to another, confronts the term "dignity" with its predecessor, "honor", which is not given, but rather derives from social hierarchy, and even establishes it. Taylor (1994), who argued that the modern identity is shaped in the shift from "honor" to "dignity", states the transition was accompanied by "politics of universalism" emphasizing the equal dignity of all citizens, and therefore carries the torch of equal rights to all. From the legal perspective, work is tightly associated with a person's dignity, honor, and identity.

### **I.5.3. Social and Economic Rights**

Radai and Golan (2006) argue that until the last decades, social and economic rights had not been on the top of the Human rights' agenda, and they criticize State of Israel that signed the international covenant in 1991 and is committed to the covenant's norms, stating without a Basic Law Social and Economic rights, the main source of inspiration for the development of social rights in Israel is in the norms of international law. Radai and Golan argue that according to the Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights,

signatories are obligated to guarantee the "core" rights: access to food, basic health care, basic education and housing. As for the other rights, the states are obligated to gradually act towards realizing them, and explain why failure to do so is justified. It should be noted that the State of Israel's position is that the letter of the law in Israel reflects the covenant's instructions, and in November 1997, in the framework of the report to the commissioner, the State of Israel submitted its report detailing the means taken to implement the covenant (Fishman-Afori, 2007). Since the application of the rights include contradictory interests in the public and political arenas, the researchers see the correct way of realizing social rights in their legal acknowledgement, meaning, prioritizing those rights in the hierarchy of legal norms via the judiciary authority.

Three models have been proposed (Fishman-Afori, 2007): (1) Declarative authorization of the courts, (similarly to Irish constitution) maintaining that regulations pertaining to social rights are not to be enforced; (2) In case where the court rules a social right was violated, it will refer the issue to the deciding body for new discussions, so as to find a solution that will undo the violation. This, by the way, is the model embraced by the British 1998 Human Rights Act; (3) The third model allows the court to rule on the allocation of budgets for financing the social right, pending on reasonable budget limitations. This is the model embraced by the South African constitution. Gavizon (2002) reviews comparative law to learn about the legislation in different countries regarding the implementation of universal human rights and judiciary criticism, and finds that in many states, including Israel detailed arrangements have been made at a normative level that is lower than the constitutional level, regarding the issues of social-economic rights, in the private sector and the public sector, and so regulations pertaining to hygiene and work safety specifically pertain to the private sector, whereas laws concerning other rights (education, health) pertain to the authorities which are part of the public sector. A great part of the discussion regarding these rights revolves around the question whether these arrangements have to be anchored by Knesset (Israeli Parliament) legislation, or whether it would be enough to settle for lower level arrangements, leaving the government with the freedom to act. Moreover, there is the chronic issue of low level enforcement of arrangements in the social and economic domain (such as the Minimum Wage Law). Gavizon believes it is reasonable to assume that problems of under-enforcement or controversial arrangements will not and should not be resolved

by legislative protection. On the other hand, the issue of that legislative protection remains highly relevant: what is to happen when there is no norm arranging a specific practice? Can an individual or a state oblige a state or an individual to act or avoid acting, only based on his/its constitutional rights? And in more detail – does the constitution impose positivist or negativist duties, and whose duty is it: any citizen or only the state authorities?

The state which provides the answer with the narrowest horizon to this question is the United States. While the rights of individuals compared to other individuals are recognized by federal legislation (and certainly in State legislation), the constitution engages in individual rights under the government and all of its branches. The "Bill of Rights" actually prohibits the government from violating the listed rights. Moreover, American law, in the constitution, includes the protection of ownership, but does not mention social and economic rights. The Canadian constitution has similar characteristics to the American one. Since Article 32 of the Canadian charter regards the Canadian constitution's application to the parliament, the government and legislatures in the provinces, the Canadian court deemed it right to state the Charter's role is to monitor government and protect the individual, and it does not apply to relationships between individuals. In another case, the court ruled that even universities founded by law and financed by the public are not bound by the Charter. However, the court ruled that when interpreting the law, the courts had better rely on the charter's principles and develop the law in accordance with their main ideas.

In light of the American experience, the Canadian charter does not include protection of ownership, but it did follow the American constitution by not referring to economic and social rights. The constitutional court in Germany determined the right to life which is protected by Article 2(2) does not only prohibit the state from killing, but also requires the state to prevent the violation of the right by individuals, even when it requires positive legislation, where it does not exist. In a parallel case, in Austria, the state ruled that as long as the state does not kill embryos, there is no constitutional issue. The German court developed this legislation in cases where technological, social, and economic advents were perceived as endangering human rights. In India, where the constitution includes principles of social justice, but no actual rights, the courts' interpretations follow this line of thought. First, delegating authority to various bureaucratic institutions in the state led to the determination that it is not enough to immune bodies from judiciary judgment. Thus it was determined that academic

institutions founded by the state, government corporations, the Indian Bureau of Statistics, the Council for Agricultural Research and government owned industries are subject to constitutional review. Nevertheless, the Indian constitutional court is inconsistent in its rulings. Thus it ruled that the Scientific Research council, the Constitutional and Parliamentary Research Institute and the National council for Education and Training are not subject to constitutional review. However, beyond the judiciary determination subordinating a body to judiciary review, it is interesting to review the way the Indian constitution is phrased, which clearly points to the universal applicability of the constitution. It does not make any sense, for instance, for the prohibition of human trade and the employment of children under the age of 14, to apply only to government authorities. These prohibitions apply to "civilian society". Furthermore, whereas certain articles mention the state as bearing the duty, other articles (such as life, liberty and equality, freedom of religion and minority rights) do not. The issue regarding specific statements that parliament legislation is subjected to constitutional norms is accompanied by two issues, one with historical-theoretical characteristics and the other strictly practical. The former is based on the assumption that the constitution specifically restricts the power of legislators, and which body is responsible for determining violations. This issue was described as a "historical theoretical" issue. Conversely, the answer to the issue of legislators crossing the lines is not theoretical. The two issues construct the relationships between the legislature and the courts. As mentioned earlier, the British law, and even more emphatically, New Zealand law do not allow the courts to change the legal situation in the state, even when the law has been found to be unreasonably damaging and in violation of one of the rights. The British court may declare the law does not suit the situation, but cannot abolish legislation. The other end of the axis consists of constitutions of such states as South Africa and India, stating that if there is an unjustified violation of a right, the damage component (an entire law or part of it) will be nullified. In this case, the court functions as declaring an objective finding, discovering a legal fact, and not as creating it.

Still, reality is far more complex. It appears the Canadian court understood this complexity. Indeed Article 52 of the 1982 Constitution Act determines that the constitution is Canada's supreme law, and that laws that do not correspond to the constitution are void. In Germany there are exceptions to the rule that an unconstitutional law is void and has to be abolished, in case of violating the principle

of equality, the legislature may include the discriminated group in a benefit group or deny benefits to all. In other cases, the court deemed it right to allow the legislators time for making new laws. It appears, then, that the structured tension on both the theoretical and practical level of including social rights in the constitution protecting human rights: on the theoretical level there are claims that the focus has to be individual rights and not beyond that in a way which might lead to contempt and erosion of the achievements already gained. An additional claim is that broad protection of human rights and extending rights, will eventually damage society. The basic approach on which these claims lean is that social existence requires some sacrifice on the part of the individuals comprising it, and therefore, a state of balance has to be reached to allow maximum protection of human rights and minimize damage to society. On the practical level, the claims are that protection of social rights requires massive financial investments, directed at financing each individual's education and social rights, as well as increased courts' intervention in the attempt to rule which social rights are protected by law, and what is the reasonable expenditure for protecting those rights. At the same time, a practice of protecting basic social rights is expressed both in international treaties and legislation.

A review of a background paper prepared in the Knesset (Israeli Parliament) Information Center (Van Gelder, 2001), reveals that a specific institutionalization of the right to work appears only in a few states. Zeidman (2003) states in his comparative study of India and south Africa that the fourth part of the Indian constitution (Articles 36 – 51) contains social and political rights including the right to work, with a reservation stating the realization of this right is conditioned on the resources available to the state. The Dutch constitution states that authorities have the responsibility of promoting employment. Workers' status or their protection will be determined by law. The constitution recognizes the right of each Dutch citizen to freely choose work. The Spanish constitution refers in Article (1)1 to the right to work including wages that will suffice for the worker's needs and the needs of his/her family. The Article also states that laws have to be legislated for the workers. Finland's constitution lists the right to work, including placing responsibility on the public authorities to defend the workers. Furthermore, workers have the right to get professional and vocational training. The 1946 French Constitution states every worker is entitled to basic conditions that will be set by the law. This principle is binding according to the 1958 constitution. The German constitution states in Article

12 that all Germans have the right to choose their profession, along with the prohibition of forced labor.

We will add that additional international institutions refer to the interpretation and implementation of social rights: The Limburg Principles of 1987 refer to the significance of progressiveness in the implementation of the International Covenant on Economic, Social and Cultural Rights and interpreting the rights detailed in it. The Maastricht guidelines of 1997 developed the definition of the social right by dividing them in to a number of obligations: respect, protect and fulfill the rights listed in the Covenant on Economic, Social and Cultural Rights. Additionally, the members of the Council of Europe signed The Revised European Social Charter seeking to add and amend rights guaranteed in the 1961 social covenant and its amendments of 1988. The covenant's goal was to guarantee social and economic rights, and states that all signatories must ensure their implementation. Among the rights is the right to work and choose the field of work as well as the protection of the handicapped individuals and persons with disabilities, including their rights for employment equality. Since it is a covenant of the Council of Europe, which is primarily a voluntary organization (in contrast to the institutions of the European Union), it does not have any binding judiciary validity, and each of the states that signed it is free to accept or reject it. The following chapter depicts the social aspects of a person with a disability in the work market.

## **I.6. Individuals with Disability in the Work Market – Social Perspectives**

### **I.6.1. Negative Bias towards Mentally Disabled Individuals**

The declarative constitutional grounds described above serve as a worthy background for examining the issue of individuals with disabilities, with an emphasis of mentally disabled individuals in the work market on all of its aspects. The description above reveals that each person in a liberal western state has rights.

It was Martha Nussbaum (2005) who analyzed Rawls's philosophy and found negative bias towards individuals with disabilities. Thus, John Rawls one of the major modern liberal political philosophers described the partners to the "social contract" as "rational long term planners" who are required to be "free, equal and independent",

meaning "equal in their physical and intellectual strength" and asymmetrically independent of others due to the fear that their unequal productive contribution to society will be significantly lower (Nussbaum, 2005: pp. 28 – 33; Rawls, 1972: pp. 127 – 129).

Rawls's even claimed so explicitly, that people with handicaps do not meet the threshold demands of entry into the "social contract" - the "veil of ignorance". Those who can be partners in this alliance are those who can be trusted to become equal members as far as their contribution to the future society is concerned. According to his later publications, his intention probably was to exclude from society only those who are intellectually disabled and cannot meet the rational demands at the heart of the liberal theory. However, in 1895, Rawls clarified that even the place of people with physical handicaps is not guaranteed: *"A person is someone who can be a citizen, that is, a fully cooperating member of society over a complete life...for our purposes...I leave aside permanent physical disabilities...so serve as to prevent persons from being normal and fully cooperative members of society in the usual sense"*.

This led Nussbaum to argue, *"In so conceiving the person Rawls omits from the situation of basic political choice the more extreme forms of need and dependency that human beings may experience. Both physical and mental. This is no oversight: it is deliberate design. Rawls recognizes the problem but he argues that this problem should be solved at a later stage, after basic principles are already chosen. Thus, the unusual needs of (disable persons) do not seem to be included at this initial stage, when basic political principles are chosen"* (Nussbaum,2005 p.109).

### **I.6.2. Critical Approaches to the Employment of Individuals with Mental Disabilities**

Mor (2009) refers to Martha Minow (1990) who expands the criticism regarding the role of mentally disabled individuals in the "rights' discourse". Minow distinguishes three approaches to the rights of y disabled individuals. The first is the Abnormality approach emphasizing the inherent difference between "normal" handicap-free people and the "abnormal" – limited people; the second approach is the "Rights approach" – allegedly taking an egalitarian stand towards all individuals in society, regarding them all as people with rights, as they are all members of the human, political community,

but this approach also reveals signs of the influence of the "abnormality approach", and she explains: *"After the security..some real differences; in implicit comparison with the normal person; may in fact appear – and those differences are inherent .The same legal rights enjoyed by 'normal' people then, should be sought for those labeled abnormal and mentally incompetent, unless it can be shown to be the satisfaction of a court that the differences between the groups are based on demonstrable evidence rather than prejudice"*(Nussbaum, 1990, pp. 107). The third approach identified by Minow is "The Social Relations" approach – challenging the assumptions regarding group-based equality and differences; the approach challenges categories perceived as self-evident and is skeptic regarding perceptions of difference blaming the problems on the person rather than on the relationships between people and social institutions, *"...because of a suspicion that the attribution(of difference)locates the problem in the person who does not fit ,rather in the relationships between people and social institutions. The attribution of deference hides the power of those who classify ... The power of the institutionalized norm allows the namers to ignore altogether the perspective of the less powerful...The name of difference is produced by those with the power to name and the power to treat themselves as the norm"* (Minow,1990, p. 111).

### **I.6.3. Exclusion of Mentally Disabled Persons from Society**

Mor (2009) argues the historical structuring of the "disabled" as a legal subject, has not included persons with disabilities. This exclusion has been based on the consensus regarding the notion that individuals with disabilities do not meet the pre-requisites of the "rights discourse", meaning, rationalism, autonomy and independence, productivity, contribution to society, self sufficiency, self reliance, as well as their inability to fully participate in civilian and public life, or make decisions in the personal life domain.

The term "social exclusion" used by Mor (2009) to describe the state of disabled individuals in society has been used more often recently, as it was included in the discourse of inequality which is constantly on the public agenda (Strayer, 2001).It represents the birth of sociological concepts reflecting the attempt to describe new social changes whose implementation has to do with a dominant ideological-cultural atmosphere of the time (Scharm, 2000). Despite its ambiguity and complexity, the

term "social exclusion" has been largely addressed in different domains. The wide use of the term can be explained on a number of levels: (1) The ideological level – describing the negative outcome of neo-liberal government policies in the 1980s, which was based on market economy for the solutions of social problems, which led to increasing the gaps between the different socio-economic levels; (2) The global level – describing the changes due to millions leaving the work market after the decline of the Communist Bloc and the processes of globalization in world economy and trade, and the development of new margin social groups who have not always been defined as "poor" by their governments and hence did not receive significant support; (3) The psychological-social level – the concept was less stigmatized than the concept poverty", although, originally, the parallel French term "*les exclus*" was used in French discourse pertaining to persons with physical and mental disabilities, already in the 1960s but did not attract too much attention (Lenoir, 1989).

Social exclusion is the result of social inequality (Room, 1995) as well as of the failure of social-political, cultural and economic societies in including different groups. "Social exclusion" refers to social isolation, lack of inclusion, lack of integration, decreased participation and the lack of influence and power of various social groups; it refers to ongoing multi-dimensional deprivation causing the loss of sense of belongingness on the part of those excluded from society regarding the excluding society and its institutions (Berghman, 1985). In other words, social exclusion in terms of marginalization is not the result of one reason, but rather develops as a result of a number of reasons which strengthen each other. On the top of the list is, indeed, poverty and economic distress, but it is also the result of insufficient education, faulty health, and, what is the most relevant to our research, deficient occupational skills and other social skills. This situation causes the exclusion of large groups from workplaces, from the ability to earn a proper living and from opportunities to advance in the course of life. Social exclusion also prevents those groups from taking an active part in social community networks. Consequently, those groups have little access to sources of power and positions in decision-making bodies which influence the main domains in life, which explains their being marginalized (Lister, 2004; Hills, 2004; Estivill, 2003; Social Exclusion Unit, 2004; Doron, 2006). The difference between "poverty" and "social exclusion" is the dynamics of the term "exclusion". When we speak of "poverty" we refer to economic distress, meaning

people's inability to purchase a defined "package" of products and services which are considered minimally necessary for living in society at a given time. In contrast, the term "social exclusion" characterizes a dynamic, relative process. "Relative" refers to the person's status in society and that person's interaction with society. The status issue is structural and does not necessarily refer to the person's individual behavior. People are considered socially excluded at a certain place and a certain time when their social participation is marginal and they cannot control the important aspects of their lives on their own (Atkinson, 1998; Spicker, 1997). As mentioned earlier, the term is vague and the inclination is to include almost any deprived group on the list of "social exclusion", due to the difficulty in setting clear boundaries and agreed upon measures. Room et. al. (2002) maintains that for deprivation to be defined as "social exclusion", it has to meet three accumulative conditions: multi-dimensionality, time duration and social distance; meaning, different levels of social deprivation which last long and significant detachment from the mainstream of society. The professional exclusion literature evaluates exclusion by the level of participation in four activity types: consumerism – the ability to purchase a given quantity of products and services which allows for dignified minimal living; Production – taking part in the economic or social activity which carries rewards; political activity; Political activity – involvement in activities which may influence the decision making pertaining to the individual's life; social integration – integration in to family life, a social network and the community (Burchard, LeGrand & Piachaud, 2002).

The roots of social exclusion, then, lie in the failure of the systems in charge of social integration. The outcome of that exclusion is that those who are excluded are not in the participation environment. Wolfe (1995) believes this weakness can be determined not only statistically, but also via a dynamic multi-dimensional analysis. Such analysis does not only emphasize the resources of the individual and his or her family, but also those of the group and community and considers the whole complex of stratification relationships in society (Graham, 1999). This interaction has gained political attention in the European Union in the end of the 20<sup>th</sup> Century, partly due to the reluctance of some European governments to use the term "poverty". They assumed the term "social exclusion" has less of the component of casting blame on their policies than in the term "poverty" (Berghaman, 1997). In time, the concept became a significant component in the discourse of the European Union. In 1989, the

European Council of Ministers made a decision calling for fighting social exclusion and promoting integration and a Europe of Solidarity. The 1997 Amsterdam Treaty states the struggle against social exclusion is one of the goals of European Union policy. In the United Kingdom, for instance, the Labor government formed a designated government unit especially for that purpose. In the Lisbon Special European Council of 2000, agreement was reached regarding cooperation in actions for preventing social exclusions and the encouragement of social inclusion (Lister, 2004).

The academic discourse pertaining to "social exclusion" attributed sociological meanings to the concept, connecting it to the concept of social solidarity. According to this approach (Aron, 1993), social exclusion derives from the decline in solidarity among humans and in the life contacts within the community and society. In other words, the concept refers to people who are not connected to the solidarity networks in society. This approach is mostly prevalent among French researchers, and is largely based on Durkheim's sociological approach, regarding solidarity as a significant component in the normative social order, rather than deriving from self-serving interests of an individual or a group. According to Durkheim, the division of labor in society is characterized by morally based interactions, which organize the person's behavior as an individual. The solidarity expressed in these interactions connects the individual to society via a series of social networks operating within society. According to this approach, social exclusion poses a threat to society as a whole as it shatters the common values which connect the individual to society and may, therefore, entail the destruction of the bases of the delicate social tissue. This approach, then, regards social exclusion as a matter of the general public, whose affiliation to the individual has shattered (Aron, 1993).

The ideational approach in its Anglo-American version differs from the European one in that in contrast to the French and European continental solidarity approach, the Anglo-American approach is individualized, meaning, it regards social exclusion as a result of increasing specialization in modern society, and so the approach emphasizes social diversity arising from the different fields of specialization, the more specific division of labor and separation of the various life domains in contemporary society. This liberal approach regards the social order in the economy and in politics as based on social networks where there is an exchange among people acting autonomously

and freely based on their interests. Thus, the individual within the community has the responsibility of managing the exchange of duties and rights. Social exclusion is created in the free play of the power relations around the status on the individual and his/her political power, which can serve the interests of those included in the mainstream of these processes (Silver, 1994).

As a whole, social exclusion is not accidental, but rather the outcome of an ongoing struggle in contemporary society, among different social groups with unique characteristics, regarding the division of power resources and other resources, in the framework of accelerated social and economic change processes which society undergoes. The more social and economic processes constitute regular processes in the dynamics of change in modern society, the more the struggle over resources leaves the losers on the roadside. Those who are found on the roadside are excluded from the mainstream of social life. Globalization processes enhance the social exclusion phenomenon and make it severer. Beyond the material aspects of social exclusion, originating from the struggle for available resources, the phenomenon also has cultural and symbolic aspects. Every human society tends to attribute certain characteristics to people and even whole groups in the population. These characteristics involve pertain to the negative image associated with those people or groups, and their origin is deep in the culture. They contribute to the creation of excluded populations, who find it hard to integrate into the mainstream of social life due to the negative image attributed to them. This negative image prevents them from actively participating in society and in the formation of their lifestyle, as well as from making their own choices.

It appears, then, that the direct association between "human rights" concepts and "social exclusion" means respect of human rights, meaning no person will suffer social exclusion, as the grounds of human rights are equality, respect, freedom and the right to meaningful citizenship. This means that a reality whereby individuals or groups do not have the ability, the power or the opportunity to realize their basic rights and actively participate in the processes that shape their lives is a reality where their human rights are violated, and this violation erodes the existence of a democratic society.

#### **I.6.4. The Significance of Employment in the Social Domain**

Given that the economy is one of the contemporary foundations of "social exclusion", we can easily assess the core value and significance of "employment" within the powers acting in the social domain, influencing the integration of individuals and groups into it. Conversely, in light of the Hegemonic paradigm of disability, the natural diversity of individuals with disabilities prevents them from living in "normal" frameworks, including typical work frameworks. The employment options available to individuals with disabilities derive directly from their physical, mental or intellectual disabilities. This approach ignores the design of the workplace by those whose norms have nothing to do with disabilities. The desired employee is an individual without disabilities, and individuals with disabilities seeking employment are excluded from the work environment. At the same time, globalization processes and their influence can be connected to the timing of the "awakening" of the discourse pertaining to the place of individuals with disabilities in society and the social structuring of the term "disability", in light of the removal of interstate boundaries and structural changes in the labor market, which have increased the egalitarian awareness within civilian society on its non-governmental organizations as the balance factors to the negative aspects of the global economic space.

In the early 1980s a critical-academic stream developed regarding disabilities as the outcome of social power play rather than a neutral, objective situation. This approach is known as "Disability Studies". The critical approach to disability shows the perception of disability as inherent inferiority was not only the approach taken by the liberal political theory, but rather, the criticism sets out against the claim at the heart of this approach that disability is to be regarded as a personal tragedy landing on the fate-stricken individual, but rather as a social phenomenon affected by the interaction between the individual and the environment.

Shaping the social understanding of disabilities does not have to be governed by health, welfare and rehabilitation sciences. The appropriate alternative is a historical social-cultural-political approach to disability, regarding it as the outcome of social structuring and interaction between the individual, the environment and the society in which he or she lives (Oliver, 1990; Linton, 1998). There is great significance in identifying and exposing the system of power relations feeding the perception of

disability as a personal tragedy and as a state of inferiority and diminished worth. The tragedy lies in the way society behaves – setting barriers, regarding disability as inferiority and not attributing value to individuals who do not meet the narrow standards of productivity. Furthermore, the development of medical and rehabilitation systems creates a situation whereby disabilities can be treated and rehabilitated, and therefore – integration is possible. Therein lies a problem, the above described approach has forced disabled individuals to adjust to social standards rather than lead the social environment to adjust its demands and circumstances to the disabled individuals. The norm according to which disabled individuals have been assessed is the average or accepted norm, which has become the standard for "normal" (Davis, 1995).

The criticism's contribution is expressed in shifting the focus of the discussion from "fixing" the individual to "fixing" society and its responsibility for the creation of barriers which prevent individuals with disabilities from enjoying life.

Disability Studies have developed on the grounds of the achievements of the Disability Rights Movement, which started its activity in the late 1960s in the United States. At that time, persons with disabilities had limited human and civil rights, due to paternalist regulations which made them second rate citizens (Eisenberg, 1982). Consequently, there was no active participation of persons with disabilities in most life domains, and most of them were either separated from society or lived in the margins (Meyerson, 1988).

### **I.6.5. Practical Perspectives of the Social Exclusion of Individuals with Mental Disabilities**

Discriminating legal regulations, which led to the removal of persons with disabilities from most life domains, have enhanced the stigma and negative stereotypes pertaining to persons with disabilities, according to which persons with disabilities cannot live in a typical framework of work, studies and living within the community, because of their limitations. This is how the "fool cycle" developed, whereby prejudice legitimates discrimination and limited rights, and in turn, this discrimination legitimates prejudice. Due to their social marginality, most of the persons with disabilities did not participate in the public discourse of disability, which was rather a "needs discourse", deriving from the traditional approaches which governed at the

time, and focused on the "disability" as the central property of the disabled person, which generated that person's general identity. In other words, attitudes to persons with disabilities were based on the examination of the persons' functional performance in the different life domains, in comparison to persons without disabilities. The definition of "disability" was "intrinsic" in the sense that its starting point was the person with disabilities, rather than that person's functional environment. That person's needs were determined by the medical-therapeutic disciplines, according to categorical affiliation. The same disciplines sought to overcome the disabilities, so as to enable the disabled individuals to cope in a normative environment to which they had to adjust so as to be able to function in it. This attitude to individuals with disabilities derives from two basic assumptions: the first being the existing environment, which is natural and neutral in all life domains and there is none but it; and the second – there are normal people and there are those who do not measure up to the norm due to physical or mental defect, and they are the persons with disabilities.

Leaders of the social Disability Rights Movement, who are persons with disabilities, maintained that the assumption that the existing environment is natural and neutral is essentially wrong. This environment was created, planned, designed and functions according to the perspective, experiences and needs of persons who have no disabilities. This majority group holds the power and authority, and can influence the way in which the environment is shaped. In other words, functional disability exists only with regard to an environment which does not consider the fact that there are people who have needs that are different from those of the majority, but whose voice is not heard in the course of shaping the reality, which everyone else perceives as natural and clear (Ziv, 2004).

Similar criticism has been expressed by the leaders of the Disability Rights Movement towards the dichotomy perception of disability, differentiating those who have no disabilities from those who do. They claimed that "disability" is not a clear-cut category with defined and known boundaries, but rather a category determined by different interest groups rather than by essential intrinsic aspects (Liachowitz, 1988). Disability is social construction rather than an essential feature, which is determined in the understanding between a person and his or her environment rather than separate

from the environment. The meaning attributed to "disability" in a specific community changes according to the place, the time and the culture.

One example provided by Ziv (2004) describes the community of Martha's Vineyard, Massachusetts in the 18<sup>th</sup> Century. The town had many deaf residents. To maintain ongoing communication among all residents, the hearing children learnt sign language in addition to English. Teaching sign language to all children removed the label of "anomaly" from the deaf persons, and turned the use of sign language into a norm. In other words, at that place and at that time, the measure of the norm was different. What is considered a deviation from the norm in a certain place at a certain time may seem perfectly normal in another place at another time. This means that the definition of "disability" is to a great extent the outcome of the attitudes of external factors and is not completely intrinsic.

This approach served as grounds in the movement's desire to introduce a comprehensive change in the social order and the value-based attitudes governing social policy. The struggle did not focus on expanding the services for persons with disabilities, but rather sought to get to a new orientation in the definition of disability and a new view of the place of persons with disabilities in society (Bickenbach, 2001).

The Disability Rights Movement's shift to the rights of persons with disabilities, actually expressed the transition from a passive approach to an active one via legal activity and adoption of the liberal approach believing in the power of the law to introduce social change. The legal struggle was then led by lawyers who had no disabilities, who were inspired by the Civil Rights Movement and the Feminist movement's struggle for recognition of their rights, by using legal tools. The concept of "right" was refined seeking to sharply reflect the experience of the disabled persons' experience of exclusion, and so the concept "equality" received the following meanings:

1. "Equality" in the sense of integration, inclusion and participation, meaning: opportunities for full participation in society in all life domains;
2. "Equality" as the obligation of making the required accommodations for achieving integration and inclusion: "discrimination" now includes the lack of

will to perform, under the required circumstances, the accommodations for the sustainable integration;

3. "Equality" via appropriate solutions for the needs of persons with disabilities: the idea behind the "appropriate solutions" expresses the acknowledgement that disability is not homogeneous, and we have to take in to account the nature and unique level of needs of persons with disabilities, so as to enable them to live in the community and in normative frameworks, and seeks to provide them help so that they can implement it in practice.

Furthermore, the above described social-political dynamics also generated a change in the attitude of the authorities: Rimerman, Avrahami and Bergman (2005) maintain that until the 1990s, the western world adhered to two major models: the Liberal Model and the Welfare State model.

The Liberal Model advocates the state's minimum involvement in solving social problems, including the rights of persons with disabilities. The state provides the individual with an allowance or rehabilitation services only if the individual cannot support himself. The Welfare State Model relates to a wider variety of needs and manifests greater flexibility in providing services to persons with disabilities.

It seems, then, that although the two models differ in terms of the state's involvement, they are both based on the social approach, seeking to provide the most appropriate living conditions to individuals with disabilities, while "rehabilitating" their abilities and adjusting them to the norms of society. This approach is based on medical examinations for determining the level of disability, but also on the level of neediness and allocating funds according to the individual's unique needs.

Nevertheless, there is an institutional inclination to adopt the "Rights Approach" according to which the state does not regard handicap as a mere individual problem. The state is obligated to avoid harming the rights of persons with disabilities, and at the same time, it is obligated to taking various steps to protect these people's rights and removing obstacles in the different levels of their social participation.

## **I.6.6. Typology of State Attitudes to Individuals with Disabilities**

Drake (1999) proposed five stages describing the state's attitude to persons with disabilities:

1. An approach denying the human rights of persons with disabilities (for instance, Nazi Germany).
2. State's intervention only for the truly needy, who cannot guarantee their basic existence.
3. The state recognizes its responsibility to respond to existential needs which are not realized by persons with disabilities, but it focuses on "putting out the fire", and in most cases creates policy as a result of pressures exerted by different "interest groups".
4. Maximum involvement whereby the state regards itself responsible for its citizens' welfare and provides an extended "basket" of benefits and services.
5. The state takes the "Human and Civil rights" approach which regards disability as a social problem, and therefore, the state sees its duty is to provide maximum services so as to give persons with disabilities an equal opportunity to take part in the various life circles.

The first four stages are, in fact, a continuum in which the state focuses on the individual and relates to the individual's needs selectively according to the "need" principle. In the fifth stage, the state does not relate to disability as an individual problem, but attributes social meanings to it.

This typology represents, to a great extent, Bourdieu's description (1999) of the government as a body with two hands: the right hand constitutes the technocrats responsible for finances, trade and investments, and the left hand is the social hand, responsible for education, health and welfare.

Rimerman and Bergman (2005) conclude that governments execute policies which reflect the world views accepted in their societies. An approach which perceives disability as a personal tragedy will act to create regulations and legal mechanisms directed at supporting those in distress – often by removing the stress from family members (Drake 2002). An approach advocating the promotion of rights requires basic changes in definitions and the perceptions of disability (Bickenbach, 2001).

Advocates of the same change, reject, in fact, the bio-medical model which mainly focuses on the physical defect and narrowing the individual's disabilities, and tend to adopt the "social model" according to which "disability" is the outcome of the interaction between the individual and the surroundings, which are connected to the socio-political context of each society (Barry, 1995). A society which seeks to benefit persons with disabilities will take the initiative and act to remove obstacles. On the other hand, a society which narrows its activity will manifest little initiative in that respect. Based on the same typology, we can now make a comparative examination of legislation and its outcome in a number of countries, as presented in the next chapter.

## **I.7. Individuals with Disabilities in the Work Market**

### **I.7.1 Comparing Legal and Applied Aspects**

#### **United Nations**

Based on the above typology, we can now compare legislation and its products in a number of states.

**The United Nations:** in the 1960s, the U.N. was the first international organization to recognize the human rights of persons with disabilities and declared their right for egalitarian and active participation in all life domains. This declaration was officially acknowledged in 1971, the U.N. General Assembly adopted the Declaration on the Rights of Mentally Retarded Persons. This declaration was extended in 1975 to other types of disability. These declarations first acknowledged the civil and political rights of persons with disabilities and guidelines were created for equal opportunities in order to promote social integration. In 1982, the U.N. embraced the World Program of Action Concerning Disabled Persons. In addition to the declaration of intent, this document also included general courses of action for the promotion of rehabilitation and equal rights, but it did not contain practical criteria for implementation. Hence, in 1994, the U.N. set clear criteria as per making policy and laws seeking to promote egalitarian and active participation for persons with disabilities in the countries which are members of the U.N.

Article 15 of this declaration states each state has to set the legal grounds for reaching the goal of persons with disabilities' egalitarian and active participation of in society.

In the end of 2006, the U.N. published its Convention on the Rights of Persons with Disabilities (CRPD). The European Union also phrased a similar convention with general instructions according to which it is advisable to make policies regarding disabled persons (Johnson, 2001).

## **United States**

Laws and incentives for constitutional application of help to persons with physical, mental and intellectual disabilities have developed over the years, while applying a variety of laws seeking to help and prevent discrimination against persons with disabilities in the work market.

1. **Rehabilitation Act of 1973** allows for the implementation of professional training programs in the workplace, for independent life, providing help and financial rewards for the population of persons with disabilities including physical, mental and intellectual disabilities. The Act is divided into seven parts: (1) professional training services; (2) Research and occupational training; (3) special projects and professional development; (4) the National Disability council; (5) Rights and protection to which persons with handicaps are entitled; (6) Providing occupational opportunities; (7) Providing the option to live independently, including housing. The human rights sections in this Act prohibit discrimination on the basis of disability in three main domains as detailed henceforth: Section 501 requires affirmative action and nondiscrimination in employment of individuals with disabilities and their advancement; Section 503 requires affirmative action and prohibits employment discrimination by Federal government contractors and sub-contractors with contracts of more than \$10,000; Section 504 prohibits organizations that receive Federal support to discriminate against individuals with disabilities in employment and activities organized by them. The latter section was actually the first legislation item for the equal rights of persons with disabilities, and the first formal acknowledgement of persons with disabilities as a minority whose rights have to be protected.
2. In 1975, the rights of persons with disabilities to equality in education and to education were acknowledged in the framework of the **Education of All**

**Handicapped Children Act** (The Individuals with Disabilities Education Act).

3. The 1990 **American with Disabilities Act** known as ADA was, in fact, the first legal mechanism for enforcing equal rights and opportunities. The Act clearly recognizes the existence of discrimination against persons with disabilities, resulting from historical patterns of isolation and segregation, and the fact that no attempts have been made to promote the persons with disabilities' integration into the mainstream of society. The grounds of the Act, applying to employers with at least 15 workers and all federal organizations, consist of a mechanism prohibiting discrimination against persons with disabilities in the domains of employment, social services, housing and transportation. The Act consists of five sections pertaining to the prohibition of discrimination and the state's duty to see to accommodating the conditions of the environment to the needs of persons with disabilities in services provided by the state and private organizations.

It seems that the law has, in fact, enhanced occupational orientation in the course of efforts for normalizing the realities of persons with disabilities. Before legislation, persons with severe disabilities were placed in segregated places of employment (such as protected work places). In January 2001, the American Board of Education issued a regulation which redefines protected employment according to the outcome. According to this regulation, the employment rehabilitation process is directed at full or part time employment in the free labor market (Federal Register, January 22, 2001). According to these standards, protected employment which is not directed at full or part time employment in the free labor market does not pass the "outcome test" (Taylor, 2002). Nevertheless, the regulation acknowledges protected work places in training frameworks or transition to supported employment or the free labor market. In fact, the Federal government has removed its financial funding from the planning and operation of long-term employment. The change in government funding sought to shift public resources from acknowledging protected employment as long-term employment to favoring supported employment and long-term professional training (Kregel & Dean, 2002).

Despite the meanings of the Act, it is not free of criticism. One point is that the

Act did not call for a significant change in the perception of the place of persons with disabilities in society, or in society taking responsibility for past wrongs, but it was perceived, or rather, advertised, as a new type of welfare reform, when the expectation was that the Act would cause persons with disabilities to make the transition from welfare to employment, meaning from allowances to wages and from dependence to independence.

4. **Workforce Investment Act** of 1998 pertains to the employment mechanism concerning making accommodations for persons with disabilities who seek employment, so as to make it possible for them to work and advance in terms of career and employment. Professional training programs also help persons with disabilities integrate into the work market in a variety of occupations.
5. **Work and Work Incentives Improvement Act of 1999**: the Act pertains to receiving employment services and incentives in various employment frameworks, without giving up on health insurance and other benefits for persons with disabilities:
  - Tax credit for small businesses for certain expenses they have when adapting the workplace to the disabled workers;
  - Tax discount due to costs of transportation – the expense is deducted from the business's total income.
  - Tax credit for providing the opportunity to work – employers whose workers belong to nine defined groups of persons with especially low income, including persons with disabilities.

Over the years it has been believed that the promotion of the rights of persons with disabilities is the outcome of rehabilitative legislation which took place in the 1970s and the 1980s (Antonak & Livneh, 1988). Nevertheless, there are those who believe that passing the American with Disabilities Act (ADA) originates from human rights activists who operated to legalize the rights of persons with disabilities. Either way reading into the history of persons with disabilities in the United States reveals that many persons with disabilities are still exposed to prejudice, myths and stereotypes as to their abilities and needs. In that respect, Miller, cited by Blanck (1998) maintains that although in 1990 George Bush (Senior) signed the ADA, which was endorsed by both parties, about eight years later, signs of public withdrawal from the Act and the rights deriving from it could be seen. Lee (2003) claims that the U.S. Supreme Court

interprets the Act as a declaration Act touching upon application mainly in the domain of employment.

Given that the ADA constituted a turning point, whereby the perception of equality led to the inclusion of all persons with disabilities in the benefits it provided, there is room for the claim that contacts with persons with disabilities had to do with its legislation. Shapiro (1994) quoted one of the legislators, Congressman Tony Coelho, who claimed that the strength of legislation for persons with disabilities can be attributed to the existence of a "hidden army", whose recruits are persons with instinctive understanding of the stigma attached to persons with disabilities, either because they are handicapped or because someone in their family is a person with disabilities. Examples are not short. After Coelho's retirement from the congress, Steny Hoyer, whose wife fell ill with epilepsy, continued moving the process of legislation. While passing the first stage of the Act (first reading), Senator Harkin made part of his speech using the American Sign Language so that his deaf brother could understand him. Shapiro also relates to the change in George Bush Senior's attitudes: during the Reagan regime Bush supported revoking existing laws concerning persons with disabilities, but the activity of "the hidden army" caused him to become one of the greatest advocates of legislation, being himself a father of a son with a severe learning disability.

A summary statement about American society appears in Blanck et. al (2004), who maintain that persons with disabilities' acceptance into society is influenced by political, economic and social forces expressed in attitudes toward them no less than in the laws and policy. Legislation for persons with disabilities derives, then, from a mixture of two sources of inspiration: "the rehabilitation approach" on the one hand, and the "rights approach" on the other. The legislation expresses an approach according to which persons with disabilities constitute a part of the population which deserves to get equal rights rather than specific benefits that have to do only with the disability. American legislation focuses on a wide definition of the target population: persons with disabilities – not only in practice, but also persons with a record of disability. For instance, a person who has not been diagnosed in the past, but suffers from long-term influences of learning disabilities, and a person who is perceived by others as having a disability, or treated as a person with disabilities, and is legally regarded as a "person with disabilities"; Preventing discrimination in employment

(Title 1) – a worker with certain qualifications will receive the same benefits as others, including access to the workers' cafeteria, Internet services, social activities and so forth (Blanck et. al, 2004); Access to public services; accommodations in public places. The span of the law was also criticized, and it was claimed that its wide span requires not only equality for persons with disabilities, but also affirmative action for their benefit.

In June 2010, U.S president signed a Presidential Decree announcing the Federal Government as the largest employer in the United States ought to be a role model for the employment of individuals with disabilities (U.S. Government Accountability Office, 2011).

## **United Kingdom**

The "benefit approach" led legislation for persons with disabilities for about 350 years since the "poverty laws" of 1601 and until the end of World War II (Bailey & Shinkwin, 1998).

Bailey & Shinkwin claim that the lack of public interest in The United Kingdom caused the issue of "disability" to be first acknowledged in a political campaign in 1980. Nevertheless, they recall that already in 1965 was an "interest group" established to engage in the promotion of the rights of persons with disabilities, and in 1970, after the intervention of Prime Minister Harold Wilson, the Chronically Sick and Disabled Persons Act was approved. This Act is considered the "bill of rights" of persons with disabilities in The United Kingdom. Still, a special committee appointed for examining the issue in 1982 (Committee of Restriction against Disable People) found that there was still discrimination, and that the only way to prevent it was by specific anti-discrimination legislation. Private bills failed due to government objections whether on budget grounds or the claim that there was no discrimination of persons with disabilities in The United Kingdom. In 1994, the British Parliament passed the Disability Discrimination Act. This act, much like its American parallel, requires access to transportation and public buildings and prohibits discrimination in the realm of employment (Doyle, 1996). The main difference between British and American legislation is in the appointment of a National Disability Council, whose role it is to advise the government about the means and ways to prevent

discrimination and at a later stage, this role expanded, and a Disability Rights Commission was set up, directed at acting on the individual and overall levels. The commission's roles include prevention of discrimination, advising to the government regarding legislation amendments as well as advising to organizations and employers regarding the application of the law.

At the same time, the Department for Work and Pensions established Jobcentre Plus, a government agency which provides services for persons with disabilities and employers who wish to hire them. This center operates a number of incentive programs such as disability employment advisors providing specialist advice to disabled people and actual or potential employers, as well as helping shape desired employment policy and provide information about other programs in the center; Job Introduction Scheme - A program seeking to enable individuals with disabilities to assess whether employment suits their disabilities. The employers pay the employees their wages, and get grant for each disabled employee for the first six weeks of employment. Workstep – individual advisory support to both employer and employee in a complex work environment; Access to work – a program offering grants to employers to help them cover expenses due to employees' disabilities, except help which the employer has to provide by law; **Using the disability sign** – using the sign clarifies to individuals with disabilities that the workplace's attitude to them is positive and that they will be treated fairly, as employers will commit who agree to meet five demands regarding employing individuals with disabilities.

In November 1994, the government made "Special Contracts Arrangements" seeking to help employers who hire individuals with disabilities to compete for government contracts in The United Kingdom. Those who apply to participate in the program must own a non-profit company to enjoy the relative advantages of getting special treatment from government bodies, and if their offer is rejected merely because of the price, they can submit a revised offer, and if the latter compares to the best offer, it will be accepted.

Herr (2002) states that activists sought to create a law which would not only remove the technical obstacles which persons with disabilities face, but mostly empower a weakened minority group. He maintains the goal of the legislation was to create a kind of "bill of rights" which would shift the power to persons with disabilities.

Therefore, the core of the legislation was the creation of physical and sensory access as well as creating options for persons with disabilities to contribute to the formation of their future. The heart of the law, claims Herr, is the creation of community support systems for persons with disabilities who live in their homes within their communities; equal opportunities in employment and equal access to education, health services, housing, leisure, the environment and information.

Drake (1999) claimed that daily responses to such concepts such as "disability" are shaped according to values and beliefs which are accepted by the central, powerful parts of British society. He claims persons with disabilities constitute a minority in every society, whereas the values and norms reflect the interest of the majority in any given society. However, in recent years, British legislation has been in favor of persons with disabilities, arising from their need to protect these persons' civil rights.

The updated law known as the Equality Act went into force in 2010 requires that the public sector and bodies filling public roles act for the prevention of discrimination against groups referred to as "groups with protected characteristics" and promote the equality of these groups. The Act also lists disability among the "protected characteristics" and emphasizes the need to provide solutions of individuals with disabilities (Almagor-Lotan & Tzadok, 2011).

Legislation in the U.S. and in The United Kingdom reflects two approaches: providing benefits on the one hand, and preventing discrimination on the other. These approaches, according to Rimerman and Katz (2004) represent the tension between the Social Welfare Model and the Civil rights Model.

## **Turkey**

Legislation in Turkey provides tools for adequate representation in the work market of two main groups: reformed prisoners and individuals with disabilities, by setting quotas for the representation of workers from these two groups both in the public sector and in the private sector, in organizations employing more than 50 workers. In addition to the law, the Turkish government also adopted in 2008 an "employment package" focusing on the creation of employment opportunities for individuals with disabilities (Almagor-Lotan & Tzadok, 2011).

## **Germany**

A position paper presented in the Knesset's Research and Information center (<http://www.knesset.gov.il/mmm/heb/index.asp/2010>) – presents data pertaining to arrangements seeking to integrate persons with disabilities in the German labor market. This document lists a number of legislation steps taken in order to promote professional training of persons with disabilities and increasing their abilities to integrate into the labor market.

- In 1994, German constitution was amended and now it prohibits discrimination of persons with disabilities.
- Book 9 of the German Social Code of 2001 reflects the transition from the welfare approach to persons with disabilities to an approach promoting their equal participation in all life domains. The law guarantees social rights to persons with disabilities, among others, benefits directed at the prevention of discrimination and help persons with disabilities sustain an independent life (Kock, 2004).
- The Equality Law of 2006 protecting persons with disabilities from discrimination because of their disabilities including the labor market.
- Occupational Training Act for persons with severe disabilities
- The Act on Equal Opportunities for Disabled Persons of 2002 is directed at guaranteeing that people with disabilities are to be given broad access to all areas of life and to be able to use them without any restrictions and even declares sign language as a formal language in the state.
- Germany signed the Convention on the Rights of Persons with Disability of 2006, which maintains, among other things, that all signatories are to promote the occupational rights of persons with disabilities.

## **Israel**

The state acknowledged the rights with persons with disability only in 1996 with the process of making the Equal Rights for People with Disabilities Law of 1998. The law was based on the 1996 proposal and on the recommendations made by a public committee for the examination of legislation regarding the rights of persons with disabilities. The law was partially accepted and included only the first three chapters

pertaining to employment, public transport services and commission for equal rights for people with disabilities. The other chapters of the law were approved in 2000, and pertain to: accessible environment, health, housing in the community and individual help, culture, leisure time and sport, education, the legal system and special needs.

In 2005, the Knesset continued the work on the accessibility chapter, which was successfully completed with the Equal Rights of Persons with Disabilities (Amendment No. 2), 2005. The legislation of Equal Rights for People with Disabilities Law and those deriving from it express the commitment of the State of Israel to act for the promotion of rights of persons with disabilities (Rimmerman & Herr, 2004). The law seeks to introduce a paradigmatic change in Israeli law's attitude to individuals with disabilities. The starting point was the wish to do away with the non-egalitarian, paternalist attitude towards individuals with disabilities which had governed Israeli law, and to promote egalitarian attitudes while acknowledging their rights as human beings and as citizens. The transition to an emphasis on a "discourse of rights", the legislators hoped, would help break through the magic cycle where individuals with disabilities are trapped. Prejudice causes the discrimination against individuals with disabilities and excludes them from society, while this exclusion, in turn, enhances prejudice against them.

The goals set by the legislators seek to abolish the ableist assumptions underlying the attitude towards individuals with disabilities. The term "ableism" is parallel to concepts describing discriminatory social practices towards groups defined as "different", such as racism, sexism and so forth. The concept includes stereotypes and misconceptions attributing inherent inferiority to individuals with disabilities due to physical or mental disabilities, and the social and legal provisions reflecting this inferiority (Young, 1990). The lawmakers were interested in making a general law with declarative articles together with applied articles, which would, first and foremost, anchor the constitutional rights of individuals with disabilities and leave most of the specific provisions applying the principle of equality to the various life domains to secondary legislation. Based on this attitude, the first three chapters of the law discuss fundamental principles, interpretation and general rules, thus constituting the core of the law, and representing the new approach. These three chapters, then, seek to serve as an interpretive tool regarding the existing legislation and grounds for

new egalitarian legislation. In this way, the lawmakers sought to do away with paternalism and discrimination. That is why the law was partially accepted and included only the first three chapters pertaining to employment, public transport services and commission for equal rights for people with disabilities – parallel to the American Law (Admon, 2002).

Like the ADA in the United States, reviewed above, this was the first time in Israeli history did a law assert that the population of persons with disabilities is a minority group that has suffered from discrimination, separation and social and economic inferiority. The law also asserts that although late, modern society is going through a transition from separation and outcast of persons with disabilities to an attitude of involving them in the various life domains. This assertion marks an ideological turning point from a conservative approach to persons with disabilities to a coherent, consistent approach as will be detailed below.

Section 1 in the basic principles of the law states, *"The rights of people with disabilities and the commitment of Israeli society to such rights, are based on the recognition of the principle of equality and the value of human beings created in the Divine image."* The law's purpose is *"to protect the dignity and freedom of a person with a disability, to enshrine her/his right to equal and active participation in society in all the major spheres of life"*.

Inspired by the ADA, the Israeli law uses language that does not stigmatize individuals with disabilities, acknowledges their basic rights and prohibits their discrimination in the domain of employment and access to public services, acknowledging that all individuals with disabilities, regardless of their disabilities, face the same social barriers, which prevent their full integration into society. Therefore, the definition of "individual with disability" as adopted by Article 5 of the law does not lean on a person's belonging to a specific group of individuals with disabilities, but rather on functional disability. However, the American definition is broader and acknowledges the notion that the disability category is socially and culturally structured due to the influence of social bias, rather than to the person's deficiencies and impairments. The ADA also provides a similar definition of "an individual being regarded as having such impairment", which in the Israeli law pertains only to the prohibition of discrimination in employment.

The makers of the "equality law" acknowledged the fact that the law indeed provided the ideational grounds for implementing the idea of rights, but in fact, it is but a general framework which has to get actual contents via regulations, rules and instructions, and there is an urgent need for follow up and ongoing action for the enforcement of the law. For that purpose, the Commission for Equal Rights for People with Disabilities was ordained, much like the British law. The commission was indeed established in 2000 as a central body acting on behalf of the Ministry of Justice along with the legislative and enforcement authorities.

The Commission for Equal Rights' function is to promote the Basic Principles of the Equality Law and any other laws relevant to preventing discrimination of people with disabilities, advising ministers regarding regulations and representation of persons with disabilities in lawsuits due to breaking the law. In the employment context, the Israeli law includes "affirmative action" provisions to individuals with disabilities,

In 2007, the Knesset, Israel's Legislative Authority determined the law of Rights of People with Disabilities whose status was determined as "in rehabilitation". The law pertains to the rights and occupational status of people with disabilities who were classified as "in rehabilitation". According to the law, the "rehabilitation" status will be determined in the same way as a disabled person's ability to work is determined as stated in the Minimum Wage Law. The law, as can be seen in the Ministry of Industry, Trade and Labor website, also states that there is no employers-employee's relationship, and the employee is entitled to employment fees as stated by law, in accordance with the work ability and the rights as stated in the law (<http://www.moit.gov.il/5.2.2013> - labor laws).

As of July 2007, the integration department has been handling employers' requests for state participation in financing of accommodation of the working environment for employees with disabilities. The employers are also requested to share the expenses according to the size of the organization and the type of accommodation.

An additional significant stage in acknowledging the rights of persons with disabilities took place in March 2007, when the State of Israel signed the United Nations' Convention on the Rights of Persons with Disabilities intended to protect the rights and dignity of persons with disabilities, and defines all people's rights for

equality in all of life's spheres. The above mentioned "Equality commission" took upon itself to act for monitoring and implementing the convention in Israel.

### Comparing American and Israeli Legislation

We have discussed the inspiration Israeli legislation probably got from the American law. We will now present the main differences between the American and Israeli legislation as presented by Rimmerman and Arten-Bergman (2005). Table 2 presents the differences between Israeli and American legislation

**Table 2: American and Israeli Laws - Comparison**

	<b><u>In Israel: Equal Rights for People with Disabilities Law, 1998</u></b>		<b><u>In the U.S.: Americans with disabilities Act, 1990</u></b>	
<b>Chapter</b>	<b>Preventing Discrimination</b>	<b>Benefits and Accommodation for promoting equality</b>	<b>Preventing Discrimination</b>	<b>Benefits and Accommodation for promoting equality</b>
<b>Employment</b>	<p>It is forbidden to discriminate a person in the workplace due to disabilities. Action must be taken for the proper representation of persons with disabilities in all workplaces with more than 25 employees.</p> <p>The law obliges the Minister of Labor and Welfare to initiate and develop employment and rehabilitation programs emphasizing the integration of persons with disabilities in the free market.</p>	<p>Employers have to adjust the workplace and the job requirements to the special needs of persons with disabilities</p>	<p>It is forbidden to discriminate a person in the workplace due to disabilities in hiring. It is forbidden to hold admittance tests which discriminate persons with disabilities or persons who cannot use public transport services. Alternative transportation services have to be provided, unless this particular accommodation is really complicate</p>	<p>Employers are obliged to adjust the working environment and the job requirements to the workers' physical or mental disabilities, as well as adjusting the working hours and the working conditions etc.</p>

**Table 2: American and Israeli Laws - Comparison**

Chapter	<b><u>In Israel: Equal Rights for People with Disabilities Law, 1998</u></b>		<b><u>In the U.S.: Americans with disabilities Act, 1990</u></b>	
	<b>Preventing Discrimination</b>	<b>Benefits and Accommodation for promoting equality</b>	<b>Preventing Discrimination</b>	<b>Benefits and Accommodation for promoting equality</b>
<b>Access to Public Services including Public Transport</b>	The chapter acknowledges persons with disabilities' right to public transport which is accessible and adjusted to their needs without their having to be assisted by others to overcome such difficulties as stairs and so forth.	The law states that Public Transport service providers must adjust public transport to enable persons with disabilities to use it safely and with dignity, without having to be assisted by others to cope with such difficulties as stairs.	Persons who cannot use public transport services must be given alternative transportation services, unless this particular accommodation is really complicate	According to this chapter, all state and public services have to be accessible to persons with disabilities
<b>Social Services provided by private organizations</b>	An amendment to the Equality Law: it is forbidden to discriminate against persons with disabilities, and to prevent them from their rights to access in public places. Enforcement will be carried out by supervisors authorized to file claims against those who do not adhere to the law	The accessibility chapter determines accommodations have to be made so as to enable persons with sensory, physical, mental or intellectual disabilities to access all public services and institutions	All commercial services as well as education facilities and leisure services (The law prohibits the use of acceptance criteria discriminating persons with disabilities) have to be adjusted and public buildings services have to be made accessible to persons with disabilities	The law requires the adjustment of public buildings, making the accessible to persons with disabilities

	<b><u>In Israel: Equal Rights for People with Disabilities Law, 1998</u></b>		<b><u>In the U.S.: Americans with disabilities Act, 1990</u></b>	
<b>Chapter</b>	<b>Preventing Discrimination</b>	<b>Benefits and Accommodation for promoting equality</b>	<b>Preventing Discrimination</b>	<b>Benefits and Accommodation for promoting equality</b>
<b>Communication Services</b>				Communication service providers have to provide alternative means of communication to hearing and speaking disabled persons and install ATM machines adjusted to persons with sight impairments
<b>Commission for Equal Rights</b>		The Commission for Equal Rights seeks to promote the Basic Principles of the Equality Law and any other relevant laws preventing discrimination of disabled persons, advising ministers and representing persons with disabilities in rights' violations lawsuits		

In summary, in states such as the U.S., England and Australia, where legislation for guaranteeing equal rights and preventing discrimination of any kind, have a set of laws recognizing the different rights of persons with disabilities and seek to prevent

discrimination. Other laws in these states are dedicated to the employment of persons with disabilities and preventing discrimination in that area. A basic principle in the laws is protection of the rights of individuals in general and of employers in particular, to determine who they want to hire to their workplaces. In these states, persons with disabilities have to initiate filing claims against discrimination based on the general laws protecting human and civil rights. In most European states, the prohibition of discrimination of individuals with disabilities is not based on one legislature, but rather on different laws pertaining to the rights and unique needs of individuals with disabilities. These laws are directed at government policy pertaining to the population of disabled individuals. The laws call for making accommodations in the workplace so that the disabled individuals will get a fair chance to be employed as the non-disabled ones.

### **I.7.2. Integrating Individuals with Disabilities into the Labor Market: Applied Perspectives**

This section seeks to provide a comparative description of the implementation of the law in a number of states (Cohen, 2011).

#### **Australia**

The breakthrough occurred in the Disability Discrimination Act of 1992 which specifically prohibits employers' discrimination of persons on the ground of disability in the areas of work, hiring, terms of employment, advancement, firing or any other work related issue. According to this law, the employer must make reasonable adjustments to the premises, the work methods, the equipment and so forth, which will decrease the impact of the disability, without causing any unjustifiable hardship. Furthermore, since 2009, Australia has established the National Disability Agreement representing all of the government agencies which provide services to individuals with disabilities. The Australian government acknowledged the need for access to information that would help everyone involved in the integration of persons with disabilities into the labor market and set up a database pertaining to disability services.

The Department of Family and Community Services acts to encourage employers to hire people with disabilities. In 1997 the department set up the Employer Incentives

Strategy (EIS) as a program which would include all aid programs involving institutions employing workers with disabilities.

- **National Disability Recruitment Coordinator** – A body whose role it is to find employment solutions for individuals with disabilities, to provide advanced placement services matching the worker to a specific job and training him or her for that job. Since January 2004 the "Disability-Work" company operates the service all over Australia, according to an agreement signed with the department.
- **Supported Wage System** – a system that allows the employer to pay the employees with disabilities wages that are proportional to the reduced output, in comparison to workers who are not limited. The program applies only to individuals with disabilities who cannot get a full paying job due to their disabilities. When a new individual with a disability starts working according to this program, the employer (including the public sector) may be entitled to a one-time grant that ought to reimburse for the expenses caused by employing individuals with disabilities.
- **Wage Subsidy Scheme** – a program seeking to financially support employers who start employing individuals with disabilities, attempting to increase these individuals' chances of finding employment in the free market. To get the support, employment has to be based on regular employer-employee relationships, a standard contract including the acceptable benefits (such as annual leave). The terms for getting the support are employment for at least 13 weeks or such employment that was assumed to last at least 13 weeks, with at least eight weekly hours of work. The subsidy is determined according to an estimate of the incentive required to lead to employing the individual with a disability for a long period of time, but no more than the worker's wages over a 13 week period, and at any rate will not exceed the employee's actual wages.
- **Workplace Modifications Scheme** – reimburses employers and employment service providers for the costs involved in modifying the workplace or purchasing special or adaptive equipment for eligible employees with disabilities. Employers are eligible for financial aid in the amount that will not exceed 5,000 Australian Dollars, and in certain cases it applies to employees who continue to work and to independent workers. In this program, too, the

employer must employ a person with disability for at least 8 hours a week in a job that is expected to last for at least 13 weeks. It has to be noted that this program does not include "reasonable modifications" which the employer has to make according to the requirements The Disability Discrimination Act.

Furthermore, Australian Prime Minister awards annual "Outstanding Employer Awards" to those who employ individuals with disabilities. The award is given according to categories (small businesses, medium businesses and large ones, higher education institutions, government organizations and so forth). In 2003 more than 350 employers were eligible for the award. Winning the award and even being nominated has improved he business profile of the participating businesses.

## **United States**

The Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability (physical or mental) regarding all employment aspects, and was preceded by the 1973 Rehabilitation Act, which prohibits discrimination on the basis of disability in three main domains:

- Section 501 requires affirmative action and nondiscrimination in employment of individuals with disabilities and their advancement;
- Section 503 requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000;
- Section 504 prohibits organizations that receive Federal support to discriminate against individuals with disabilities in employment and activities organized by them.

In addition there are three tax incentives aimed at supporting employers in the financing of the accommodations in the workplace, making modifications to suit the needs of employees with disabilities.

- **Small Business Tax Credit** - Annual credit of up to 50% of the expenses on accommodations made to the workplace for employees with disabilities. Credit is granted to businesses whose income is smaller than one million dollars a year, or which employ no more than 30 full time workers. Credit is

given on expenses over \$=250 up to \$=10,250 (i.e. maximum credit is \$=5,000). The amount is deducted from the tax the employer has to pay.

- **Architectural/Transportation Tax Deduction** - allows a business of any size to expenses up to a maximum of \$15,000 per year may be used for expenses associated with making access for individuals with disabilities. The expense is deducted from the business's total revenue for the purpose of tax-deductible income. It has to be noted that these deductions are annual. Unused funds cannot be passed on to the next year.
- **Work Opportunity Tax Credit** - The Work Opportunity Tax Credit (WOTC) promotes the hiring of individuals who qualify as members of target groups, by providing a federal tax credit incentive for employers who hire individuals with disabilities of 40% of the first \$=6,000 paid to them in the first year. For the employer to be eligible for the credit, the employee has to work at least 400 hours altogether and the employer has to get approval for the employees to be included in the program.

## **United Kingdom**

Disability Discrimination Act of 1995 makes it unlawful to discriminate against disabled persons in connection with employment. Until October 2004, this law applied to all employers of 15 workers or more, except some organizations such as prisons, the police and the military. As of October 2004 the law applies to employers who have fewer than 15 workers and on the organizations to which the law had not applied before, with the exception of the military. According to this law it is unlawful for an employer to discriminate against a disabled person in terms of acceptance, in the terms of employment, in promotion opportunities and in dismissing the employee.

The law also obliges employers to make reasonable adjustments which will enable individuals with disabilities to be able to integrate into the work arrangements and the physical location where the work is done.

The law requires public authorities to provide equal opportunities to individuals with disabilities in their policies, but they also abide by the European Union's regulations pertaining to free competition, and the Disability Discrimination Act does not override external legislation requirements.

The Department of Work and Pensions set up "Job Centre Plus", which provides services to individuals with disabilities and to employers seeking to hire them.

The following are the employers' incentive program operated by the center.

- **Disability Employment Advisers – DEA** – Support in making employment policy that will help both employers and employees with disabilities, and providing information about the program in the center;
- **Job Introduction Scheme – JIS** – A program seeking to enable individuals with disabilities to assess whether employment suits their disabilities. The employers pay the employees their wages, and get £=75 weekly grant for each disabled employee for the first six weeks of employment. In exceptional circumstances the grant may be extended to 13 weeks, but this is subject to agreement with the DEA. The job should be full or part-time and last for at least 26 weeks including the JIS period. It must also be expected to last for at least six months, including the JIS period. Government organizations cannot benefit from this program.
- **Workstep** - The WORKSTEP employment program provides support to disabled people facing complex barriers to getting and keeping a job. It also offers practical assistance to employers, who have to provide the employees with equipment, training and supervision and help them keep their work, and employ them according to the terms as all employees. Workstep prepares a personally tailored support program for both employer and employee, which includes help in finding a suitable job, advising on awareness of disabilities and often offer financial help.
- **Work Preparation** – a program allowing employers to give the employee occupational experience in a specific domain.
- **Access to Work (ATW)** – a program offering grants to employers to help them cover expenses due to employees' disabilities. The expenses include, among other things, the help of an interpreter or reader in the course of work or during a job interview, special equipment for disabled employees, physical adjustments of premises and help in funding travel expenses when the employee cannot use public transportation. The grant is 80% of the approved expenses over £=300 plus £=10,000 as well as 100% of the expenses approved over £=10,000. The grant is 100% of the approved expenses for a

new employee (or an employee who has been working less than six weeks). The support is given for a period that is not longer than three years, and then the circumstances are reviewed anew.

- **Using the disability sign** – using the sign clarifies to individuals with disabilities that the workplace's attitude to them is positive and that they will be treated fairly. Using the sign might help employers develop products and services for disabled customers and sell them. The right to use the sign is given to employers who agree to meet five demands regarding employing individuals with disabilities:
  - Commitment to interviewing each candidate with a disability who meets the requirements and considering hiring him or her;
  - Commitment to holding at least one meeting with disabled employees so as to review their occupational development options;
  - Commitment to making every possible effort to allow employees who might become disabled to continue working;
  - Commitment to acting for the development of the general employee population's awareness of individuals with disabilities so as to improve the work environment;
  - Commitment to reviewing commitments and success and plan for improvements on an annual basis.
- **Incentives for Ordering Products and Services** - In November 1994, the government made "Special Contracts Arrangements" seeking to help employers who hire individuals with disabilities to compete for government contracts in Britain. This program is also operated by the employment center. To register as a supplier in the Special Contracts Arrangements framework, the employer has to own a non-profit company which will meet the following requirements: (1) According to company regulations, it is not allowed to give dividends to members or share holders, and has to invest its profits in the promotion of its goals; (2) The company is located within the European union; (3) At least 50% of the employees are with serious disabilities; (4) The disabled employees' productivity is between 30% and 80% of the non-disabled workers' productivity; (5) The disabled employees' work contributes to the firm's business, and their work is not only therapeutic;

(6) The disabled workers receive identical or similar wages to those of non-disabled workers doing the same job.

## Germany

The implementation of the principles embedded in this legislation pertaining to the employment of persons with disabilities is expressed on a number of levels:

- **Disability degrees** – a person's disability is measured on a scale of 20 – 100. A person with a disability degree of 50 and above is defined as having a severe disability. A person with a disability degree of 30, and has problems finding a job or persevering in one workplace is entitled to a special status defining him or her as "severely disabled" and is entitled to all the rights detailed in the law. All persons with disabilities are entitled to a variety of benefits directed at promoting their integration into the labor market including counseling regarding choice of profession, placement and professional training services and grants for training and employers.
- Persons with severe disabilities are entitled to a variety as benefits such as inclusion in the employment quotas, meaning all employers in both the public and private sectors with 20 employees or more must employ persons with disabilities at 5% of the jobs, or pay a compensation fine on quotas that have not been filled. The amounts received from the fines are injected back into the system so as to create new workplaces and advance severely disabled people in the work market. Another sanction applies to employers who fail to meet the requirements of the law maintaining that disability cannot constitute a reason for not employing a persona with disability. The employer may be sued and have to pay compensation fees to the candidate.
- The law in Germany determines that persons with severe disabilities will be employed working conditions whereby they can make the best use of their skills. Therefore, employers are obliged to make accommodations in the workplace so as to adjust it to the employment of persons with severe disabilities. If the cost of the accommodation is too high for the employer, compensation funds accumulated from employers who have not met their disability quotas will be used to finance the accommodations.

- Employees with severe disabilities are entitled to additional leave of five workdays within the work year and can be released from overtime performance so as to maintain their health and give them time to integrate into other life domains.
- Employers who hire persons with severe disabilities are given incentives – a percentage of the wages paid to the disabled workers for a limited period of time.
- The quota system is a legal demand compelling businesses to employ a constant quota of persons with disabilities.

## **Austria**

Encouraging the Employment of Individuals with Handicaps in the framework of a program according to which integration in the general work market is better than segregation into a secondary, protected work market. The program includes means to encourage employers to increase the levels of integrating these individuals into the work market:

- Quotas – Any employer who has more than 25 workers must employ at least one person with a disability per 25 workers. An employer that will fail to meet the quota will pay a compensatory fine per each person who was supposed to be employed and was not.
- Subsidies - to reimburse employers for productivity shortfalls, according to the actual productivity shortfall.
- Premiums - Anyone who employs individuals with disabilities will be entitled to a premium.
- Financial support for adjusting the workplace and the equipment to the needs of workers with disabilities.

## **Poland**

According to Poland's new constitution of 1997, Public authorities shall provide aid to disabled persons to ensure their subsistence, adaptation to work and social communication.

Incentives for employers to hire individuals with disabilities are applied via the Quota-Levy-Incentive plan. The plan was developed gradually and anchored in two major laws, the latest of which adds to the earlier, and does not replace it. The main instructions of the laws are:

The law applies to individuals with disabilities aged 15 – 65 who have no sources of income and whose disabilities were certified by a special committee.

- The law applies to employers who have more than 25 workers and determines a quota of disabled workers which the employer must hire - 6% of the workers.
- The law requires employers to pay a tax of 50% of the yearly wages for each employee not filling the quotas.
- Employers adhering to the law receive income tax and wages taxes benefits.
- Employers have to accommodate the premises to the needs of disabled employees.
- The law stipulates setting up regional offices for rehabilitation, guidance and placement. Employers hiring individuals with disabilities referred from these offices will be reimbursed by the National Rehabilitation Fund.
- The law affords the status of Labor Protected Business to firms that employ at least 25 workers. The status is granted for three years and the business must meet the following requirements:
  - At least 40% of the employees are disabled (at least 10% at least medium disablement) or at least 30% are either of medium level disablement who are blind or mentally disabled.
  - The production premises meet the criteria pertaining to individuals with disabilities.
  - The business provides primary and secondary medical care as well as counseling and rehabilitation services.

Labor Protected Businesses receive the following benefits:

- Funding from the National Rehabilitation Fund;
- Loans (some of which become grants) for investment in innovations;
- Subsidies for the creation of new workplaces for employees with disabilities, operating therapeutic workshops and special means of transportation;

- Reimbursement of wages paid to unemployed individuals employed by the business for the first 18 months including the employers' social security payments;
- Tax exemptions including VIT and payments to the National Labor Fund;
- Labor Protected Businesses which are eligible for tax deductions will pay 10% of the benefits to the National Rehabilitation Fund. The other 90% will be referred to the rehabilitation of disabled employees in the business.

## Canada

The Social Development Canada Office acts to encourage employers to hire individuals with disabilities via the following programs:

- **Targeted Wage Subsidies Program** seeking to encourage employers to hire workers whom they would not have hired otherwise due to their disabilities. The program is designed for those who are eligible for unemployment fees. To get the subsidy, the employer has to sign a contract with the regional Human Resource Center of Canada for a term that will not exceed 78 weeks.
- **Opportunities Fund for Persons with Disabilities** is directed at supporting innovative activities, including encouraging employers to hire workers whom they would not have hired otherwise. Each project will be coordinated so as to meet the needs of specific workers and will last up to 52 weeks, and in certain cases, according to the needs of the workers, employment will be extended up to a 78 weeks' period.

A summary of the review allows for the classification of the incentives as follows:

1. Tax benefits for employers who hire individuals with disabilities (United States, Poland);
2. Benefits pertaining to the physical accommodations in the workplace (Austria, Australia, The United States, United Kingdom and Poland);
3. Grants for the creation of workplaces (Austria, Poland);
4. Quotas for hiring persons with disabilities; sometimes employers have to pay a fine for not filling the quotas (Austria, Germany and Poland);
5. Encouraging bodies which purchase goods or services from organizations employing disabled persons (Austria and United Kingdom);

It is quite clear that of all states parties only Germany obligates work organizations of a certain size to employ individuals with intellectual disabilities. German law does not leave that to the organizations benevolence or considerations. The law, therefore, reflects the weakness of other states' policies, as conditioning the integration of individuals with disabilities upon the wish of organizations to comply and accept the state's incentives is a certain recipe for eternalizing the gaps so common between public policy and its implementation in practice. This is supported by the findings of Olney & Kennedy (2000) revealing that acknowledgement of the significance of employment as part of the rehabilitation of individuals with mental disabilities is not yet high. The research compared adults with intellectual disabilities and adults with other disabilities. It was found that adults with intellectual disabilities:

1. Receive different occupational services, such as supported employment;
2. Are employed in lower rates in the competitive market;
3. Have greater chances to be employed in separate employment frameworks.

An additional finding reveals that individuals with mental disabilities experience levels of job satisfaction that are identical to those experienced by individuals with other disabilities.

Research analyzing the significance of the term "work" as perceived by persons with mental disabilities found that they perceive work as a favored activity which leads to establishing contacts with people and economic stability. In contrast, people with no disability perceived the term "work" ambivalently and noted some negative aspects we well, for instance, its being a tiring, demanding activity (Ferrari, Nota& Salvatore, 2007). Two years later, research by Jahoda (2009) argues that employment carries great promise to persons with mental disabilities, suggesting the opportunity for social inclusion, a sense of belonging to the community and a goal for them. Jahoda presents the findings of previous researchers, according to which persons with mental disabilities consistently stated they wished to work, and that work influences their self-esteem and some aspects of their psycho-social performance.

In this respect, it is worthy to dwell on the rationale underlying the "supported employment" model as a social mechanism that integrates those with intellectual disabilities into productive activities.

The development of supported employment programs started in the early 1980s in the United States, and was formally defined in 1986 under the title of Rehabilitation Act Amendments (P.L. 99-505).

The American law (US Developmental Disabilities Act, 1984) defines "supported employment" as paid work in the open market meant for:

1. Individuals with developmental disabilities who cannot earn minimum wages or above due to their disability.
2. Individuals who require ongoing support including transportation and training so that they can work in the open market.

The principles of this program are:

1. Belief in the disabled individuals' capability to work in the open market.
2. Placement in a suitable job in the community;
3. Receiving remuneration for work;
4. Focusing on a support system required for ensuring the attainment of the goals of integration into the work market;
5. Transferring training for employment from rehabilitations center to the workplace;

The focus is not the individual, but rather placement in productive work.

When it was published, the research revealed that although supported employment is an accepted alternative for those with intellectual disabilities, who constitute 2% of the population, only a few thousand have participated in it.

Simmons & Flexner (1992) state the supported employment program includes two approaches to the training of individuals with intellectual disabilities:

1. **Training prior to beginning the work** – the training program for supported employment lasts a predetermined period of time and seeks to enable the disabled person to experience specific working skills and learn accepted behaviors.
2. **In-service training** given upon entry to work in the workplace. This period might last between two and four weeks up to a few months, depending on the workers' skills and job complexity. During the first period, a mentor accompanies the employee all day long, teaches the job and makes sure it is

done properly. The mentor also serves as the worker's advocate in front of the employer. When the intellectually disabled employee advances at work, the mentor's active involvement decreases and his or her job becomes one of monitoring the worker and his or her family, while being prepared to start training the employee again (Moon et. al, 1986).

There is evidence that supported employment succeeds when the disabled employee receives support from various sources in all life domains, at work and out of work, at home and in the community (Simmons & Flexner, 1992). An additional factor in the success of supported employment is the coordination between the different support sources and different community services, such as special education schools and supported employment operators. The coordination is important so as to guarantee a smooth passage from the education system to the work world.

One of the most significant outputs of participation in supported employment is the opportunity for individuals with disabilities to work with ordinary people in a regular work surrounding. However, Mendler & Nahon's findings (2003) regarding social integration are inconclusive. An additional finding is that an examination of strategies which may help individuals with intellectual disabilities fit into the work environment, such as making modifications to the physical environment and mobilizing the support of the social network, become key issues in the employment program.

A report produced by the University of Leeds, Academic Network of European Disability experts (ANED-VT/2007/005) state that individuals with disabilities in the East European countries are hardly integrated into the labor market. The document lists 13,000 individuals with disabilities in Romania, constituting 2.93% of all Romanian individuals with disabilities, who have any kind of jobs. The explanation lies, according to the writers, in the fact that law 509/2002 pertaining to the employment of the handicapped did not relate to vocational training, special education, individual support and so forth, which would all help individuals with disabilities find work.

The mechanism for encouraging employers to hire individuals with disabilities in different states can be characterized by provisions for subsidizing the wages of

disabled employees, seeking to make the transition from a lifestyle based on allowances, to a lifestyle based on earning wages from work.

In most western-European states, the wages of disabled individuals are subsidized, so that an individual with disabilities received the same wages as a worker without disabilities who does the same job, or minimum wage (for instance, in France). Subsidies vary from one state to another. In some of the states it gradually decreases, based on the notion that when a worker with disabilities integrates into the workplace, his or her performance will improve, and so will his salary (e.g. Portugal, Austria and Germany). Sometimes the subsidy is paid directly to the employee, and at other times it is paid to through the employer. There are states that allow disabled individuals to work in addition to getting their disability grants for a limited time, due to the fear of losing the grants as a result of being employed, and thus, this fear may serve as a negative incentive to the work of individuals with disabilities.

The gradual combination of earning wages from work and disability grants (in Germany for instance) was found to be effective, as it provides the disabled person with a sense of security, knowing he/she can go back to getting the grants at any time, in case of difficulties in integrating into the work market. West-European states such as the Netherlands, Sweden and Germany even allow for "freezing" the disability grants for a while until paying it again, in case the disabled person's integration into the workplace fails. In general, the employment of individuals with disabilities is based on the following principles:

- Tax incentives for employers who integrate individuals with disabilities in their workplaces;
- Subsidies to employers on the wages paid to individuals with disabilities;
- Benefits to employers for physically adjusting the workplace to the needs of individuals with disabilities;
- Grants for the creation of workplaces;
- Quotas for employing individuals with disabilities and penalizing employers who do not meet the quotas;
- Encouraging organizations that order goods or services from organizations employing individuals with disabilities.

In 1986, the European Commission recommended that the European Union Member States adopt the quota method. Some of the states adopted this legal obligation fully, while others, such as Austria, Italy and Belgium chose to commit to the method partially. States like Greece and Spain confined it to the public sector only.

This review points to the winding road of western approaches to the issue of individuals with disabilities, mostly with its clear representatives, the United States and the United Kingdom. It is surprising to see that only in the latest years of human history have provisions been made, which suit a society seeking to advance in all of its domains. The following chapter illustrates the theoretical aspects relating to the integration of mentally disabled people in the work place.

## **I.8. Barriers to Integration of Individuals with Disabilities into the Work Market – Theoretical Perspectives**

### **I.8.1. Attitudes to Individuals with Mental Disabilities**

One of the key concepts in the world of social psychology has decisive connections to the employment arena. The concept "attitude" pertains to the individuals' relationships with their material and social worlds as well as with themselves and their tendency to positively or negatively appraise people, objects or issues. Allport (1968) regarded "attitudes" to be the most significant term in social psychology, which he compared to the significance of the atom in physics. This traditional approach to changing attitudes was researched by a group of scientists from Yale University. The group was led by Carl Hovland (Hovland & Weiss, 1951), and attempted to answer the question "when" and "how" regarding influences: "Who says what to whom and what is the influence?"

Allport (1968) regarded "attitudes" to be the most significant term in social psychology, which he compared to the significance of the atom in physics. In his comprehensive review of attitudes, McGuire (1985) reports the concept has more than 500 definitions. We will suffice with introducing three approaches to the definition of "attitude".

- The three-component approach regards "attitude" as a combination of three components: A cognitive component which pertains to what a person thinks, knows or believes regarding the object of the attitude; an emotional

component which pertains to what a person what a person feels towards the object; a behavioral component which pertains to how a person acts towards the object. The three-component approach maintains that an "attitude" is a combination of cognitive, emotional and behavioral components, which all interact. In particular, if an attitude has a behavioral component, we are to expect a correlation between the attitude and one's actual behavior. Naturally, there are those who argue against this approach, believing the three components are three different types of responses people manifest towards and object, and that the responses are acquired separately and stored separately in the memory. They do not necessarily interact systematically.

- The two-component approach regards "attitude" as a combination of two components only: cognitive and emotional. The interaction between attitude and behavior is not a must (Zajonc & Markus, 1982).
- The one-component approach defines "attitude" on one dimension – the dimension of appraisal or emotion, as the emotional aspect is part of any appraisal. "Attitude" means the positive or negative individual appraisal of a specific object.

The attitude helps the individual organize his or her world via four personality functions (Katz, 1960): (1) A knowledge function; (2) A utilitarian function; (3) An ego-defensive function; (4) A value-expressive function

Given that biased attitudes are usually based on misinterpretations (Trope & Gaunt, 2000), it is hard, if not impossible to stop stereotypical thinking, but it can be decreased via the creation of awareness of its existence and providing anti-stereotypical information (Quin, Macrea & Bodenhausen, 2003).

On a person's life timeline, the person initially does not have any prejudices towards people and learns how to approach them together with learning the other norms in society (Erlich, 1980; Sanger, 1953). Children shape their attitudes towards persons with disabilities at the age of 4-5 (Gerber, 1977; Jones & Sike, 1970), and those are generally negative (Jones, 1984; Home, 1985; Yorker, 1988). Later in life, the origin of the attitude is forgotten, and the individual develops his or her own justifications for the attitudes, which are based on previous models. This process works at the development of attitudes to different groups of people, some of whom the person may not even meet (Katz, 1983). That is the process of developing stereotypes and

prejudice, which is not based on facts. When a person identifies a person as belonging to a specific group, he/she already has a stereotype in mind and even expects a certain behavior. However, this may lead to distortions due to ignoring personal differences, and thus, to the stereotyping of a whole group (Ben-Ze'ev, Giladi and Tilinger, 1991). Stigma is an outcome of human thinking, constituting a negative trait attributed to the social image of an individual or a group, and is socially powerful (Cohen, Rott and York, 2008). Stigma limits one's social opportunities and defines one's social status as lesser, inferior, deviant or exceptional (Jones, 1984). Often the trigger of a stigma is an apparent, fear provoking difference, and stigmatized individuals are often helpless. When individuals with disabilities are concerned, the disability is perceived as inferiority, and that is the critical feature leading to stigmatizing (Eisenberg, 1982; Goffman, 1983). This research attends to stigma aimed at mentally disabled people at the workplace and how it affects their employment.

## **I.9. Barriers to Integration of Individuals with Disabilities in the Work Market – Empiric Findings**

### **I.9.1. Stigma and Prejudice towards Mental Disability**

Despite recent social changes towards individuals with disabilities (Henry, Keys, Jopp & Balcazar, 1966; Krajewski & Flaherty, 2000), most individuals with disabilities still suffer from a negative social stigma (Krajewski & Flaherty, 2000). Until the 1970s, lawyers and employers mostly perceived individuals with severe cognitive disabilities to be incompetent and unemployable. Their options ended in protected day-care centers, protected businesses, staying at home or in institutions (Siporin, 1999). Siporin adds that during the 1970s, American professionals started looking into options for the employment of individuals with mental disabilities, so as to show they can work in a competitive work market. Legislation and social change have also led to positive changes in employers attitudes (Greenwood & Johnson, 1987).

Nonetheless, findings in this domain have to be read in the light of the criticism of researchers such as Levy & Jesop & Rimmerman & Levy (1991) who reviewed the literature pertaining to employers' attitudes, and concluded that most studies are limited in their span, and some only engage in one or two employers. For instance, Aaslow & Kokasaka (1987) examined this issue with regards to a particular community or region. Another research (Poole, 1987) ignored the employment

potential of people who are severely handicapped. Other researchers (Nietupski, Harne-Nietupski, VanderHart, & Fishback, 1996) maintained that attitude research consists of inconsistent findings: some factors identified by employers as having a positive contribution were mentioned as factors that cause worry with other employers (attendance, safety, productivity).

Another preliminary note that has to be made at this point, in its broad sense, is that the origin of employers' negative attitudes, much like those of the general public's attitudes to disabled persons, is their beliefs and prejudice regarding the disabled persons' abilities. Employers express concern about the disabled individuals' capabilities, output level, lack of flexibility, difficulties at persevering and tolerance at work. Employers expect numerous problems at work and in the relationships between disabled individuals and their environment, and are afraid they cannot cope with these difficulties. Employers even worry about the disabled persons' personal adjustment and professional development and believe that employing individuals with mental handicaps will require physical adjustments of the premises. These concerns prevent potential employers acting in complex environments of regulations and requirements from hiring individuals with mental disabilities (Greenwood & Johnson, 1987). Another research (Olson, Cioffi, Yovanoff, & Mank, 2000) points to 79% of the employers who believe individuals with mental disabilities require far more practice and supervision than their non-disabled counterparts. The same research also reports that employers also list advantages in the employment of individuals with mental disabilities, such as enhancing the organization's public image and the diversity of the work environment.

The Israeli Journal of Vocational Rehabilitation periodical (2001) presents the findings of a national survey revealing that employers who participated in the survey have gained positive experiences from employing individuals with mental disabilities.

It has to be noted that employing individuals with mental disabilities was carried out in the framework of supported employment, which includes more employee supervision, flexible working hours and functional mentoring. Such a program imposes but little expense on society, as the cost of employing individuals with mental disabilities is not higher than that of employing their healthy counterparts, except the cost of training and supervising them.

Stacher (1992) stated that the employers' negative attitudes are based on myths, where the disability pushes the individual's personal capabilities aside. Havranek (1991) found that the perception of stigma is a significant component in attitude research. He believes severely disabled individuals are stigmatized and reaffirms the findings of Brown & MacDaniel who found that 99% of the employers who participated in the survey preferred non-disabled employees, regardless of the extent of limitations caused by disability.

The shattering of the myths pertaining to individuals with mental disabilities was also seen in other studies (Blanck, 1998; Olson et al, 2000; Shafer et al, 1987), which found that the employment of individuals with mental disabilities did not cause a rise in health insurance rates or severance pay demands. Fuqua & Ruthbun & Gade (1984) conducted an attitude research pertaining to the attitudes of employers to eight types of disabilities including mental disabilities, and found that the attitudes related to the types of disability.

Yanay (1996) cites other studies pertaining to this issue. Miniskoff & Hoffman (1987) conducted research engaging in the attitudes of employers towards persons with learning disabilities and handicapped persons. The research included 326 employers from six countries. The findings revealed that only about 50% of the respondents stated they would be willing to employ individuals with learning disabilities. The researchers believe that this attitude does not derive from lack of knowledge, but rather from prejudice towards this population

Parent & Everson (1986) presented the findings of a study conducted by Hill & Wehamen about individuals with mental disabilities employed in the food industry. These employees were described as independent, reliable, punctual workers who have positive attitudes to their workplace. Another research cited by Parent & Everson is by Lyons, who conducted a research on a population of individuals with mental and physical disabilities employed in office jobs. The research conclusions were that they work hard and function independently.

Marcouiller & Smith & Bordieri (1987) reviewed literature about employers' attitudes to mental disability – most employers graded the performance of employed individuals with mental disabilities as satisfactory and above average.

The findings of a survey conducted in Oklahoma (Blank, 1993) reaffirm the above findings. Blank states that employers have generally been pleased with the performance of workers with mental disabilities: 96% reported being satisfied with the disabled workers' discipline regarding attendance; 78% were satisfied with their industriousness; 59% were satisfied with their efficiency and 58% of the respondents expressed their satisfaction with the disabled employees' initiative. In addition, the survey found that 93% of the disabled employees did not pose any safety threats to the workplace.

The influence of past encounters with individuals with mental disabilities on the attitudes of employers is presented in the writings of Marcouiller et al. (1987), citing Repucci et. al. who claimed that most potential employers initially have negative attitudes to individuals with mental disabilities. However, employers who experience employing individuals with mental disabilities change their mind in a positive direction. The same work cites Grunhagen who believed that the exposure of individuals with mental disabilities in the media increases the chances of their employment. This finding is supported by the studies of Gibson & Groeneweg (1986) and Gruenhagen (1982). The latter reported that managers of a fast food restaurant who related to the individual primary experiences of employees with mental disabilities compared to their attitudes pertaining to employing them and their attitudes regarding the place of individuals with mental disabilities in society in general. Another study, McFarlin et. al (1991) studied businesses from the Fortune 500 list and found that the more employers exposed to individuals with mental disabilities in their working environment the more positive their attitudes towards them.

Two other studies (Levy, Rimmman & Levy, 1992; Levy et al., 1993) focused on the attitudes of employers and their preferences regarding the employment of individuals with severe disabilities and reported similar findings with employers who had previously had positive experiences with individuals with mental disabilities, and who had more sympathetic attitudes to individuals with mental disabilities. The findings, as mentioned above, were similar despite differences in the samples of both studies: one sample consisted of small businesses in a confined geographical space (Levy et al., 1993) while the other (Levy et al, 1992) was based on a national sample from the

Fortune 500 list which details 500 businesses, each employing 1000 workers and above.

The connection between the workplace and the employers' attitudes to individuals with mental disabilities was investigated by Jordan & Cessna (1968), who found that individuals with mental disabilities who were employed in human service jobs got a more positive attitude from their employers than their counterparts in other jobs. In contrast, Hartlage (1974) found that industry employers are more willing to employ individuals with mental disabilities than other employers in the work market. He also found there was a positive correlation between the size of the workplace and the employers' willingness to absorb individuals with mental disabilities. Research conducted by Phelps (1974) found that hospital and hotels are more suitable for the employment of individuals with mental disabilities than kindergartens and laundry shops. Greenwood & Johnson (1987) examined the characteristics of employers and their openness in the absorption of candidates with mental disabilities and found:

1. Employers in big organizations had more positive attitudes than their colleagues in smaller organizations;
2. Those who were more academically competitive expressed more positive attitudes than those who were not academically competitive;
3. Employers tended to express positive attitudes towards the employment of individuals with physical or sensory disabilities than individuals with intellectual or mental disabilities.

Another aspect pertaining the employer's personality appears in Rossler & Boon's study (1977), revealing that employers with a wide horizon of values will regard individuals with mental disabilities as human beings who are capable of reaching their goals. The researchers claim that such employers are not likely to be aggressive, alienated or authoritative.

In Israel, Katz & Yekutieli (1974) from the Psychology Department in Bar-Ilan University believed that in order to develop a program for the effective training of individuals with mental disabilities, we must first learn about the attitudes of employers and the variables upon which they base their decisions. Their research relates to the following questions:

- What is the employers' primary general impression of employees with mental disabilities?
- Why do employers wish to hire individuals with mental disabilities?
- What are the employers' preliminary perceptions regarding the employment of individuals with mental disabilities?
- How do employers grade their mentally disabled employees compared to their "healthy" ones?
- How do employers perceive their employed individuals with mental disabilities after they have worked for a while? What is the employers' level of satisfaction with their mentally disabled employees after their initial period at work?

The research included 33 employers who employed 46 participants out of 210 graduates of supported organizations. 80.3% of the employers had private businesses, 13.3% managed public organizations, 3.3% managed government businesses and 3.3% were family businesses. The employers were interviewed individually by students via questionnaires – about their origins, the type of organization where the disabled individual was employed, the process of placement, the employers' initial impressions with the disabled workers' performance compared to that of the other healthy workers.

The employers reported ambiguous initial attitudes to the disabled employees. Nevertheless, their attitudes became more positive after a while. After a period of between three and twelve months, most employers were pleased with the work of their disabled employees and were willing to hire more individuals with mental disabilities. In this view, the more mentally disabled people are employed, the more the willingness of employers to do so increases.

### **I.9.2. Employers' Attitudes to Individuals with Mental Disabilities**

A study conducted recently by the Ministry of Industry, Trade and Labor reveals that employers of individuals with disabilities tend to disagree with negative attitudes to the occupational integration of this population, more than employers who do not integrate individuals with disabilities into their businesses (<http://www.moital.gov.il/NR/exeres/1A3143A9-8E0A-4FD9-93AE-21/3/2013>). Pepperman (The Department for the Integration of People with Disabilities into the

Labor Market, 2011) states the rate of businesses integrating employees with disabilities is low. He argues that for us to be able to significantly change that reality we have to reach a double rate of employees with disabilities in the next few years.

Employers' support centers which were recently established by the Department for the Integration of People with Disabilities into the Labor Market, are meant to cope with this low rate of employers who open up jobs for individuals with disabilities and with the employers' needs, by increasing awareness of the issue of employment of individuals with disabilities. Pepperman also adds that the main needs expressed by employers – guidance and mentoring to managers are not surprising, as this is expressed in regulation arranging the state's participation in the financing of accommodations, which teaches us that the most common accommodation is guidance for managers. As for the employers' critical need for mentoring the employees – this has to be provided by the ministries in charge of the integration of individuals with disabilities: Ministry of Health, Ministry of Welfare and Social Services and the National Insurance Institute.

Additionally, Yanay (1996) researched the attitudes of employers in large organizations in Israel towards the employment of individuals with light or medium mental disabilities. The research examined the following hypotheses:

- Larger organizations express more positive attitudes to individuals with mental disabilities than smaller ones. The hypothesis was partially confirmed.
- Employers who had contact with individuals with mental disabilities are more willing to employ them. The hypothesis was partially confirmed.
- Older employers who have seniority in industry or commerce have more positive attitudes towards the employment of individuals with mental disabilities than young (below 40) ones. The hypothesis was partially confirmed.
- Employers in the fields of commerce and services have more positive attitudes to employing individuals with mental disabilities than those in industry. The hypothesis was not confirmed.

The research questionnaire consisted of three tools:

- A demographic questionnaire about personnel managers in organizations and the characteristics of the organization;
- An attitude questionnaire regarding the employment of individuals with mental disabilities, which was developed in the late 1980s in the U.S. by Schmelkin, Pedhazur, Berkel;
- A questionnaire regarding contacts with individuals with mental disabilities.

180 questionnaires were sent to members of the industrialists union. 120 returned, so the participation rate was 66%. The hypotheses were processed by using MANOVA.

The research findings, in general, point to three major variables that influence the Israeli employers' positive attitudes towards individuals with mental disabilities: The size of the business, contacts with individuals with mild mental disabilities and the active employment of handicapped workers.

Nonetheless, employers tended to regard individuals with mild mental disabilities as employable persons, in contrast to individuals with medium mental disabilities.

An additional concept pertaining to the disabled person and our discussion is "self determination". Self determination means the things a person wants in life, and whether one has the ability to reach one's goals. This ability requires problem-solving, self-awareness and self-restraint.

Wehmeyer (1996) refers to self determination as the individual's ability to act as primary influencing agent and decision-maker regarding one's personal life, free of externally coerced interventions. The individual controls personal life and aims actions at a predetermined goal to reach results.

Self determination has to do with the individual's cognitive, social and linguistic development. However, unlike mental development, most of the aspects of self-determination continue to develop throughout life. Whitheny-Thomas & Moloney (2001) cite studies according to which the mentally disabled mostly fail to reach the goal of completing the development of self-determination. It seems, then, that individuals with mental disabilities confront internal obstacles (defects in cognitive development) and external ones (perception, and the treatment of family, staff and others). We must, then, find how to promote a change in attitudes.

### **I.9.3. Approaches to Changing Attitudes towards People with Mental Disabilities**

The literature presents two approaches to changing attitudes: the "contact hypothesis" and the "knowledge hypothesis" (Favazza & Odom, 1977). According to the former, one of the variables necessary for changing a person's attitude is the contact with him or her (Florian & Kehat, 1987). Contact is defined as a interactional process whereby exposure to the object of the attitude entails a learning process, the shattering of inner balance and influence on cognitive, emotional and behavioral processes (Kendel-Gross, 1987). We may then assume that leading people to contact with the object of their attitude will influence their attitude positively (Carter, Hughes, Copeland & Breen, 2001), or negatively (Antonak, Fiedler & Mulick, 1989). An encounter between a disabled person and a non-disabled one allows for acquaintance with the person as a whole. Such an encounter, naturally, causes thinking, emotions and behavior that are different. Indeed, numerous studies, some of which we will cite here, found that the encounter with individuals with disabilities, contact is a significant factor (Jager & Underwood, 1997; Krajewski & Flaherty, 2000; Sandieson, 2002). Other studies reveal that the closer and more frequent the contact the more positive the attitudes (Kishi & Meyer, 1994).

Researchers who examined the "knowledge hypothesis" found that imparting knowledge in the domain of disability positively influences attitudes to individuals with disabilities (Fiedler & Simpson, 1987 ;Donaldson & West, 1994), but the source of knowledge has to be reliable for positive influence (Fisher, Pumpian & Sax, 1989). Many researchers have emphasized that knowledge alone will not suffice for changing attitudes towards individuals with disabilities. They have found that the combination of knowledge with direct contact with individuals with disabilities is successful (Trent, 1993; Horne, 1985). Prolonged contact allows for exposure to a person's objective capabilities, whereas knowledge may moderate anxieties, prejudice, stigma and over-protection (Rimmerman, Hosmi & Duvdevani, 2000).

It was also found that individuals with disabilities are more identified by their differences and less by their personal traits (Yuker, 1988). An intervention program involving persons close to the individuals with disabilities (including family members and caregivers) may lead to changed attitudes (Sobsey & Mansell, 1990). Moreover, the researchers are in agreement that professionals, parents, employers, the peer group,

neighbors and the disabled individuals constitute crucial factors in the barriers to the integration of individuals with disabilities into society (Antonak & Livneh, 1988).

The basic concepts of the significance of the value of "work", in its applicable concept of "employment" have not skipped individuals with disabilities when examined in the unique employment patterns "protected employment" and "supported employment" – two domains of productive mentally disabled individuals activity, constantly supervised by mentors serving as buffers between the mentally disabled workers and their social environment so as to prevent damage to them. The protected employment pattern, which is on a level of separation between the employee and the external environment, there is hardly any exposure of the mentally disabled employees and the non disabled social environment. Under these circumstances, researchers examined the component of individuals with mental disabilities' "self image" defined as a frame of reference through which the individual communicates with the world, meaning, the more positive self-image and yet realistic, the better the communication with the world (Fitts, 1972).

Comparison between individuals with mental disabilities looking for "supported employment" and those who have already found supported employment revealed that those who were employed reported a higher quality of life than those who did not work (Eggleton, Robertson, Ryan & Kober, 1999). Another study which examined the influence of the different employment types on mentally disabled individuals' life quality found that those working "supported employment" in the free market reported a significantly higher quality of life than those working in "protected employment" (Kober & Eggleton, 2005). Due to the policy supporting the employment of individuals with mental disabilities in the free market, rather than employing them in protected organizations, most research conducted regarding "supported employment" in the free market (Toyerrman, 2011). Protected work places are perceived as the transition stage between school and employment in the free market (Butcher & Wilton, 2008). A study which examined the opinions of mentally disabled individuals regarding the influence of "supported employment" on their social integration found a positive correlation between "supported employment and social integration, because, as the researchers explain it, work provides them with a sense of belonging, independence, interest and appreciation on the part of the environment. These findings led the researchers to maintain that "supported employment" contributes to

the mentally disabled individuals' self esteem and influences their lives positively (Cramm, Finkenflugen, Kuijsten & Van-Exel, 2009).

The centrality of work in human existence in the modern era emphasizes the significance of individuals with disabilities' integration into general society. The full inclusion of individuals with disabilities in society, and their participation in society will not be possible unless all the barriers are removed (Henry, Keys, Jopp & Balcazar, 1996). We believe a significant mechanism in the process of removing these barriers is legislative anchoring of this inclusion. Thus far, we have interpreted some of the knowledge accumulated regarding the integration of individuals with disabilities into the work market.

The discussion of the current research findings which will be presented later on will enable us to review additional aspects such as "employment adjustments" and "social responsibility", leading to recommendations which may promote society's coping with its barriers to the integration of individuals with disabilities into the work market. In the next chapter, an attempt will be made to arrive at a conceptualisation of the specific bodies of knowledge related to the focus of this study, namely, social and legal aspects pertaining to employing mentally disabled persons in the work place.

The following chapters will provide an overview of the considerations which guided the methodological choices made to achieve the goals of this research.

## **CHAPTER II: METHODOLOGY**

Methodology is the operative-practical design of the research and reflects its structure and components (Guba & Lincoln, 1998). Methodology is described as a branch of philosophy engaging in methods and rules for conducting research. Methodology generally includes specific guidelines based on defined principles (Shkedi, 2011). This chapter presents the considerations which guided the choice of methodology made to promote the research goals and answer the research question.

### **II.1. Research Goals**

Given that employment is the "key component" in the experience of individuals with mental disabilities' integration into their social environment, the research has to focus on perceptions in Israeli society and the state's responsibility as a governing organization to the employment of individuals with disabilities.

The goal of this research is, therefore, to examine the origins and existing provisions for the employment of individuals with disabilities (emphasizing mental disabilities) and investigating their effectiveness in light of their empiric implementation. In addition, the research aims to identify possible failures, which will consequently lead to recommendations pertaining to possible channels of action towards employment policy-making in the form of a proposed social-legal model for the employment of individuals with mental disabilities which might meet the terms of the goals of the declared policy.

This work sought to learn and try to improve the bleak reality of a social group whose members were born "different", not by anyone's choice but that of nature and the reality is bleak indeed. We seek to create a way of enriching the leisure time of those born with mental disabilities, while promoting initiatives that will remove the invisible, yet strongly felt barriers between individuals with mental disabilities and their social environment.

Over the years, our voluntary activity has increased, and insights have been reached regarding the centrality of the work market as a most significant factor in the integration of individuals with mental disabilities into society.

The labor market is a key player in the integration of individuals into society. In a nutshell, we will mention Harpaz's assertion (1990) that work plays a major role in the life of the individual and occupies a great part of the individual's adult life. In most modern industrialized societies, people spend about a third of their waking hours in their workplaces. A good deal of time in the individual's routine is spent on training and preparation the activity in the workplace and planning how to improve its conditions.

Symbolic meaning is attributed to work in modern western society, beyond its being an economic resource. Work constitutes a significant means of gaining social status, a social network and self esteem. In other words, work is dimension that has to do with personal independence on the one hand, and social-community belonging on the other hand (Gal, 2004; Jenkins, 1994; Moore, Fiest-Price & Alstone, 2002).

There are businesses who have taken the responsibility of employing individuals with mental disabilities, we seek to learn from them and from the system supporting the mentally disabled individuals in the workplaces about the perceptions in this context, what are the difficulties arising from the employment of individuals with mental disabilities? How do the workers in the business respond to the employment of individuals with mental disabilities? What can Israeli society do to promote the employment of individuals with mental disabilities? What caused them to enter this field of employment, how they feel about it, and does the employment of individuals with mental disabilities cause problems in the workplace or with clients?

The goals of this research are:

- To examine the legal aspects of employing mentally disabled people within the Israeli society
- To explore the current shape of the existing perceptions regarding the employment of persons with mental disabilities
- To develop a social-legal model for employing mentally disabled people within work places in Israel

## II.1.2. Research Questions

The main research question:

**What are the social and legal perceptions pertaining to the employment of mentally disabled in Israel?**

Two secondary research questions were designed:

- What is the social legislative structure regarding the employment mentally disabled people in Israel?
- What perceptions exist in Israeli society regarding the employment of mentally disabled people?
  - How do employers, social workers, parents, and mentally disabled people perceive the employment of mentally disabled people?
  - What are the perceived difficulties associated with employing mentally disabled people?

## II.2. Research Paradigm

A paradigm is a world view, a general, comprehensive perspective which consists of the ontological question, the epistemological question and methodology.

- **The epistemological question** engages in the researcher's ability to understand the researched world, and hence in the question of the status of human knowledge. The question engages in all of the researcher's assumptions pertaining to the status of his or her knowledge. Epistemology is a branch of philosophy investigating the origins, the nature, methods and boundaries of human knowledge. Regarding the research, the question is what is the researcher's role within the research story?
- **The ontological question** engages in the nature of the researched world, and what we can learn about it from the nature of its reality. The researcher thinks about what he or she can learn about the world and reality.
- **Methodology** is the sum of all principles, methods of action, rules and assumptions on which the research is based.

The research paradigm includes the three components, which are expressed differently in quantitative and qualitative research. In quantitative research the paradigm is positivist, and the ontological question regards the reality as objective and unrelated to the researcher. As for the epistemological question, as a result of the objective reality, quantification is possible and therefore objective conclusions may be drawn. Different tools may be used except the researcher.

In qualitative research, the paradigm is constructivist and is the structuring the researcher does to the whole process. The ontological question regards the reality as including everything. As for the epistemological question, the researcher cannot be separated from the research subjects as they interact. The methodology is the researcher.

A research paradigm is a world view, a general, comprehensive perspective on the phenomena. A paradigm explains the phenomena in general, with an extent of simplification and observation beyond the specific details (Lincoln & Guba, 1985; Guba & Lincoln, 1988). The research paradigm reflects interrelated broad assumptions regarding the nature of the researched reality. A paradigm provides the widest framework within which the research takes place. It is the world view within which the researchers operate (Maykut & Morehouse, 1994). Kuhn (1962) was the first to use the term "paradigm" in the history and sociology of science. Kuhn discussed two periods or stages of scientific research: normal and revolution. In the "normal" stage, an existing model of reality whereby the picture portrayed consists of an orientation which overtly or covertly relies on known general patterns, which are marked by the theories of the researched science field. The paradigm's basic assumptions are considered to be self evident truths in normal science periods. Kuhn argued that the more parts there are in the jigsaw puzzle, the more likely they are not to fit each other.

### **II.3. Qualitative Research**

Qualitative research usually focuses on the narratives on individual subjects. The researched phenomenon is examined via the experiences of individuals. Qualitative research includes a large variety of concepts. It is important to know where to place the research and the researcher. The research definition has both theoretical and practical implications. Each research type has its own relevant

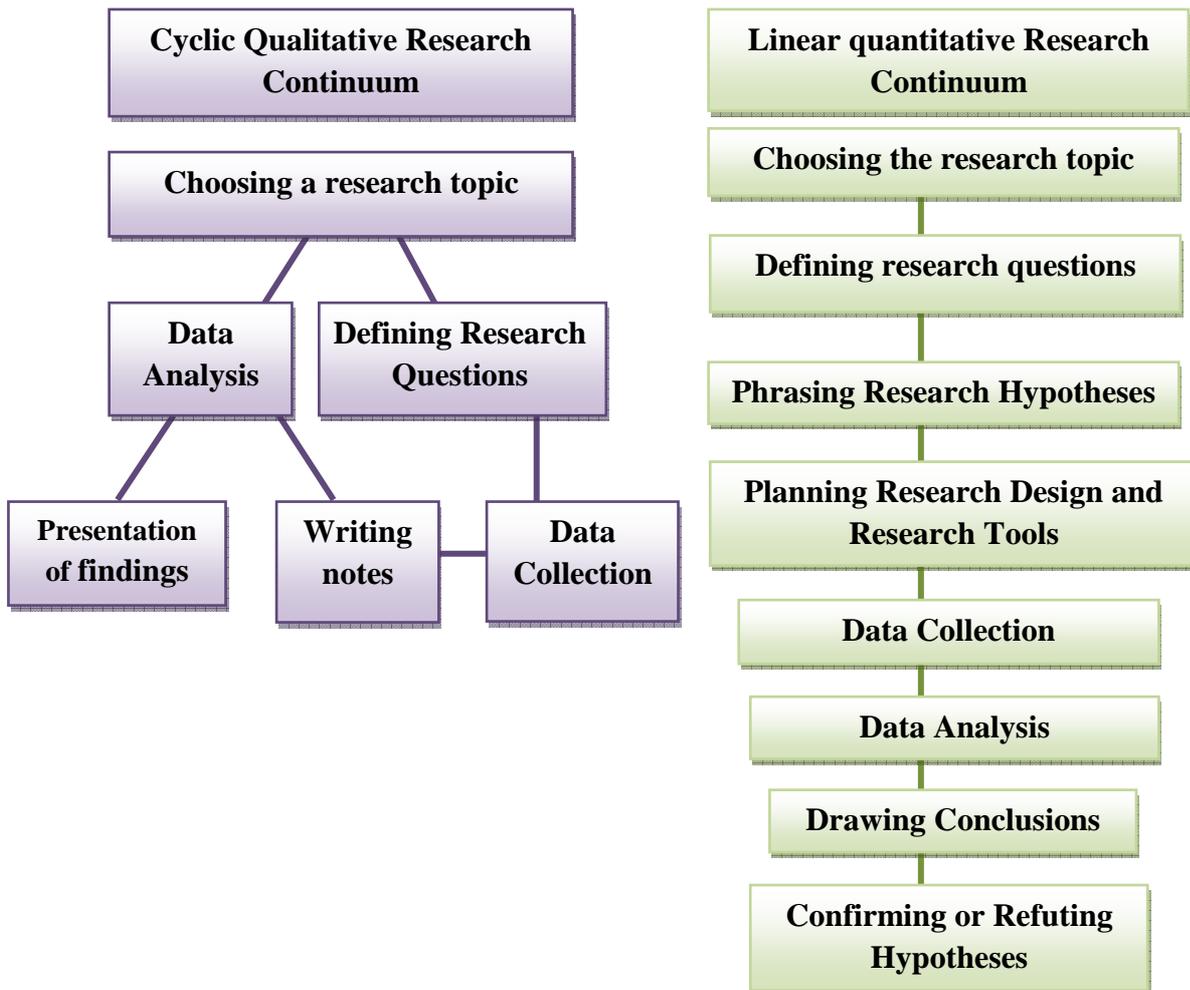
research practice. The research methodology consists of the research process from defining the research problem to writing the conclusions. Methodology means research tools, methods and rules of conducting the research. The main aspect of methodology is data collection and analysis. An in-depth interview is a research method identified with qualitative research, emphasizing the research participants' verbal expressions. Furthermore, qualitative research is based on intuitive-impression skills, gets close to the researched phenomenon, involved in them and manifests empathy to the participants, and testifies to the researcher's analytic skills, which creates distance and control of the research process (Shkedi, 2011). In this view, a qualitative research was chosen to underpin this study and to reach the aims of the research.

### **II.3.1. Characteristics of Qualitative Research**

The goals of qualitative research include documentation and the attempt to understand the research participant' unique and subjective world. The research methods tend to interpret human behavior, beliefs and cognition within their social context, while focusing on in-depth understanding of processes rather than on result in a defined period of time. Qualitative research seeks to describe and document a situation without intervening in it. It is research of phenomena which cannot be quantified or easily measured (such as emotions and interactions among people). The social context plays a significant role, and qualitative data interpretation must be done within this context by a researcher who is familiar with the society and culture on which the research is conducted. The researcher is the main research tool, and therefore, qualitative research is subjective. The implications are that this research findings cannot be generalized (its external validity is low because the findings cannot be generalized to a whole population). A closed ended questionnaire, for instance, is not useful in qualitative research as it does not allow the researcher to analyze the data as he or she pleases. The researcher regards the research participants subjectively, which requires an in-depth research and use of triangulation (cross referencing data from at least three sources of information which are not inter-dependent such as observations, interviews and so forth) (Shkedi, 2011).

### II.3.2. Qualitative Research versus Quantitative Research

Scientific research is either quantitative or qualitative. Quantitative research is characterized by being linear, starting with the choice of research topic and ending with the confirming or refuting the research hypotheses. In contrast, qualitative research is cyclic also beginning with the definition of research topic, but often the research leads to a new definition of topic and repeats specific stages time and again.



**Figure 2: Qualitative and Quantitative Research**

This qualitative research was conducted in a cyclic manner, whereby an internal dialogue took place between the research goals and questions and the literature review and the findings emerging from the data analysis.

### **II.3.3. Considerations in Choosing the Research Paradigm**

The most important principle of qualitative research is that for it to succeed, the researcher has to be genuinely interested in the participants and their stories. There are various methods of conducting the research.

Having deliberated, we have chosen a multi-stage multi-methods qualitative research, believing that it will properly address the researched issue, its contents and the way to investigate it in the most thorough manner. Tzabar Ben-Yehoshua (2001) defines qualitative research as working and thinking with participants, not about participants, and as a research approach which suits the investigation of perceptions, attitudes and human actions, and allows for reaching a profound understanding of phenomena. According to Richardson (1996), this research approach is particularly relevant in situations where the researcher is required to conduct an investigation of complex issues, whose examination in experimental research summarizing findings statistically, does not do justice to the researched phenomenon, and hence cannot present a comprehensive picture of the interpretations behind it. Whereas in the past, beliefs and perceptions were examined via closed-ended tools such as multiple-choice questionnaires, the tendency today is to the direction of qualitative research. Creswell (1998) regards qualitative research as a necessary process for understanding human society. This research approach enables the researcher to construct a clear picture of information collected in the natural environment, via interviews, reports, observations and more (Manen, 1997; Thyer, 2001). Tzabar Ben-Yehoshua (1990) also refers to qualitative research as research whose starting point and end result is Man. This type of research seeks to understand humans, their actions and interpretations. The most important principle of qualitative research is that for it to succeed, the researcher has to be genuinely interested in the participants and their stories. Therefore, since the qualitative research method focuses on understanding the essence and meaning of phenomena, we believe that when studying a complex reality which includes individuals with special needs, meaning many perceptions in Israeli society regarding the employment of individuals with special needs, we must combine the direct discourse with those interested in the researched phenomenon and the documentary information already accumulated pertaining to the phenomenon.

**Table 3: Comparison of Qualitative and Quantitative Research Methods**

	<b>Quantitative Research</b>	<b>Qualitative Research</b>
<b>Goals</b>	<ol style="list-style-type: none"> <li>1. Examination of existing theories;</li> <li>2. Finding correlations between variables;</li> <li>3. Presentation of facts;</li> <li>4. Confirming or refuting hypotheses</li> </ol>	<ol style="list-style-type: none"> <li>1. Developing awareness and understanding of concepts;</li> <li>2. Describing different facets of reality;</li> <li>3. Constructing grounded theory via comparisons and contrasts, based on the data collected in the research.</li> </ol>
<b>Research Design</b>	The research design is structured and detailed, pointing to the details of action in advance.	research design is general and flexible, pointing to directions of progress
<b>Data</b>	Quantitative variables which can be measured.	Descriptive variables such as personal documents, protocols, notes from the field, photographs and recordings.
<b>Data Analysis</b>	Statistical data analysis	Data analysis is based in all the collected evidence.
<b>Sample</b>	The sample is large and defined, random and representative with a control group.	The sample is small and non-representative. It may be unique.
<b>Variables</b>	Variables are isolated and can be monitored	No separation of variables.
<b>Research Methods</b>	Experiment techniques – such as structured observation after the experimental manipulations	An open overall research method
<b>Research Tools</b>	Research experiments, surveys, questionnaires, structured interviews	Data analysis and documentation as well as the researcher

The research approach which was chosen is a multi-methods qualitative research. Since for the purpose of collecting data use was made of documentary research, analyzing formal legal documents pertaining to the employment of individuals with disabilities, and conducting semi-structured interviews with employers, clients, social workers, teachers, and parents of individuals with mental disabilities.

## II.4. Research Design – Social and Legal Aspects of Employing Individuals with Mental Disabilities

**Table 4: Qualitative Multi-Stage Research**

	<b>Goal</b>	<b>Source of Information</b>	<b>Type of Knowledge</b>	<b>Research Tools</b>	<b>Research Population</b>
<b>Stage 1: Documentary Research</b>	Understanding the social and legal context of employing individuals with mental disabilities in Israel	Central Bureau of Statistics	Figures, percentages of individuals with mental disabilities, employment rates	Documents, documentary research	
		Legal-constitutional structure of the right to work. Analysis of the law pertaining to the employment of individuals with mental disabilities	Laws and directives	Documentary research	
<b>Stage 2: Qualitative Research</b>	Describing the perceptions in Israeli society regarding the employment of individuals with mental disabilities	Employers of individuals with mental disabilities in the workplaces Parents and families of individuals with mental disabilities Employed individuals with mental disabilities Support systems – teachers and social workers	Perceptions, attitudes, references, feelings	Semi-structured interviews with employers  Semi-structured interviews with social workers, teachers in special education schools, parents of mentally disabled individuals	43 interviews

## **II.5. Research Population and Sampling Method**

The human research population, in contrast to the documentary body of knowledge, which will be discussed later, should have met the criterion of "legally adults" according to Israeli law, meaning, men and women aged 18 and above.

The population chosen for this research consists of people with an affiliation to individuals with mental disabilities – employers, employees, their customers, social workers, educational and management staff of special education schools, parents of mentally disabled individuals, and finally, after having obtained all necessary permits and following all instructions, we interviewed individuals with mental disabilities in the workplaces.

Initially, the employers were reluctant to allow us the interviews with their mentally disabled employees due to their concerns about the parents' and the mentally disabled employees' responses; however, after we had approached the parents, explained the research and promised to respect their children, we successfully and respectfully conducted interviews with the mentally disabled employees. In addition to the employers we approached other employers but they refused to be interviewed.

The research population consisted of 43 persons from the private sector and 18 persons from public and/or government organizations. Only two of the organizations in this research meet the criterion of "public organization" whose shares are traded in the stock market and are therefore obliged by transparency to the public. The number of mentally disabled persons employed in the different workplaces ranges between a few workers in one local organization to thousands deployed nationwide.

Hence, there were 43 interviewees: 28 male and 15 female. 1 received service from a mentally disabled individual, 8 were co-workers; 16 interviewees were management personnel, partners in the decision-making process, and hence shared the decision to employ individuals with mental disabilities in the workplace. 6 interviewees were social workers, five educators/teachers, three parents and four individuals with mental disabilities. The range of employment period of the various functionaries in the researched workplaces was between 2 and 40 years of work.

We will further note that the research population was chosen from the following employment fields in the Israeli work market: education, social work, waitressing,

food and beverages, car sales and service, cleaning and maintenance, packing, storage operations, banking, electricity and finances.

Reaching the interviewees was far from simple, for the reason that employment of individuals with mental disabilities is rather scarce and is not officially documented in an accessible source. Hence, personal ties were used to locate the interviewees. Those personal ties result from the above mentioned volunteering activity, underlying the motivation for this research. Facebook was used as well. We have constructed a bank of some 4,000 Facebook friends and asked for referrals to employers of individuals with mental disabilities. Hence, the choice of research participants was a "purposive sample", which is a sample of convenience, focusing on choosing the informants who best represent the population from which they were chosen, and could teach us about the researched phenomenon (Mason in Shkedi, 2003). The informants were chosen as they can express themselves clearly and are highly sensitive (Fetterman in Shkedi, 2003). The "purposive sample" is characterized by secondary characteristics which can be used in an integrated manner as (1) "snowball" or "chain", meaning identifying sample cases based on recommendation of other participants; (2) Stratified Purposeful sampling, meaning, choosing a sub-group with specific characteristics and obtaining data to a point of theoretical saturation; integrating variables from the broader population and so on. It is self evident that the chosen sampling method's advantage lays in its simple application and the convenient access to a suitable number of participants, while preventing the possible problem of lack of cooperation, while being able to increase understanding of the phenomenon. Still, we must not ignore its disadvantage, as the sample may not represent the entire relevant population. However, as stated by Shkedi (2012) the research population in qualitative research does not represent the general population, but the sample rather represents the researched phenomenon – in our case, the employment of individuals with mental disabilities in Israeli society.

**Table 5: Research Population Profile: Employers**

<b>Name/ Code</b>	<b>Age/Gender</b>	<b>Education</b>	<b>Business Type</b>	<b>Profession</b>	<b>Mentally disabled employees</b>
1	51 female	High School	Office	Insurance consultant	1
2	38 female	M.A.	Office	City Designer	1
3	20 female	B.A	Restaurant	Shift Manager	2
4	40	Accountant	Restaurant	Owner	2
5	54 female	High School	Office	Insurance office manager	1
6	16 female	High school student	Restaurant	Waitress	2
7	53	M.A.	Food Supply	Personnel Manager	3
8	51	High School	Office	Insurance Agent	1
9	50	B.A	Restaurants	Owner	5
10	47	B.A	Real Estate Appraiser	Real Estate Appraiser	Customer
11	37	Special Education School	Restaurant	Waiter	Mentally disabled
12	45	High School	Pizza Place	Chef	5
13	45	High School	Car Protection	Owner	2
14	44	Special Education School	Car Protection	Dismantling and fixing car seats	Mentally disabled
15	29	Special Education School	Car Protection	Maintenance and cleaning	Mentally disabled
16	63	Academic	Electric Company	Logistics Manager	2
17	26 female	M.A. communications	Winery	Marketing Manager	
18	48	Refrigeration technician	Food Supply	Manager	2
19	66	Economics	Electric Company	Personnel Manager	57

<b>Name/ Code</b>	<b>Age/Gender</b>	<b>Education</b>	<b>Business Type</b>	<b>Profession</b>	<b>Mentally disabled employees</b>
20	42	Business Management	Electric Company	Department Manager	5
21	51	Electricity Engineer	Electric Company	Design and Supervising Manager	7
22	52	Logistics	Electric Company	Logistics Manager	4
23	48	Special Education School	Gift Company	Flower Arranger	Mentally disabled
24	54	M.A./ Brigadier General in IDF- Personnel Manager	Bank	Personnel Manager	50
25	53	M.A. Economics	Bank	Department Manager	3
26	33 female	High School	Gift Company	Sales Manager	1
27	40	High School	Gift company and gardening nursery	Owner	30
28	42	High School	Food Storage	General Manager	2
29	35	B.A. Economics and Business Management	Winery	Owner	25
30	48	High School	Food Supply	Owner	2

**Table 6: Research Population Profile: Support System**

	Name/Code	Age	Gender	Education	Academic Degree
<b>Social Workers</b>	1.	28	Female	B.A.	
	2.	52	Female	B.A.	
	3.	40	Male	B.A.	
	4.	41	Female	B.A.	
	5.	31	Male	B.A.	Parole Officer
	6.	57	Female	Social Work	Ph.D
<b>Educators</b>	1.	46	Female	B.A.	
	2.	61	Male	B.A.	
	3.	58	Female	Education and Social work	Ph.D
	4.	46	Female	M.A.	
	5.	52	Female	M.A. Education and Social work	
<b>Parents</b>	1.	46	Female	M.A.	Nurse
	2.	49	Male	B.A.	Economics
	3.	54	Male	Economics and Business Administration	Ph.D

All of the interviewees agreed to be interviewed and provided an informed consent. It must be noted that none of the interviewees was a member of a nuclear family of an individual with mental disabilities, except for the parents of mentally disabled people.

## **II.6. Research Methods and Research Tools**

### **II.6.1. The Documentary Research**

The documentary research is conducted by reading quantitative data accumulated in the past and published in formal reports, as well as legal materials relevant to the researched issue, and citing them in the research. This is, in fact, a formal "literature review" representing, to an extent, Kincheloe's reference (2001) to the researcher as a craftsman (bricoleur) who uses a variety of tools and materials – different theories and knowledge from a variety of fields – in order to ground his or her observations of the phenomenon and interpret them. Allegedly, this is about a review of overt documents, but the way in which the historical quantitative data are presented, as well as the researcher's interpretation of the documents or choice of presenting specific information items, mixes the allegedly objective research tool with a subjective note. This is a research tool constituting the "springboard" to the "deep dive" into qualitative research via semi-structured interviews.

The aim of the documentary analysis was to collect data which could shed light on the constitutional grounds pertaining to the employment of individuals with mental disabilities in Israel. The findings of the documentary analysis were used for designing the questions used for the interviews in the second stage of the research. The following section presents the documents which were analyzed.

### **II.6.2. Document Analysis – Before the Interviews**

A document is a non-intervening tool for measuring data based on various sources such as protocols, diaries, administrative notes, reports, video recordings, television shows, photographs and archive items. This tool is of great use in qualitative research.

Document analysis has a number of advantages:

1. Document present reliable and objective information;
2. Documents teach us about future developments;
3. Documents may teach us about an organization without disrupting the work of the organization.

There are also disadvantages to documents when the documents are not properly edited, when they provide only a partial description of the organization, when they are not updated and when the writing is complex.

As presented earlier, this research sought to examine the present provisions for employing individuals with disabilities, with an emphasis on mental disabilities, assess their effectiveness in light of their empiric application, and alternately, to identify possible drawbacks, and consequently recommend possible courses of action for an employment policy, as the way to proposing a social-legal model of employing individuals with mental disabilities, which might cater to the goals of the declared policy. This research sought to improve a bleak reality of a social group whose members were born different, not by choice, but rather by the powers of nature. Therefore, the documents used for the documentary analysis were the Equal Rights for People with Disabilities Law, 1998, and the American Disability Act (A.D.A, 1990).

### **II.6.3. The Interview**

An interview is a conversation whereby the interviewer asks the interviewee questions while recording the answers. The interview can take place face-to-face or via the media. There are different types of interviews: structured interviews, semi-structured interviews, or open interviews. In a structured interview, the interviewer adheres to the order of the questions and their phrasing, and does not change them based on stimuli arising in the course of the interview. The advantages of this interview are that it allows for uniformity in collecting the data from the participants, it does not take long, data analysis is simple and rather objective, it allows for comparison with participants' answers without requiring special personnel (Shkedi, 2011). In the unstructured interview, the interviewer determines the order and phrasing of questions according to the situation and his/her considerations. In semi structured interviews, the interviewer adheres to a questionnaire containing a number of pre-determined questions, but may change the order of questions and add to them as the interview progresses. This research used semi-structured interviews (Appendix I) to enable the researcher to add or change questions according to interview's development.

An in-depth interview is a conversation between two persons. The interview has a structure, but is not necessarily structured. The goal is to understand the interviewee's experience, and the meaning he/she attributes to it. Such an interview is characterized by open-ended questions in a semi-structured or unstructured format, by broad documentation, taking notes, listening and interpreting, by clarity and understanding

throughout the interview. It is important that the interviewer is certain that he/she understands the interviewee's personal experience (Shkedi, 2011).

Research based on in-depth interviewing consists of seven stages:

1. Thematising – what is the goal of the interview in this research? What is the researcher trying to achieve?
2. Designing – preparing an interview guide including the interviewee's information details, questions and notes;
3. Interviewing – introducing the researcher and the research to the interviewee, questions and answers according to the interview guide, active listening, end of interview;
4. Transcribing – creating a written text of the interview, transcribing the recording and adding other impressions;
5. Analyzing – Looking for themes (issues, categories), similarities and patterns, so as to give meaning to the information;
6. Verifying – examination of the validity of analysis;
7. Reporting – Publishing the findings.

This research embraced the seven-stage model of in-depth interviews to collect rich and thick description (Geertz, 1973) in order to reach the research goals and answer the research questions as fully as possible. The interview guide is an auxiliary tool for the interviewer and is constructed according to the needs and characteristics of the research. Each guide has three parts: the first part includes the relevant socio-demographic information, details of the interview such as the date, place and time or any unusual circumstances under which the interview was conducted. The second part includes the interview questions with room for notes and observations. The third part provides room for the researcher's feelings, interpretations and additional comments. The questions included in the interview guide (Appendix II) derived from the research questions and directed by the research goals and the conceptual framework underpinning this research.

#### **II.6.4. Semi-Structured Interview**

First, the semi-structured interviews were conducted with employers of individuals with mental disabilities, with the non-disabled employees and the mentally disabled employees; later interviews were conducted with members of the support systems, meaning social workers, educators and the administrative staff of individuals with mental disabilities. After all those interviews, parents of individuals with mental disabilities were conducted. The interviews were based on the findings of the documentary analysis. We chose the semi-structured interview as it allows for insights and for an opportunity to describe activities which directly pertain to the researched issue. The interviews included questions regarding predetermined major issues, corresponding to the research questions. At the same time, the interviews were flexible in their order and allowed for openness regarding additional issues (Creswell, 2002). It should be noted that the interviews were conducted in the work places, meaning in the research field constituting the participants' "home site", in the special education schools and homes. An attempt was made to conduct the interviews in a manner that contributed to the participants' comfort and cooperation. The dialogue between the researcher and the interviewee sought to maintain the healthy tension between involvement and distance on the part of its participants, and therefore, it was interviews were recorded and later transcribed to maintain maximum accuracy (Seidman, 1991).

#### **II.6.5. Interview Process**

Once the research population was chosen, we started looking for information via the contacts of the social movement. We approached school staffs, parents, social workers, employers and workers. We used Facebook and the Internet, and within a few months obtained all the basic information. We arrived at the interview locations equipped with questions and a recording device. After a brief introductory conversation, the research goals were explained and permission was obtained from parents, employers and the other interviewees and the interviews began. Questions were posed and the interviewees answered them freely. The interviews consisted of asking the questions and waiting for the interviewees to answer. Each interview lasted between 30 minutes and 90 minutes, whereby the interviews with the mentally

disabled individuals were relatively brief, whereas the employers' answers were long, seeking to share the notion of employing mentally disabled individuals.

Use of semi-structured interview is based on the theories of sociologists Barney Glaser and Anselm Strauss (1967) pertaining to data collection and analysis. Thus the semi-structured interview provides information that is not standard, which enables the researcher to rely on differences among people rather than on their common traits.

Qualitative research also seeks to avoid establishing relationships of control. This idea is based on Hillary Graham's notion (p. 20) that the interviewees are active partners in the process of collecting data about their lives. The same is true of Robin Gregg's idea of allowing interviewees to choose aliases. These methods seek to decrease researcher superiority over the interviewees. All the interviews were conducted in the interviewees' natural surroundings during the 2012 academic year.

## **II.7. Data Analysis**

Having analyzed the documents and written the interview questions, interviews were conducted with the participants. The interviews were recorded and later transcribed to maintain maximum accuracy. Then the work of extracting the findings began.

The main issue was divided into two aspects: social and legal.

### **II.7.1. Qualitative Data Analysis**

In this qualitative research the data were analyzed by the content analysis method. The process of analysis in constructive qualitative research is methodical and has a fixed structure by stages. The analysis method is based on "transparency" of the process on all of its stages (Miles & Huberman, 1994). This method challenges the often sounded criticism stating that qualitative research analysis is mostly intuitive and based on the researcher's impressions. In fact, data analysis is a process of organizing and constructing the collected information for the purpose of interpreting it and understanding its meaning. In this process we seek to answer such questions as "How?" and "Why?" (Dey, 1993). The researcher always faces the analytic task of organizing and finding meaning in what seems to be unstructured (Pidgeon, 1996). The analysis has to do with dividing the information into parts and rearranging them into a new analytic order. Each such "part" constitutes a unit of analysis. Units of

analysis are identified via meticulous reading of interviews, protocols, notes of observations and documents. The task of choosing a piece of information and placing it in a category is at the heart of constructivist qualitative analysis (Shkedi, 2011).

## **II.7.2. Content Analysis**

The method of analyzing the data obtained from the semi-structured interviews was "content analysis", seeking to use the transcribed interviews to objectively draw conclusions pertaining to their social context, meaning, content analysis connects the researchers to a defined text and research endeavor (Bauer & Gaskell, 1999). The analysis process begins with "primary analysis" whereby comparisons are made between the interviewee's various statements to find similarities and differences in an essentially deductive manner. Similar statements are joined under the same category based on their contextual correspondence (Charmaz, 2005; Gordon-Finlayson, 2010 in Shkedi, 2011). The theoretical framework established in the initial research stage constitutes the grounds for the presentation of research findings. The categorization process is actually a process of conceptualization – the creation of a set of concepts seeking to attribute meaning to the data. In other words, the research questions, goals and conceptual framework guided the content analysis.

Quoting direct participants' statements is highly common in the presentation of findings of numerous qualitative studies (Holliday, 2002 in: Shlasky and Alpert, 2007), including the present research. This way helps create a balance between the researcher's minimal intervention in the interviewee's statements and the interpretation and attitudes emerging from the choice of statements from the available wealth and presenting them in a specific category.

Hence, content analysis of the data collected via the interviews was based on the seven stages in Kacen and Krumer-Nevo's model (2010): (1) Holistic reading of the data; (2) Organizing and minimizing the data for the initial mapping (III); (3) 'Breaking' the data into smaller units of analysis – words, phrases and sentences pertaining to the research questions, goals and conceptual framework; (4) Re-constructing the data and conceptualizing – naming the categories emerging from the data; (5) Holistic re-reading of the data and conceptualizing the main theme; (6) Verifying the data – data were presented to a colleague for approval, and (7) Writing

(Kacem and Krummer-Nevo, 2010). This model provided rigor and systematicity which helped in creating the categories that guided the presentation of the findings emerging from this study.

### **II.7.3. Criteria of Research Quality and Data Collection – Triangulation, Validity, Reliability and Generalizability**

Since this research sought to describe the constitutional grounds and the perceptions in Israeli society regarding the employment of individuals with mental disabilities, and since the researcher did not have any prejudice pertaining to this issue, the qualitative paradigm was found to be the most suitable for this research. The literature pertaining to qualitative research engages in a debate whether the nature and quality of qualitative research can be assessed, and how. Different opinions have been heard (Smith & Deemer, 2000), which may complement or contradict each other. For instance, some of the researchers emphasize that the qualitative researcher must adopt the criteria of positivist quantitative research: validity, reliability and generalizability. Others believe the qualitative researcher must define criteria that suit constructivist qualitative research. Another group of researchers maintains the qualitative researcher can do away with all criteria. In light of this extreme approach, there are those qualitative researchers maintaining that if there are no criteria, the researcher may lose his/her way in a moral space that lacks roots and boundaries (Schwandt, 1996).

The lack of a clear answer to the question is rooted in the fact that qualitative research is a wide umbrella under which there are various research approaches and traditions (Creswell, 2009; Denzin & Lincoln, 2000, 2002; Tzabar Ben-Yehoshua, 2001), such as grounded theory, discourse analysis, narrative analysis, case study and more. This research polyphony can be placed on the continuum between the contemporary post-positivist paradigm on the one end, and post modern views on the other end. The modern pole allows for the combination of quantitative and qualitative research (Lincoln & Guba, 2000; Creswell, 2003). Some of the researcher supporting this end of the continuum emphasize that qualitative research constitutes a probing research which complements quantitative research or supports it, but cannot stand on its won (Creswell, 2003).

As mentioned earlier, the post modern pole of the continuum consists of various trends and traditions. In a constructivist spirit, one of the post positivist definitions of

qualitative research (Kvale, 2002) emphasizes that the meaning of phenomena and processes anchored in time and place, can be constructed in the process of interpretation which is removed from universal generalizations and truths and emphasize the researcher's involvement in the research process. According to this view, there are many ways to reach knowledge, and there is room for competing interpretations and alternative knowledge arguments (Kvale, 2002).

Denzin & Lincoln (2000) whose authoritative voice is often heard in the current research arena, try to contribute to the discussion by phrasing a general discussion proposing common grounds for the various approaches to qualitative research: Denzin and Lincoln's comprehensive definition of the concept "qualitative research" (2000), reads that qualitative research is a situational activity offering a point of observation to those who are observing the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of or interpret phenomena in terms of the meanings people bring to them. The qualitative researcher is portrayed as located in a specific context, far from definite universal truths, and it is in this context that the researcher attempts to interpret the human voice and the phenomenon under investigation. The current research, too, sought to sound the voice of those directly involved in the employment of individuals with mental disabilities.

Lincoln (2002) equips the qualitative researcher with a list of criteria which is open and developing, and includes characteristics of what we believe the research ought to do. The list is open, and the researcher can add to it or omit certain items from it in the course of the research process, and according to the researcher's needs. Some of the items on the list are attributes which the researcher ought to possess. First, Lincoln (2000), the qualitative researcher has to place himself in the local, historical, cultural and social context where he/she conducts the research, far from absolute truths and overall generalizations. The following criterion derives from the first: the research ought to be directed at the community it serves, and where the researcher believes the findings ought to be implemented for the well being of that community. Another criterion requires the researcher to address the voices of the research participants. In this respect, it is recommended that the researcher answer the following questions: "Who speaks in the research, for whom, for what purpose?", "Who speaks for those who have no access to the channels of knowledge and power?"

In the current research, the researcher is an attorney, and as President of the "Little Heroes" association ([www.giborimktanim.co.il](http://www.giborimktanim.co.il)/1.3.2013) is involved in the community of mentally disabled persons and is committed to it in terms of social orientation.

Another symptom is that of reflexivity defined as the ability to enter a different type of consciousness in order to understand others. Furthermore, the researcher has to have a sense of sacredness and deep concern for human dignity, justice and mutual respect. Finally, Lincoln lists the criterion of sharing the research "benefits" with the participants (Lather, 1995). In other words, the researcher must take into account the fact that the benefits of the research (such as publication, externalizing the knowledge and so forth) are the product of collaboration with the other research participants. Lincoln (2002) describes a future academic world whereby researchers' promotion will be based on the research field and the extent of the researcher's involvement with the participants, rather than on the objective distance which the researcher creates from the participants as required by quantitative research criteria.

In summary, the debate focusing on the criteria of qualitative research is ongoing. The open, modifiable list of criteria suggested by Lincoln is different from that used by the neutral positivist and post-positivist researcher (Rotry, 1979) who sought to reflect a universal truth via the sacred triangle of validity, reliability and generalization (Kvale, 2002). The qualitative researcher using the open, modifiable list of criteria chooses to interact in the local context of a specific community, and listen to the voices of the community members and for them out of concern for justice and human dignity. Indeed the researcher is aware of the mutuality and collaboration with the research participants and naturally the benefits of this research are for the mentally disabled persons and the promotion of their status in Israeli society.

In the data collection process there is always the fear of the researcher's intuitive skills and the emphasis on the "persona as a research tool", and hence the researcher has to be aware of the dangers and create a system of buffers to their intuitive perception (Shkedi, 2011). Qualitative researchers disagree as to the use of the term "validity" and "reliability" which are common in quantitative research, rather than propose unique qualitative research terms.

Lincoln & Guba (1985) address the issue of assessing qualitative research coined the term "trustworthy" as a criterion for the quality of qualitative research and its evaluation. The main emphasis, in their opinion, is on making sure the research stages are clear to the researcher and transparent to the critics (Lincoln, 1985).

In case study, validity and reliability much depend on the researcher's data collection skills (Miles & Huberman, 1994; Maykut & Morehouse, 1994). Reliability in case study is the ability to rely on the data collected by the researcher (Yosifon, 2001 in Tzabar, 2001). Reliability is achieved by repeatedly using a research tool such as observation (Dey, 1993), which allows for uncovering repeated phenomena.

Reliable qualitative research is characterized by internal validity, which is the correlation between the gathered data and the phenomenon under study. In other words, the extent to which the explanation of an observed activity is proven right in the researched context, and the extent to which the criteria chosen for the research represent the phenomenon.

Validity in case study is when the researcher identifies patterns in the data and attributes meaning to them, based on his/her interpretation of what is happening (Yin, 1989). Internal validity is also achieved when the findings are logical and acceptable to the participants, meaning, the researcher's interpretation is acceptable to the participants (Miles & Huberman, 1994; Maykut & Morehouse, 1994). An additional way of validating findings in qualitative research is triangulation. Triangulation and cross referencing – using data from multiple sources, using at least three research tools, examining alternative conclusions and explanations for (Fetterman, 1989). Indeed in this research triangulation was used as a strategy to strengthen the confidence in the findings. Triangulation was created by conducting a two-staged research design, combining a documentary analysis in Stage 1 with three sets of semi-structured interviews in Stage 2, with five different research populations, namely, employers and employees, social workers, educators, parents, and mentally disabled people.

When there is correspondence between research findings and those presented in the literature, it can be stated that there is external validity as well (Maxwell, 1992; Nobit & Hare, 1998). If generalizations can be made pointing to theoretical relationship via data collection and analysis, there is external validity as well (Yin, 1989).

It appears that it is impossible to separate the researchers and the research activity, and they cannot take an objective stand regarding the researched phenomenon. The observer is part of that which is being observed; what the observer sees determines what he or she will define measure and analyze (Charmaz, 2000 in Shkedi, 2011).

Shkedi (2011) adds attitudes of researchers who advocate the involvement of the qualitative researchers in the researched phenomenon, and their proximity to it as well as the inevitable contact between the researcher and the researched population, as the latter provides the tacit knowledge stored within them, which they cannot always explain or describe in words. The experience is the way in which we are involved in the world around us and inside us, and is the ground on which we construct meaning (Simmons, 1996 in Shkedi, 2011).

It is clear that these research approaches pertaining to the quality of research and the researcher's involvement in the participants' experiences cause us to wonder about the level of the research's validity and reliability. Researchers' approaches to this issue vary in accordance with the research school to which they are affiliated.

The term "triangulation" is relevant here as well. Shkedi (2011) regards triangulation as a key concept in the understanding of the significance of combining different research methods. Researchers (Allport, 2010; Hammersley, 2005 in Shkedi, 2011) emphasize that triangulation of research methods and sources of information may enhance research validity as in this process the phenomenon is examined via two research methods. In this research, employing mentally disabled persons is researched via document analysis and semi-structured interviews with five different research populations. Triangulation is methodological.

As for external validity which can lead the researchers to reconstructing the research and reach identical results, Tzabar Ben-Yehoshua (1990) maintains that it is not possible for qualitative research to reach external validity, as it essentially examines phenomena under unique circumstances, in contrast to internal validity, pertaining to the level of agreement among different researchers' on data analysis methods in the same research.

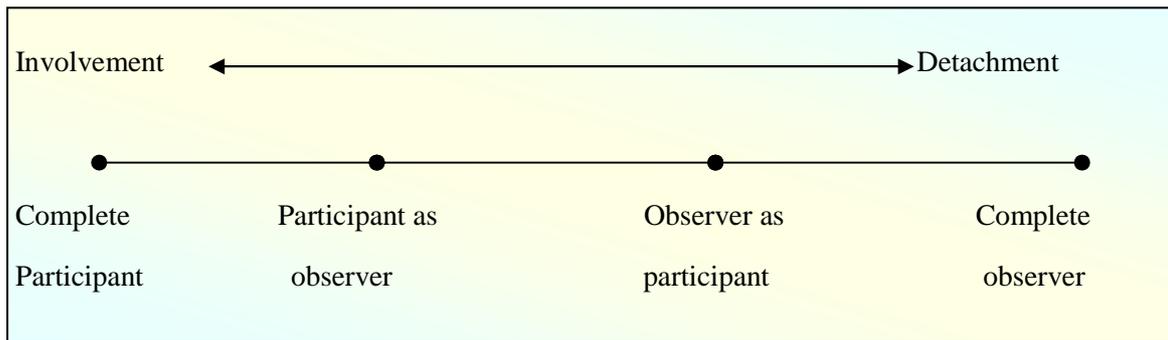
As for the possibility of generalizing the findings of this research in a useful manner on similar environments and populations (external validity), some researchers

maintain the findings of qualitative research cannot be generalized at all (Firestone, 1993; Merriam, 1993 in Shkedi, 2003). It is suggested that readers, when they finish reading the research report, determine which aspects of the research can be generalized to a new context. In this way, the researcher's responsibility and duty is to support the process by providing a detailed, thick description (Geertz, 1973) to raise the generalizability level of the study.

## **II.8. Researcher's Role and Involvement**

Classical quantitative research is based on a conservative methodological view, whereby the researcher conducts objective research and is "detached" from the research subjects. This detachment is dictated by the wish to engage in objective, unbiased research, and to not allow the researcher to conduct the research in a way that will bias the findings. From the classical researchers' point of view, research has to be at least partially anchored in statistical measures received as answers to quantitative questionnaires. Handling narrative materials obtained from the informants also be analyzed in light of clear and significant criteria that will create an "image" of allegedly accurate data, which can be subject to as precise and reliable evaluation as possible.

In qualitative research the status of the researcher is different, as the researcher is involved and subjective. As far as the present research is concerned, we can assess the researcher's high involvement in the researched issue, due to his voluntary activity, his being an attorney and as the president of a social movement seeking to get society closer to individuals with mental disabilities. Accordingly, this fact reflects on the validity of the research. As for the researcher's role, he will decide how much he will be involved in the events, The highest distance level is that of "complete observer", when the researcher does not intervene but rather serves as "a camera". As for participation, the researcher can choose between being a "participant observer" and the "observer as a participant". The highest participation level is that of "complete participant", where the researcher is actively involved in the participants' daily lives as an overt or covert observer. In non-participant observation, the researcher tries to observe the participants without interacting with them and even without even them knowing he is observing. Figure 3 depicts Gold's classification of the researchers' roles.



**Figure 3: Researcher's Role**

The role of the researcher was depicted by Gold (1958) as a continuum between two ends: detachment on the one end and involvement on the other end. The continuum includes two mid-way positions, namely, participant as observer, which is closer to the involvement, and observer as participant, which is closer to detachment. In the current study, the researcher's position was defined as observer as participant, because despite his involvement as president of the 'Little Heroes' association, his main line of work is Law, as an attorney.

## **II.9. Ethical Considerations**

Along with ethical aspects of the research structure, topic, location and target population, there are principles of research morality, shared by all researchers: the anonymity of the participants, their dignity, approval for conducting the research and loyalty to the findings, as in qualitative research the participants are not "research objects" but rather other people in dialogue with the researcher. Therefore, the research literature focuses on two major characteristics of ethical issues: the relationship between the researcher and the participants and the dilemmas arising in the course of the research and writing the report.

Regarding the present research, the preliminary decision about the sample structure designed without interviewing individuals with mental disabilities, allegedly diverted the ethical focus from the human factor to the academic contents. In other words, Lincoln & Denzin (1994) list four ethical codes for the qualitative researcher: (1) informing the participants of the essence of the research; (2) obtaining the participants' informed consent; (3) maintaining participants' confidentiality and anonymity, and (4) Making sure to be accurate, not altering the findings or any

information that was obtained. With last criterion being the most relevant to this research, all the above codes were carefully applied in the present research.

Precautions were taken during the research. We were careful to adhere to the predetermined questions although we sometimes wanted to "help" with the answers, but we were committed to the questions. At certain points we expanded an open question when the answers were not clear to us. We could test ourselves, as the interviews were recorded and we could read the transcriptions and make sure we had acted with caution. The next chapter presents the findings that emerged from the analysis conducted on the data collected through the various research tools.

## **CHAPER III: FINDINGS**

### **Attitudes to Employment of Individuals with Mental Disabilities in the Israeli Society**

We present the findings of the study in the order of their emergence from the research questions and in accordance with the research tools. Thus, the findings emerge from the documentary analysis, the semi-structured interviews that were conducted with employers of mentally disabled people and their colleagues, the supportive system, namely, social workers, educators and parents of mentally disabled people, and with mentally disabled people. This chapter includes the integrative findings that were compiled following a process of clustering in order to serve as a framework for offering annotations and interpretation of the findings in the Discussion chapter.

The general research question was: **"What are the social and legal perceptions pertaining to the employment of mentally disabled in Israel?"** was expressed in two secondary research questions:

1. What is the social legislative structure regarding the employment of mentally disabled people in Israel?
2. What perceptions exist in Israeli society regarding the employment of mentally disabled people?
  - 2.1 How do employers, social workers, parents, and mentally disabled people perceive the employment of mentally disabled people?
  - 2.2 What are the perceived difficulties associated with employing mentally disabled people?

The first research question was answered in the first stage by the help of the legal and document analysis. In the second phase we collected empiric data by the interviewing process, as presented in the previous chapter.

## **Stage I: Analysis of Legal Documents: Legal Aspects of Employing Persons with Intellectual Disabilities in Israel**

### **III. 1: Findings Emerging from Research Question 1: What is the social legislative structure regarding the employment mentally disabled people in Israel?**

In order to answer Research Question 1, namely, to understand the legal structure relating to the employment of mentally disabled people, two major laws were analyzed, namely, the 1998 Equal Rights for persons with Disabilities Law, and the American Disability Act (A.D.A, 1990).

The legal aspects of employing individuals with intellectual disabilities are expressed in the 1998 Equal Rights for Persons with Disabilities Law (Herein: the Law). When this law went into effect, there had already been another law, Employment (Equal Opportunities) Law (1988), which prohibits discrimination based on innate or acquired attributes, but the law did not refer to disabilities.

In fact, until 1998, there had been no legal anchor for the prohibition of disability-based discrimination. Disability had indeed constituted grounds for entitlement to social services, but it had not served as grounds for equality claims. The Equal rights for Persons with Disabilities Law of 1998, has been the first legal tool creating an adequate framework for employment discrimination claims of persons with disabilities, and discrimination claims in general (Ofir & Orenstein, 2002).

As this law is comprehensive, including a whole spectrum of disabilities, analysis of this law and its components is beyond the boundaries of this study. We will briefly note that the law's main virtue is that it allows for the conceptualization of persons with disabilities' experiences as prohibited discrimination, and allows for legal action against this discrimination, although it still presents many obstacles on the way to realizing these rights (Rabin Margalio, 2000). The discrimination prohibited by the law is first and foremost discrimination based on erroneous stereotypes, prejudice and stigma preventing persons with disabilities from being employed. These are perceptual barriers operating in cases where a person could be employed without unique accommodations to a specific disability, but was not hired, was not promoted or was discharged, due to explicit prejudice or covert, erroneous assumptions about his/her disabilities.

The Law defines a person with disabilities as a person who has a physical or mental impairment that substantially limits one or more of the major life activities (<http://lawhighereducation.com/14-americans-with-disabilities-act-ada.html/12.2012>). This open definition corresponds to the approach seeking to focus on social structuring rather than on disability and its medical definition. Furthermore, the law's open language corresponds to the social-critical approach to disability, which does not emphasize the disability and its severity, but rather the social structuring of the disability. According to this approach, anyone who has experienced disability, not because of medical problems, but rather, due to the manner in which the employment he/she seeks to integrate works. The disabled person is entitled to proper accommodations and proper access arrangements which will enable him/her to integrate into an appropriate workplace. This is the main innovative aspect of the law, relying on the A.D.A, maintaining that discrimination includes "not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee." (<http://www.dol.gov/ofccp/regs/compliance/posters/pdf/eeopost.pdf/12.2012>).

This phrase testifies to the engaging in physical and structural barriers which accompany perceptual barriers to the employment of individuals with disabilities, which are, in fact, intertwined. It should be noted that this section expresses greater inclination towards the law's engaging in physical rather than in intellectual disability, as accommodations required for individuals with intellectual disabilities focus, from a legal perspective, on the interpersonal domain in the work environment rather than on its physical infrastructure. However, for implementing this law it is needed to address the infrastructure issues so that the work environment can accommodate for the employment of mentally disabled people.

The stage of identifying accommodations, considering and implementing them is the law's crucial, transformative stage. The reason is that this is the instance where a person who was deemed unsuitable for a job, becomes suitable, and a perceptual reversal occurs regarding the workplace, when the work environment and the job requirements which were taken for granted are reconsidered.

From all of the above, we can realize the specific weight of the consciousness-based element of intellectually disabled individuals' integration into the work market even in the formal-legal aspect as well as the social one.

Not only that, article 9 of the law maintains that an employer who has no appropriate representation of individuals with disabilities among his/her employees, should act to make sure individuals with disabilities are part of the employees, including making the necessary accommodations. This instruction is unique in Israeli legislation, as it obliges employers of 25 people and over, not only public organizations, to promote affirmative action towards individuals with disabilities. However, there is no affirmative action program in Israeli law, to promote the employment of individuals with disabilities that applies to private employers. The reason for including this affirmative action clause in the law derives from the harsh employment data regarding individuals with disabilities, and due to the fact that this attitude to affirmative action runs through the equal opportunities law.

The issue of affirmative action was examined in research about public opinions regarding affirmative action towards persons with disabilities conducted by the Ministry of Industry, Trade and Labor whose findings have been published recently (Alfasi, 2011). The main findings are that some 55% of the population believe affirmative action towards persons with disabilities, compared to 31% who believe affirmative action has to be directed at women, and 17.6% believe Arabs must be the object of affirmative action. Furthermore, when asked who is the group most eligible to affirmative action, persons with disabilities are first with 46%, followed by women (14%) and the Arabs (10%). This means that more than half of the public opinion agrees that affirmative action is needed for people with disabilities. This category is the most accepted among the other vulnerable categories in Israel.

Analysis of the documents reveals that there is an inherent tension between the instruction of the equality law and the value of "freedom of occupation" anchored in a basic law. Perhaps, it is because of this tension that the lawmakers chose this vague phrasing of this clause and avoided naming quotas or giving other clear goals to employers.

This, in my opinion is the weakness of the law, as well as, unfortunately, perpetuating the occupational reality underpinning this research.

The findings of our documentary analysis reveal that the voice of individuals with mental disabilities is not heard. A physically disabled person can voice his or her thoughts, and so they are heard loud and clear. Not so the intellectually disabled individuals who cannot voice their thoughts or wishes clearly and coherently, and hence they are silent. An additional finding arising from the documentary analysis points to the clear visibility of individuals with physical disability, in contrast to individuals with intellectual disabilities whose disability is not visible.

Another finding emerging from the document analysis is that mentally disabled individuals are particularly excluded since there is no will nor any action taken for the state to narrow social gaps. Since the state of Israel suffices with giving allowances to mentally disabled individuals, and in fact, there is no law that can force their employment, it can be said that the state legislated the employment of intellectually disabled individuals, but has issued no regulations expressing operative application. In summary, the state of Israel perceives intellectually disabled individuals as lower level persons.

**These findings constitute the bases of our proposal for legal changes and procedures regarding employment of people with disabilities.**

## **Stage 2: Social Aspects of Employing Persons with Mental Disabilities in Israel**

### **III.2: Findings Emerging from the Research Question 2: What perceptions exist in Israeli society regarding the employment of mentally disabled people?**

How do employers, social workers, parents, and mentally disabled people perceive the employment of mentally disabled people?

In order to answer this question, the semi-structured interviews with employers and colleagues of mentally disabled people were submerged to content analysis. Table 6 presents the theme and categories that emerged from the content analysis.

**The first theme that emerged from most of the interviews was the ambivalence of the feelings related to employment of people with mental disabilities. This theme was associated with 10 different categories, as seen in table 7, accompanied by citations from the interviews**

**Table 7: Perceptions Regarding the Employment of mentally disabled people– Social Aspects**

Theme	Ambivalence Regarding Employment of Mentally Disabled People: Divided Between the Emotional and the Sensible	
<b>Categories</b>	1. Emotional Perceptions: <input checked="" type="checkbox"/> "For the heart and for the soul"	6. Resistance and difficulty <input checked="" type="checkbox"/> "There were some factors here that resisted"
	2. Ideology and Education <input checked="" type="checkbox"/> "It is a mission for me" <input checked="" type="checkbox"/> "Education from home" <input checked="" type="checkbox"/> "Education from school"	7. Stereotypes and prejudice <input checked="" type="checkbox"/> "And getting, those souls, you know...into his business"
	3. Respect and appreciation <input checked="" type="checkbox"/> "Good for B. for employing him."	8. Demand for institutional support <input checked="" type="checkbox"/> Help and support for the employee with intellectual disabilities <input checked="" type="checkbox"/> Help and support of the employer
	4. Protection and guidance <input checked="" type="checkbox"/> "You also have to tell him...tell him that he has to be a good boy, and to smile all the time."	9. Economic burden <input checked="" type="checkbox"/> "Economically, it is not worthwhile to employ those people"
	5. Responsibility <input checked="" type="checkbox"/> "I am also responsible for --- in the morning, to come to work on time, to do the job".	10. An egalitarian approach – <input checked="" type="checkbox"/> Persons with intellectual disabilities are like all people. <input checked="" type="checkbox"/> "It is important to work, because it also...it also keeps you busy, first of all work"

### III.2.1. Social Aspects

#### Category 1: Emotional Perception "*For the Heart and for the Soul*"

Content analysis of the data arising from research question No. 2 revealed that Israeli society perceives the employment of persons with intellectual disabilities as an emotional issue, based in one's heart. Evidence of this category can be found in a statement made by A., saying, "*And I am not proud of it. I kind of do it for my heart and for my soul.*" Another participant expressed a similar attitude to the emotional aspect, saying, "*Unfortunately, there are people like that...perhaps they do not have a heart big enough to accept such people...listen, it comes from the heart. Either you have it or you don't.*" In other words, "from the heart" is an emotional expression pointing to one's inclination to evaluate a certain approach as a natural feeling which is of essential meaning and cannot be disputed. Furthermore, either you "*have it or*

*you don't*" may point to the perception that the employment of persons with disabilities is an acquired matter, which cannot be rationally persuaded.

**In summary, it can be said that the employment of persons with disabilities is perceived as an emotional responsibility that people need to satisfy, from the bottom of their hearts.**

### **Category 2: Ideology and Education: "*It all starts with education at Home*"**

An additional approach emerging from the data analysis is that the employment of persons with disabilities has to do with education and ideology. Evidence of this category can be found in a statement made by the participants who believe, "*It is a mission for me*", meaning, employers perceive the employment of persons with disabilities is a combined matter of "*education from home*" and "*education from school*". Like any other educational process, this is a slow, gradual process which yields results: "*Step by step, you work on it and there are results*". According to the employers, rejection of persons with disabilities stems from lack of awareness, "*Not all families know how to emphasize it, because they are distanced from it.*" Education has to start in early childhood, "*And it simply has to come from the schools and kindergartens.*", "*I believe one of the things that can help is education' education from a very young age.*" Employers suggest that increasing awareness of the issue of employing of persons with disabilities via extensive campaigns and special projects: "*Awareness and explaining to people, getting to know them and seeing their disabilities, understanding their difficulties or disabilities.*", "*Do something at schools, something from the ground, to begin in the first grade, as far as I am concerned, projects and experiences.*"

**In summary, it can be said that the employment of persons with disabilities is perceived as matter of education, which is integrated into the education system, in the family, and in the nation, as a pillar of Israeli society.**

### **Category 3: Respect and Appreciation "*Good for B. for Employing Him*"**

Content analysis of the interviews conducted with employers of persons with disabilities yielded the perception that employment of persons with disabilities has to do with a sense of respect and appreciation, mainly on the part of the clients. Evidence of this approach can be found in the participants statements, expressing belief that the environment treats employers of persons with disabilities with respect and appreciation. According to employers, "*But we are not waiting for the pat on the shoulder...mm...look, I do not feel it with some clients, but others, here and there, someone says – who is that and what is it-*", but "*We are not looking to be patted on the shoulder.*" Meaning, together with clients wondering "*who is it and what is that*", there is also appreciation, though the employers do not believe they deserve appreciation for what they do. Furthermore, regarding the employees with intellectual disabilities, "*The clients know them...they are part of the daily routine.*" The employers of persons with intellectual disabilities define the business as such, and receive respect and appreciation. The employers understand the clients will appreciate them, "*It will be appreciated in almost any business.*" "*Good for you!*" "*I always hear –Good for you – how great – or –this is so important.*" Here, the employers express the significance which they attribute to the employment of f persons with intellectual disabilities as a value: "*I have never seen clients who think it wrong for us to employ those who are different.*", meaning, the significance which the employers attribute to the employment of persons with disabilities also connects to the responses of their clients, who appreciate it. According to the employers, "*The responses I hear are generally positive, that they respect us for employing persons with intellectual disabilities*". Moreover, the clients express their appreciation of the intellectually disabled employee as well, "*Clients who are really close feel secure enough to comment, - You have a great employee here -.*"

**In summary, it can be said that the employment of persons with disabilities is perceived as an admirable issue, calling for respect and appreciation, and which also has to do with the clients' positive reaction.**

**Category 4: Protection and Guidance – *"You also have to tell him...tell him that he has to be a good boy, and to smile all the time"***

Content analysis of the interviews conducted with employers of persons with disabilities yielded the perception that employees with intellectual disabilities require ongoing protection and guidance. *"If there was no minimum help on our part, where would he go? Because he really needs help."* Meaning, the intellectually disabled individual needs help in integrating into the workplace. Sometimes, the employer takes on the role of facilitator, *"I hired him and took upon myself the role of helping him in a way that I accompanied him, directed and helped him and so forth."* Moreover, these people require the same training every other worker gets: *"They have to be trained for things that may be a tiny screw in a very large system that can really help."* *"Adjust, and integrate them into roles, guide them"*. There is a need to adjust the workplace so as to integrate persons with intellectual disabilities, and after training, these persons with intellectual disabilities can really be good workers, *"If they talk to you, you realize there is a disability, but they work well at their jobs, really well."*

The employers believe that employees with intellectual disabilities have to be given organized guidance and direction *"There was someone here, who accompanied him, a mentor from AKIM<sup>1</sup>. She was in the beginning of her way, now someone else who explained things to us."* Guidance and direction are required not only for those who are intellectually disabled, but for the employers and the other employees in the workplace as well, *"She would come once in two-three weeks, not on a regular basis, she would come and we would ask questions – what do you do in such and such a case, and she guided us."* *"It's I and the employee, and there might be a guide who comes once in two-three months to see how things are going."*

Employers express frustration that guidance is irregular, and then there are difficulties pertaining to those with intellectual disabilities: *"Her guidance and experience, because she was a social worker, she gave us tips as to how to do, what to do, and these tips still help us."* *"First she had a mentor, and then – that was it."* *"I think it*

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<sup>1</sup> Akim – National Association for the Habilitation of children and Adults with Intellectual Disabilities.

*would help if there were more communication between me and someone who can be in touch with them, and this would help me see what my needs are."*

The required guidance mostly pertains to how to behave with the employees with intellectual disabilities: *"I would suggest training for specific people who work with me directly, to receive guidance as to how to work with them, how to behave, because I will tell you, there was someone here who accompanied him... someone from AKIM...who really explained things to us."* Guidance and direction help the other employees to know how to behave with an intellectually disabled employee make the most out of his or her work: *"There was a problem, and then she guided us, and her basic guidance was excellent. That is why we know how to behave with him."*

It has been interesting to learn about the significance of the appearance of employing persons with intellectual disabilities, treating them as young children who have to be protected and told how to behave with the clients: *"You also have to tell him...tell him that he has to be a good boy, and to smile all the time"*.

**In summary, it can be said that the employment of persons with disabilities in Israeli society is perceived as a process which as to be accompanied by guidance both for the persons with intellectual disabilities and for the employers and the other employees.**

**Category 5: Responsibility: *"I am also responsible for --- in the morning, to come to work on time, to do the job"***

Content analysis of the interviews conducted with employers of persons with intellectual disabilities reveals that employers perceive the employment of persons with intellectual disabilities as a process accompanied by a sense of responsibility towards the disabled employee. Just as persons with intellectual disabilities require training and direction in their places of work, so the sense of responsibility for them increases: *"We all have to join efforts for others, so they can feel equal in our society."* We can see that some employers sound a collective call for responsibility for persons with intellectual disabilities as equals in Israeli society, and hence their right for employment just like any other citizen. Furthermore, the employer regards himself responsible for the employee with intellectual disability, so that he *"comes on time in the morning, come to work on time, to do the job."* In addition, employment of

persons with disabilities is accompanied by responsibility for them from a young age, *"An I agreed to live in the same room with him in the 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup> Grades, and took responsibility for him: I taught him to be independent, brush his teeth, shower, do the laundry...and actually led him to a state where he can work and be independent."*

**In summary, it can be said that the employment of persons with disabilities in Israeli society is perceived as accompanied by a sense of responsibility and accountability for their performance in the workplace. It seems that some employers consider that hiring a person with disabilities requires more responsibility from their part. This can be seen as a barrier to employing people with disabilities, not only as a sense of social responsibility**

**Category 6: Resistance and Difficulty: *"There were some elements (employers) here who resisted"***

Content analysis of the interviews conducted with employers of persons with intellectual disabilities reveals that employing persons with intellectual disabilities is accompanied by difficulties and resistance. Evidence can be found in the interviewees' statements, *"It is very hard to cope with workers with special needs or with intellectual disabilities, unless they get some support and help, or the blessing, mostly for the authorities, and this does not exist."* Moreover, some of the intellectually disabled employees have experienced such difficulties that they have not lasted and dropped out from work, *"They simply did not last with me. If this is not one of the organization's basic values, it had better not take place at all. It will not work."*

According to the employers, *"It is very hard to cope with workers with special needs or with intellectual disabilities, unless they get some support and help, or the blessing, mostly for the authorities, and this does not exist."*, and also *"What may deter is their ability to function."* In other words, what may deter a person from employing a person with intellectual disabilities is the latter's difficulties regarding the daily performance in the business, which may cause economic damage. An additional difficulty is the inability to insure these employees, which may burden the business, *"It is hard to issue insurance policies. Insurance companies did not want to insure them."*

Employers testify that despite the sense of mission towards an employee with intellectual disabilities, there was also evidence of difficulties and resistance: "*There were some employers who objected, because they immediately saw that when a person encounters this problem, he is shocked, in a minute. I will tell you about our essence, people came here and saw the person and were shocked, as they saw a person who was not really here in terms of doing the job.*" Meaning, resistance was accompanied by deterrence and mostly stemmed from a sense of shock in the encounter with the disability.

**In summary, it can be said that the employment of persons with disabilities in Israeli society is perceived as accompanied by difficulties and fear of the close encounter with a person with intellectual disability.**

### **Category 7: Stereotypes and Prejudice "*And getting those souls, you know...into his business*"**

Content analysis of the interviews conducted with employers of persons with intellectual disabilities yielded findings pertaining to prejudice and stereotypes regarding persons with intellectual disabilities. Some of the stereotypes include such refined expressions as "*Those souls*", or "*How that person is introduced to me*", or "*Regarding persons of his kind*", "*Here and there someone tells me – who is that and what is that*", "*People came here and saw that person*", "*Such people*", "*Special people*", "*Those people*". Linguistically, 'what' is a term used for objects, not for people, so this is an expression that denotes stereotypes. Evidently, these expressions show that employers use all kind of alternate words and expressions, to avoid using the expressed word "retarded", so as not to be politically incorrect. Furthermore, the data reveal use of "laundered" words, to avoid using offensive expressions, and hence used such expressions as "*A person with special needs*", "*Listen, you have a problem. I am not hiring you*", "*The state will care for that man*", "*I will not employ such a person in my business*", "*This is an exceptional person, who is not like me*", "*I do not distinguish people by their religion, opinions, or how they think.*" One of the employers stood out by using the words, "*If they talk to you, so yes, you feel there is...there is retardation.*"

We can see that avoiding using the specific expressions points to a desire to avoid stereotypes and prejudice affiliated with persons with intellectual disabilities on the

one hand, but on the other hand, this avoidance points to the existence of these stereotypes in Israeli society.

**In summary, it can be said that the employment of persons with disabilities in Israeli society is often accompanied by prejudice pertaining to persons with intellectual disabilities.**

**Category 8: Demand for institutional support: "*The State has to care for all its citizens.*"**

Data collected via interviews conducted with employers of persons with intellectual disabilities yield a demand for institutional support of the government or the local authority, both for the employers and the persons with intellectual disabilities whom they employ. According to the employers, "I believe the state should promote the matter." Meaning, the employers regard the employment of persons with intellectual disabilities as a national issue which deserves the state's attention and regulation. It was also interesting to find contradictory opinions, where some of the interviewees believe that since employing persons with intellectual disabilities is a matter of the heart, meaning, a value-based sensitive issue, "*The State had better not intervene: the moment something is imposed on you, you do not do from the wholeheartedly. The state can impose. Will it work? I am not sure, because if there is no will on the employer's part, to hire and accompany a person with intellectual disabilities, and make sure he feels at home, then the employee will suffer. So that is something that cannot be forced.*" In other words, state intervention in the employment of persons with intellectual disabilities is perceived as irrelevant power, since employing persons with intellectual disabilities is a matter of the heart. Meaning, the employment of persons with intellectual disabilities has to derive from a deep emotional motivation, rather than from a decree, as it will not work. Nevertheless, the authorities have to encourage it. "*There needs to be the will to accept them, on the part of the state, the authorities, the municipality, whoever, as a society we need the flexibility and the desire to accept them to work.*" "*Authorities' encouragement, they can intervene but not force.*"

**In summary, it can be said that the employment of persons with disabilities in Israeli society is perceived as a process which requires institutional support and encouragement, but should not be forced upon employers.**

### **Category 9: Economic Burden "*Economically, it is not worthwhile to employ those people*"**

Content analysis of the interviews conducted with employers of persons with intellectual disabilities reveals that employing persons with intellectual disabilities is not economically worthwhile. Employers mentioned time and again that that is mostly an economic issue, "*Mostly an issue of taxation, an economic matter.*" "This has to be absolutely clear: it does not pay to employ persons with intellectual disabilities." Meaning, what employers regard the most is the economic aspect, and if it turns out that employing persons with intellectual disabilities will harm the business, then employment will be harmed as well: "*But in general, it is not worthwhile for small businesses, as they cannot keep an employee who is a great liability, who does not give enough relative to his salary.*" The economic aspect also arises in regard to encouraging employment "*Perhaps employers have to be given incentives so they will be employed. I don't know.*" Here, too, the financial angle is perceived in terms of cost versus benefit. "*It is a matter of cost versus benefit.*" "*If business owners consider it, they will consider costs or expenses, compared to benefits.*"

Additional validation of this perception is in the statements of the employers, who stated, "*If business owners understand that perhaps business will grow because they employ persons with intellectual disabilities, perhaps it will succeed more.*"

**In summary, it can be said that the employment of persons with disabilities in Israeli society is perceived as an economic burden on business owners.**

### **Category 10: An Egalitarian Approach – "*Persons with mental Disabilities are the same as all other people*"**

Data regarding persons with intellectual disabilities as people like all people were of particular interest. The data reveal that some employers acknowledge the rights of persons with intellectual disabilities to work, and the value of work for them. Evidence of that can be found in employers' statements that "*It is important to work, because it also...it also keeps you busy, first of all work, and you also learn a lot of things at work, and that it important.*" "*It is good, because sometimes when a person sits at home and does nothing, it is not an idea and nothing, but working is good, because the person sees a new day outside and everything...you meet people ...from other places, you encounter other things.*" We can see the employers' perception of

the persons with intellectual disabilities rights to work like any other member of society and the perception of work as a value in each person's life.

This egalitarian approach is intensified by employers who think there is no need *"To be afraid of them' because I have never acted in a non egalitarian manner, retarded or not. I do not make the difference between two persons, regardless of their religion, their minds, how they think; and honestly, if I can, I will hire workers with special needs."* Meaning, persons with intellectual disabilities are perceived as an integral part of the "special needs" population. Moreover, employing persons with intellectual disabilities is perceived by some as a value in society, *"In the process itself, to advance people with special needs is important"*, and is compared to people with special needs in general, *"Because there are families who have children, or young men with mental, intellectual disabilities, and they want their sons or daughters to be absorbed in some framework in the afternoon."* The employers perceive persons with intellectual disabilities who are employed as people who contribute to Israeli society. *"I think it is important and contributes to society, and honestly, if I can, I will hire workers with special needs."*

**In summary, it can be said that the employment of persons with intellectual disabilities in Israeli society is perceived as a value and as their right to work like all other members of society.**

### **III.2.2. The Theme of Legal Aspects as Perceived by the Informants**

Data gathered via the interviews yielded a mixed picture regarding the employment of persons with intellectual disabilities. On the one hand it appears there is the understanding that employment of persons with intellectual disabilities has to be anchored in legislation, *"In my opinion this has to be anchored by the legal system."*, but on the other hand, there is the recognition that it is impossible to force employers to hire persons with intellectual disabilities: *"You cannot force it"*, for the simple reason that it might lead to negative consequences of abuse and humiliation.

Content analysis of the interviews conducted with employers of persons with intellectual disabilities reveals one major theme including four categories presented below:

**Table 8: Perceptions on the legal aspects of the employment of mentally disabled people.**

Theme	<b>Anchoring in the Legal System - <i>In my opinion this has to be anchored by the legal system</i></b>	
<b>Categories</b>	1. Forced State laws will not help	<i>"Really not something that can be forced"</i>
	2. Respectful Approach	<i>"Full egalitarian employment"</i>
	3. Concern for the future	<input checked="" type="checkbox"/> Concern for the employed person with intellectual disability, <i>"I think their conditions have to be respectable, so that there will be no abuse."</i> <input checked="" type="checkbox"/> Concern for employers of persons with intellectual disabilities, <i>"Some government authority which encourages it and guides business owners."</i>
	4. Encouragement via incentives	<i>"They ought to get incentives so that it will be worth their while to employ persons with intellectual disabilities."</i>

**Category 1: Forced State laws will not help: *"...really not something that can be forced"***

Content analysis yielded the approach that although such legislation is desired, *"Look, the state intervenes in all of our life domains. It is involved. That is why it cannot leave the issue of persons with special needs hanging,"* it is not a good idea to actually make such laws which will force employers to hire persons with intellectual disabilities, because the laws will not help, *"I understand, laws...there is no paving of a way...because laws are sometimes difficult, as you noted, laws about employing persons with intellectual disabilities are not to the point."* *"If the state wants, it can do anything. It is not complicated. It is just work. It is just a department that has to deal with it, to want to do it, but I am not sure they want to do it,"* Meaning, it is possible to legislate, but it is not such a good idea, because apparently, employing persons with intellectual disabilities cannot be forced due to a number of reasons. It is interesting to see the ambivalence regarding the legal aspect, in the statement of an employer who expressed two opposites in one statement: *"Because even if the state makes laws, and there are enough laws like that, employers are sophisticated enough, and those who are not interested will find a way not to comply."* In other words, there is concern that

such legislation will result in a whole system of avoidance and develop negative phenomena. Immediately after the employer said, "*Sometimes there is a need to create some kind of constraint that will become a routine or a norm. Therefore, I am for it as a directive or a law. Someone in the Knesset might take the initiative and make a law.*"

**It can be said that employment of persons with intellectual disabilities is perceived as a matter that is beyond the law, if one wants to prevent negative phenomena which such a law may cause.**

### **Category 2: Respectful Approach: "*Full Egalitarian Employment*"**

Content analysis reveals that some employers perceive employment of persons with intellectual disabilities as anchored in the law in an egalitarian manner. Evidence is found in the employers' statements: "*I also believe their conditions have to be respectable, so there will not be any abuse, I mean, people who want to employ persons with intellectual disabilities will come from the pure place of employing them, but not because they are a cheap workforce. I believe it has to be anchored in legislation.*"

More evidence of this approach can be found in the statements of employers who believe "*What happens in this loophole is that many employers abuse them, do not pay them wages and humiliate them. They are exploited for all kinds of such jobs. After all, they provide services for our state.*" In other words, the approach is that if employers do hire persons with intellectual disabilities, their employment conditions have to be legislated to prevent exploitation, and make sure they are treated respectfully and fairly. In other words, this legislation is to shape the work environment's behavior due to the wish and need to protect the basic rights of persons with intellectual disabilities, and treat them respectfully, like all other people.

**In summary, it can be said that employing persons with intellectual disabilities is perceived as anchored in a law guaranteeing their rights and respect.**

### **Category 3: Concern for the Future: *"I think their conditions have to be respectable, so that there will be no abuse"***

Data gathered via the interviews point to the need for legislation due to concerns for the future of persons with intellectual disabilities. Evidence of this approach can be found in the statements of employers who believe it is *"One of the great concerns, because eventually, the state makes a mistake. If the state cares for that young man when he is 16, 18, 20, 22, at any rate, when the parents pass away, the state absorbs them. At a certain stage, when they arrive, those people, with special needs are 60 or 70 and the state has to care for them, and if they work, it will be easier to treat them later on."* In other words, ensuring employment at a young age via legislation will guarantee rehabilitation at an older age and prevent the need for support when they are older. This is an approach which regards the work of persons with intellectual disabilities as leverage for preventing persons with intellectual disabilities' future dependence on the state, and their rehabilitation throughout life. It is interesting to note a perception regarding the state in the role of a parent or a guardian for persons with intellectual disabilities after their parents have passed away, *"And I have some persons with intellectual disabilities working for me, whose parents worry what will happen after they die, and some have neither brothers nor sisters to care for them...and then the state has to care for them. If the state were involved with them somehow, then absorption, continuation would be much easier."* We can see a view whereby persons with intellectual disabilities are the children of the state, and by law, the state ought to care for them throughout their life. The state has to *"build the bridge to the late age when they remain on their own, without guardians..."* Concern is also for employers who have employees with intellectual disabilities *"Some government organization that will encourage it and guide people and business owners."*

**In summary, it can be said that from the legal aspect employing persons with intellectual disabilities is perceived as guaranteeing caring for them for the rest of their lives.**

**Category 4: Encouragement via incentives: "*They ought to get incentives so that it will be worth their while to employ persons with intellectual disabilities*"**

Content analysis of the interviews conducted with employers of persons with intellectual disabilities reveals some interesting perceptions regarding legally anchoring employment of persons with intellectual disabilities. Together with the acknowledgement that it is impossible to legally force employers to employ persons with intellectual disabilities, some ideas were introduced regarding enabling this process mostly via encouragement in the form of taxation and incentives, which will make the employment of persons with intellectual disabilities economically worthwhile. Employers believe that "*I would perhaps make a law stating that if a business owner faces a situation where a person with intellectual disabilities wants to work for him, he would give him the chance, at least for a while. One must not reject such a person who seeks employment.*" In other words, such rejection ought to be against the law. The employer states, "*And if the person with intellectual disabilities really proves to work well, and I believe that a person like Alex, you know what I told you, I trust him. He does things, and the owner tells me we should have let Alex do this and that long time ago, so I say, it is simply because no one gives him the chance to express himself, but if and when there is a law the owner will not be able to say – listen, you have a problem so I am not hiring you..*" Meaning, the burden of proof of one's ability to do the job is on the handicapped person. An interesting idea was suggested by another employer, "*Each business company pays taxes, high or low, no matter, they have to get some taxation perks, or encouragement – encourage, offer some perks or incentives to employers of persons with intellectual disabilities, give them tax discounts or anything else.*" An additional idea is to anchor in law the employment of a certain percentage of the organization's workers, as is done in Europe: "*I know that in other states, in Europe for instance, one out of X employees has to be a person with special needs, especially in public and government organizations. So let it first begin there, so the state serves as a role model.*" On the other hand, disability pay should not be abolished following employment as a way to encourage persons with intellectual disabilities to go to work, "*I once tried to struggle against the idea to take away their disability pay because they work and earn money. If they made more than 1,800 NIS, their disability pay was ceased.*" Employers

believe that since the employment of persons with intellectual disabilities is economically not worthwhile, tax discounts have to be offered, "*Meaning I may be economically damaged, so at least the state can give me a tax discount, regarding National Insurance, for instance, to recognize these people, make it easier for me, but for the employee to go home with some money.*" In other words, if the employment of persons with intellectual disabilities is acknowledged for tax purposes, it will be easier for employers to pay a worthy salary, "*In the end, I pay Alex very good wages, hoping he can also help his family, which generally means a family undergoing economic difficulties.*" "*Employers ought to get incentives so that it will be worth their while to employ persons with intellectual disabilities. This will open the door to full egalitarian employment, I believe, with everyone.*"

**In summary, it can be said that from the legal aspect employing persons with intellectual disabilities is perceived as anchored in the taxation laws, generating discounts and incentives which will enable the employment of persons with intellectual disabilities in workplaces in Israeli society.**

### **III.3. Findings Emerging from Research Question 2.1: What are the difficulties associated with the employment of mentally disabled people?**

After the interviews with employers of mentally disabled individuals, interviews were conducted with members of the system supporting the mentally disabled individuals, meaning six social workers, five educators in a special education school where individuals with mental disabilities are schooled, and three pairs of parents of individuals with mental disabilities. The interviews at this stage sought to examine the following questions: What is the significance of employing individuals with mental disabilities in Israeli society? What are the benefits of employing them? What are the difficulties involved in the employment of individuals with mental disabilities for the disabled individuals and the employer? What types of jobs are available to individuals with mental disabilities? What are the difficulties arising from not employing individuals with mental disabilities?

Content analysis reveals that even within systems that support individuals with mental disabilities, approaches are ambivalent, but in this case, the ambivalence pertains to aspects that differ from those expressed by the employers. On the one hand, social

workers, educators and parents acknowledge the great significance in employing individuals with mental disabilities, but on the other hand, they acknowledge the difficulties associated with the disabled individuals' problems at home and with the family, difficulties in the working environment and in accepting individuals with mental disabilities as equals in society.

Generally, it can be stated that the leading theme emerging from the content analysis is disillusionment and acknowledgment that the employment of individuals with mental disabilities means a process of their normalization, and turning them from a burden on society into useful citizens who contribute to society despite all the difficulties involved in their employment. Table 2 presents the results of the content analysis of interviews with professionals employed on the supportive system.

**As we saw in the interviews with employers and colleagues of the employed people, the interviewed social workers and educators also relate in an ambivalent way to the issue of employment of people with intellectual disabilities.**

**Table 9: Content Analysis – Interviews with Social Workers and Educators**

Theme	☒ <b>Ambivalence Regarding the Significance of Employing Individuals with Mental Disabilities while Acknowledging Difficulties</b>	
<b>Categories</b>	1. Steps to normality ☒ "If my child works, it means he is normal"	4. Difficulties in the work environment ☒ "Some difficulty of a lot of patience and resources he (the employer) has to invest"
	2. Contributing to society ☒ "The environment close to that employer learns to accept those who are different"	5. Stigma ☒ It is the ---Let's begin with the appearance which is sometimes--- - this is the stigma I mentioned. Depends on his level"
	3. Employment as a basic right to develop and contribute ☒ "He lives here. This is his state."	6. Difficulties at home ☒ "Struggles with the family, with the parents, with the environment"
		7. <b>Desperate call for changes in society</b>
		8. Dilemma regarding legislation

### **Category 1: Steps to Normality *"If my child works, it means he is normal"***

The findings arising from the content analysis of the interviews with the social workers raise the perception that the meaning of employing individuals with mental disabilities means that they are perceived as normal. Evidence of this perception can be found in the social workers' statements saying, *"If my child works in the free market, it somehow means that he is normal."* According to the social workers, parents of individuals with mental disabilities regard the employment of their children as a turn from a state of being disabled to a state of being normal, *"And I did not give birth to a retarded child, a child with mental retardation, a child with mental disability, sorry."* It was interesting to find that the social worker speaks the parents' mind, so that the discourse became first person singular, *"I* (the social worker speaking in the name of the parents) *did not give birth to a retarded child"*, as if the social workers sound out the voices of the parents and identify with them. Due to their sense of mission and responsibility to their profession, the social workers also sound the voice of the disabled children, *"Their children are highly satisfied with the kind of employment which suits them, the company, leisure, everything around it."* Meaning, being normal also means enjoying the advantages of employment, the company and free time. **After all, if one has no work, one has no free time either, whereas, when one has a job, it means one can also enjoy time off work.** The social workers add, *"Belonging to the group of equals, we have to remember there is great meaning in belonging to the group of equals."* In other words, an mentally disabled individual who is employed is considered an equal among equals, and accepted by the group of equals in society.

This finding is also supported by the educators' perspective. They, too, regard the employment of mentally disabled individuals as a way to turn them into normal individuals, *"First of all, I think if an individual with an mental disability works, he will feel like all the others, like my father, like my grandfather, like his/her siblings. And the more normative they feel they more they give and feel needed and wanted in society."*

Employment makes individuals with mental disabilities equal members of society, thus endowing them with a sense of dignity as humans and gets another meaning –

belonging to their natural group – the family. According to the educators, it is important that individuals with mental disabilities will experience a sense of equality, meaning that they are like others in society, like their family members. Employment makes them normal and earns them respect, "*Really, they ought to know they have respectful employment.*" This perspective is of great interest it consistent with the Human Dignity and Liberty Basic Law (1992) maintaining **there is no work which does not honor the worker, meaning a person with no work is a person without honor.**

The parents' perspective reaffirms this finding. It is interesting to see the connection made by the social workers speaking in first person singular "*If my child works...*" and "*I did not give birth to a retarded child...*", and the parents wish "*to integrate him into the norm as much as possible*", expressing their wish that their mentally disabled offspring can, despite his/her disability, be employed and integrate into "normal" society. Here, too, we can see support of the idea that being employed means being normal. The parents also understand it all depends on society's good will to regard individuals with mental disabilities as employable, and they say, "*I kind of sense it, that in our country, it is being built into the consciousness, that special populations should be integrated into the regular social structure.*"

**In summary, it can be said that the members of the support system perceive employment as a way of normalizing individuals with mental disabilities and making them equals who deserve to be employed "like any other member of society".**

## **Category 2: Contributing to Society, "*The environment close to that employer learns to accept those who are different*"**

In addition to the perception of employing individuals with mental disabilities as a way of normalizing them, the data collected reveal that a normal person is one who contributes to society. Just like the interviewed employers, the social workers also noted: "*It is part of their duty. They ought to give just like they get...*". In other words, an mentally disabled person has to work to contribute to society. It was interesting to find that individuals with mental disabilities have to be employed as a way of reforming Israeli society, "*And I believe it is part of our reform as a normative society accepting people who are different from us. This makes us a better society.*" Meaning,

accepting those who are different is perceived as a significant social value, expressed in the employment of individuals with mental disabilities in the workplaces. According to the social workers, a person with an mental disability is first and foremost a human being, and so should contribute to society, *"I think that an individual with special needs, like, you, a retarded person with special needs can contribute to society on some level. There is no such thing that a person who cannot contribute."*

Individuals with mental disabilities employed in production work can also benefit themselves, *"To contribute and also to obtain benefit for himself; feel he is useful to society."* The way to do that leads to the normalization of individuals with mental disabilities, *"We are trying to create a situation of normalizing individuals with mental disabilities and adjust what we do to their level and capabilities, and an individual with mental disabilities can work, integrate into society, be productive, enjoy the salary, as I said...create...normative, adjusted to their capabilities, will and needs."*

Social workers perceive employment of individuals with mental disabilities as a way to benefit society and the individuals themselves, as equals in Israeli society.

This attitude is also supported by the statements made by the educators working in special education schools. The educators clearly state that *"One of the human needs, one of our needs is to give, to contribute, to work, to be busy, and not just to accept, and I believe our students can also integrate."* In other words, being employed is a basic human need, including a need of individuals with mental disabilities, and employment is their way of giving back to society and the community to feel they belong, *"Some of them say they would like to contribute to the community."* Additionally, contributing to the community via employment endows individuals with mental disabilities with a sense of meaning and importance, *"He is not important enough if he has no job."*

Parents of individuals with mental disabilities also regard employment and work as their offspring way to contribute to society. The parents emphasize, *"And it is an advantage to those who can integrate into normative society."* The benefits are mutual and dual – both to society and to the individual, *"He has a chance to enrich himself, learn and meet normal people and establish ties with them."*

The parents understand that individuals with mental disabilities can be enriched and communicate with normative society when employed, meaning employment provides them with opportunities to integrate into normative society of which they wish to be a part.

**In summary, it can be stated that employing individuals with mental disabilities is perceived as their way to contribute to society and be an equal part of it.**

### **Category 3: Employment as a Basic Civic Right to Participate in the Labor Market: "*He lives here, this is his country*"**

According to the support system of individuals with mental disabilities, employment is critical for their development as members of society, as the social workers claim, "*There is no such thing that a person who cannot contribute*", and if individuals with mental disabilities are considered equals in society, they have the right to work like all other people, and hence the insight "*He has to be, has to work.*" The social workers do not ignore the fact that individuals with mental disabilities have special needs, "*So my child has special needs,*" but he/she, too has to get the right to work like anyone else, so "*Yes, there ought to be solutions for them*". Moreover, the social workers emphasize that individuals with mental disabilities are equals to other members of society, and have advantages despite their limitations, "*Understand, we are talking about people with many advantages, people who are just like all of us, who have limitations with which we can live.*" An additional reason given in favor of employing individuals with mental disabilities is their right to develop and realize their mental, social and adaptive capabilities. "*The children stay home for years, unoccupied, and instead of developing, they regress on all levels: social, mental and occupational, and when they reach adulthood they cry for help.*"

The social workers emphasize that there is an age limit beyond which the individuals with mental disabilities can no longer be developed and nurtured mentally, "*We can no longer treat, and the man is no longer 21. He is 50 or 60.*" Meaning, the time span for developing for a mentally disabled individual is important for that person's future.

The findings from analyzing the answers of the educators support those of the social workers. In the Israeli education system, home room teachers<sup>2</sup> are responsible for placing individuals with mental disabilities in workplaces as part of an educational approach and special education policy. They are the ones who are aware of all of their students' capabilities and limitations, and maintain, *"If they are happy at their place of work as they are happy at school, they really want to go out to work and regard it as a source of pleasure."* Meaning, work is perceived as enjoyment, like school. Moreover, an individual with mental disabilities who does not work is a burden on society, *"I believe a person who does not work means lots of trouble."* Employment is a source of pleasure due to the fruit of work, meaning remuneration, *"If he brings some wages home, as basic as it may be, 1,000 or 2,000 NIS, he can use the money to do things, go on a trip, buy a present to the parents or siblings..."* Employment makes individuals with mental disabilities to feel mature, meaning, independent, not having to rely on others, *"feeling of being adults."* This is their basic rights as members of the community, and some of the teachers believe *"Students who experience difficulties also deserve a chance to integrate into the community."*

The parents, too, regard their mentally disabled children's employment an opportunity to advance and develop as humans, *"So she can advance and develop as much as possible."* This can be done by training them to work, *"Train them professionally to do other things than monotonous work, care for some basic education, reading, writing, and enrichment; enrich them with such vocations as gardening, and a bit of computer skills."* Each person has the right to advance and develop according to the person's wishes and capabilities.

**In summary, it can be stated that the employment of individuals with mental disabilities is perceived as a basic right to develop and be useful.**

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<sup>2</sup> Homeroom teachers are educators in charge of a class, where they attend all issues pertaining to the class rather than just teach a specific subject

#### **Category 4: Category 4: Difficulties in the Work Environment, "*The employer has to be very patient and invest a lot of resources*"**

To get to a thick description of the employment of individuals with mental disabilities, it was interesting to find through the semi-structured interviews with members of the support system, what the difficulties involved in the employment of individuals with mental disabilities may be.

According to the social workers, difficulties in the work environment pertain to the mentally disabled individuals' external appearance, which may cause damage to the employers: "*First of all, external appearance. First of all, when the person is physically deformed, I find it repulsive.*" The stigma pertaining to the mentally disabled individuals' looks, since the visibility of the business may be damaged due to their presence. The social workers stated the economic issue is a crucial difficulty factor which employers encounter, "*The economic issue, lack of tolerance, with all due respect, we are living in a complex country, with many hardships, if I have to get up in the morning and see to my mortgage and my family's safety, and I have a garage, and I would like things to run, and there is this difficulty of a good deal of patience.*"

In other words, the economic burden and the responsibility of managing a successful business do not always allow for the attention which individuals with mental disabilities deserve to get. Employing individuals with mental disabilities involves special resources which have to be mobilized for this purpose, "*Resources he has to invest, mainly...the worker is one who requires more resources, whether they be guidance or close mentoring, mostly in the beginning, in the primary stages.*"

This finding reaffirms findings emerging from the interviews with the employers, who have also expressed the same attitudes to individuals with mental disabilities requiring special resources on the one hand, and on the other hand, the need to manage a profitable business. According to the social workers, in the end, the economic considerations are what counts, "*In the end, I check to the point, results, output.*" Social workers also emphasize, "*And in the labor market, the employer wants to make a profit, provide for himself and his family, for his business, and often there is no*

*patience or tolerance towards the slow pace or lack of understanding on the part of individuals with mental disabilities."*

According to one social worker, *"The main difficulties arise from the need to mediate between the mentally disabled individual and the employer and those around them. Society does not always understand the limitations of persons with mental difficulties, so it is hard for people to relate."* Like the employers, social workers believe that a mediator between individuals with mental disabilities and the business may help in the employment of individuals with mental disabilities, thus overcoming the business's need to manage an economically profitable business.

Educators responsible for placing individuals with mental disabilities in workplaces, and for matching the type of work to the type of disability, have also discussed difficulties in the work environment due to employing individuals with mental disabilities. Despite the employers' good intentions and willingness to accept mentally disabled individuals as employees, *"Those who do it due to faith, or to clear their conscience, are just good people"*, economic considerations count the most, *"Profitability. First and foremost, economic profitability."* Educators maintain *"It is worthwhile to hire four workers at the cost of one; that one thing is pure profit."*

Despite their disabilities, employers set high standards of commitment to work, which may deliver the economic profitability due to proper business management, *"And second, the issue of seriousness, as they know they have no problems with workers taking days off and stick them with the merchandise..."*. Difficulties are accompanied by benefits, as the work environment where individuals with mental disabilities are employed can learn a lot and gain different perspectives on their personal lives, *"I believe that once an employer hires our students, the whole environment learns to accept those who are different and perhaps also learn something about their personal lives and realize there are some situations which are far more difficult than theirs."*

It was interesting to learn about the parents' perspectives regarding the difficulties they attribute to their mentally disabled children. Difficulties are mostly attributed to adjustment to the transition from home to the workplace, *"As she has difficulties in the workplace, she has difficulties in the morning when she gets there and accepting the adult population, ages are different and it takes her time to settle in."* Getting used to

the work environment is hard for individuals with mental disabilities. An additional difficulty raised by the parents is that of the low wages to the point of exploiting their children's distress and their desperate need to work even when the wages are ridiculously low, *"And the exploitation...but according to what was said, something around NIS 200, NIS 100, but we have not yet received pay since September, and it is already November. NIS 100 ought to be paid for a month."*

**In summary, it can be stated that the employment of individuals with mental disabilities involves difficulties in the work environment both for the employers and for the mentally disabled individuals.**

**Category 5: Appearance is like a Stigma *"It is the ---Let's begin with the appearance which is sometimes---- this is the stigma I mentioned. Depends on his level"***

Like the employers, social workers noted the difficulties in the work environment where individuals with mental disabilities are employed also pertain to stigma associated with them. The stigma has to do with the use of the word 'retarded', *"I don't like to hear the word 'retarded' either."* The social workers' statements reflect fear and aversion, to the point of wishing to repress the term and remove it from collective consciousness. The external appearance of individuals with mental disabilities also causes aversion and brings about stigma which may deter employers. *"Aversion? It often starts with their appearance, which is sometimes...it can be the appearance, it may be...that is the stigma I was talking about."* The social workers also add that the external appearance of individuals with mental disabilities changes in accordance with the level of their disability, *"It depends on his level, if he is on a higher level (of retardation)...but it depends on the level of retardation, how much understanding he has, understanding of reality, judgment..."*. In other words, the stigma pertains to external appearance, which is negatively correlated to the level of disability. The lower the level of disability, the higher self awareness, and accordingly, appearance improves. However, the higher the level of disability, the lower the level of their self-awareness. The stigma is associated with individuals with mental disabilities that deter employers from hiring them. So the social workers testify that there are places, *"like stores and companies like hi-tech companies"* where visibility is part of the worker's skills, and hence, they will not hire individuals with mental disabilities.

Nevertheless, the social workers encourage employers and urge them *"Not to be embarrassed, as there is nothing to be embarrassed about."* In their view, employing individuals with mental disabilities is a source of pride. According to the social workers, the stigma even characterizes parents of individuals with mental disabilities, *"And they (the parents) do not believe their own children will be able to integrate, and we prove the opposite."*

Here, social workers express optimism and great desire to prove the stigma can be changed, but at the same time, they are disillusioned and express their sorrow about the fact that Israeli society is inundated with anxieties and stigma concerning individuals with mental disabilities, *"It is the anxiety, the anxiety of what will people say about me, fear of stigma, that he can really destroy the system, stigma deriving from the wrong beliefs, in my opinion, sadly."* According to the social workers, individuals with mental disabilities experience social and communication adjustment difficulties, *"Social difficulties, adaptive difficulties, lots...and that is what I mean, mostly communication difficulties."* And that is why those with *"extreme, profound retardation cannot work."*

Like the social workers, the educators who participated in this study relate to the stigmas involved in the employment of individuals with mental disabilities. Contrary to the social workers, the educators are rather optimistic about employment and emphasize the good qualities of individuals with mental disabilities, which can be attractive to employers. Thus, the educators believe that individuals with mental disabilities *"are very serious. They are not late for work they do what they are told and do not miss work."* Such characteristics as seriousness, punctuality, loyalty, truthfulness and obedience, can be positive attributes which may serve as leverage for a workplace seeking to generate profits. The educators shatter the stigmas, *"On the contrary, I think they are far more punctual, far more serious. They do not try to bluff the boss. They are very serious workers. A mentally disabled individual is totally dedicated to work, and totally loyal."*

Like the social workers, the educators also state that parents of individuals with mental disabilities are not stigma-free, *"And they (the parents) do not believe the employers will agree, and they do not believe their own children will be able to integrate, and we prove the opposite."*

**In summary, it can be stated that employment of individuals with mental disabilities in Israeli society is accompanied by stigmas regarding their working abilities.**

**Category 6: Difficulties at Home of the Mentally Disabled, "*Struggles with the family, with the parents, with the environment*"**

Non-integration into the work world is accompanied by difficulties for individuals with mental disabilities and their families. In the interviews, the social workers testified to the boredom experienced by individuals with mental disabilities who stay home idly, "*It is a covert type of unemployment, and overt type of unemployment, nothing, boredom. There are all kinds of intrigues and power struggles, and naturally one gets bored.*" "*Intrigues and power struggles, struggles with the parents, the family and the environment.*"

Naturally, a mentally disabled individual is perceived as handicapped and hence, is not required to do any chores. Lack of activity raises feelings such as frustration and malice, as well as struggles in the family environment, "*Does nothing at home, so issues arise, and it usually goes in the direction of the environment.*" The social workers also testify that inactivity leads to feelings of no purpose and no meaning in life, "*Cannot find himself, a person who is essentially lost. This is the main point.*"

In their statements, social workers express dissatisfaction with their parents, whom they try to convince that the mentally disabled individual can reach achievements if employed, "*I often go through long therapeutic processes with the parents, and when their child reaches the age of 21, they realize that yes, he or she is mentally disabled and has developmental limitations, and the protective environment is the best for him or her.*"

One of the social workers also criticized society for not making sure to provide employment to individuals with mental disabilities, and basically taking the approach of "send and forget about it", "*Not progressing and not developing, but rather regressing. He actually stops developing. The level of development by age 21 is that of the school age, and he is regressing.*" In other words, when individuals with mental disabilities terminate their schooling in the educational framework, they enter a process of significant mental regression, "*There is a serious and significant process*

*after school, and he does not go through the process of occupational social integration, there is leisure, and he just starts regressing, and we see the outcome over the years."* In other words, lack of employment leads to inactivity, and staying home sentences individuals with mental disabilities to a life without human society and without development.

There are educators who support the social workers' perceptions and argue as well that an unemployed mentally disabled person constitutes a burden on the family, "*The child is a burden to the family. He or she is unemployed and the family has to stand by and take part in his or her functioning, while he or she does nothing.*" The family finds it hard to contain the mentally disabled individual who sits idly at home, and bears witness to the difficulties of raising a mentally disabled child, "*First of all he is stuck at home with nothing to do.*" The expression "stuck at home" clearly expresses the parents' difficulties in coping with the pain of idleness and purposelessness of the mentally disabled child, "*The burden on the parents in case the mentally disabled individual lives with them is too heavy to bear. Parents find it hard to cope in the many hours spent at home.*"

Parents of individuals with mental disabilities also support the social workers' and educators' statements regarding the difficulties arising from the need to keep their mentally disabled children occupied. The main difficulty is coping with boredom and lack of activity, "*She has nothing to do at home all day when the rest of us are busy.*" The parents wish for her "*to be busy in an environment with other people.*"

When the mentally disabled individual is unemployed, the parents have to care for him or her, "*Indeed, the parents simply have to be with her at all times.*" This means that if the mentally disabled individual is not employed, the parents' routine may be disrupted. The meaning of employment for individuals with mental disabilities is the possibility of normal life for the family: "*It disrupts the parents' life, which is not easy anyway...*"

On the one hand, the parents express difficulties regarding the fact their mentally disabled children, but on the other hand, there are difficulties when the children are employed. Parents of mentally disabled individuals experience many difficulties and doubts due to anxieties pertaining to the issue of their children integrating into the free work market. They express doubts about their children's ability to make the right

decisions at work, when they are not in their parents' care: "*Fears and doubts about integrating them into the market, and about their abilities to make the right decisions on their own.*" According to the parents, mental and financial resources are required to cope with the difficulties involved in the employment of mentally disabled individuals, "*The parents need a lot of strength, a lot of resources; they need to raise a lot of money, and they do not always have the strength. They cope with great difficulties on a daily basis, but yes, parents have to be very strong with lots of ties and funds, so that is the feat of living in a free community.*"

**In summary, it can be stated that the employment of individuals with mental disabilities is perceived as a domain filled with difficulties, frustration and doubts.**

**Category 7: A Desperate call for Changes in Society: "*Something strong that will reverberate and cause a change*"**

Difficulties and frustrations pertaining to the employment of individuals with mental disabilities are accompanied by desperate calls for changes in Israeli society and a call for encouraging employers to accept individuals with mental disabilities into their workplaces. According to the social workers, encouragement of employers may be achieved by remuneration from the state, "*State remuneration, and much.*" The social workers also believe that "*The employers, they actually say they want to contribute to the community, and some believe that those who have great difficulties deserve a chance to integrate into the community.*" In other words, employers are willing to hire mentally disabled individuals, but they have to be encouraged to do that by "*Perhaps decreasing taxes, mentoring, occupational equality laws for both students and adults who are mentally disabled.*" What this means is that the factor that will bring about the change is some economic remuneration that will be worth the employers' while and in addition, some support and mentoring, a kind of apprenticeship for the new mentally disabled employees, until they settle in, and all of that has to be backed by adequate legislation.

There is a social workers hoping for a domino effect, whereby neighboring businesses will see it is possible to integrate mentally disabled individuals at work, and want to join in as well, "*They see that their neighbors employ students with mental disabilities, and there have been many cases when neighboring employers told me*

*they are willing to employ individuals with mental disabilities and asked about economic perks."* Meaning: the accompanying remunerations will help a great deal.

The social workers acknowledge the idea that in order to create a change pertaining to the attitudes to employing individuals with mental disabilities awareness has to be created via intensive campaigns and introducing the issue in the media, *"Encouragement, advertising, and discussing it in the media."* The law and its enforcement can also help, but changing awareness seems more effective, *"There is also an issue of enforcement, but I think it is more about sounding out the awareness..."*

The social workers reaffirm the findings emerging from the interviews with the employers, and are aware of the fact that many of the employers hire individuals with mental disabilities for reasons of grace and compassion, *"Those people who rely on the Mitzvah (good deed), I do it for me, I do it because of something I believe, and that will earn me..."* and also out of a sense of responsibility and awareness of the significance of employing individuals with mental disabilities, *"Because of openness and willingness, and tolerance towards those who are weaker in society."*

However, the social workers are also disillusioned and present an additional aspect motivating those who employ individuals with mental disabilities – exploitation. *"Financial exploitation. For instance, I can employ someone who has good output, works well. I can give many examples, cleaners, for instance, individuals with mental disabilities can clean just as well as an ordinary person, except, I have to pay 50 NIS per hour, and much less to an individual with mental disability, so financial exploitation"*. As long as they are employed they can integrate into normal society, because being employed means being normal.

Together with coming to terms with the exploitation, the social workers yearn for a revolution in Israeli society, leading to a perceptual change which will allow more individuals with mental disabilities be hired to workplaces in Israel, *"An intense perceptual change which will allow more individuals with mental disabilities, it must start from the very roots, but this awareness is lacking. This is hard work right from the roots."* This perceptual change has to start from the very beginning, *"I believe there ought to be some extreme change in our society, some association that*

*will be established, like 'Green Light', which has caused some change in the approach to the issue of road accidents."*

In their statements, the social workers mention the changes which have occurred in Israeli society's approach to road accidents, and that is why they mention the "Green Light" association. They believe the change has to come via a reverse approach, meaning, not from a state top-down approach, but rather, from the citizens, namely, bottom-up. The way to do that is by means of campaigns which will reverberate intensively and seep into the citizens' consciousness, *"To make it reverberate in our culture, to change from the very basics, it has to come from some association, like there were demonstrations for social justice, it had its echoes. This is the same. I think that is the only way it will work."* The social workers also recommend that the change in perception has to be accompanied by supporting employers via mediation and guidance, *"There is a mentor who gets to know the person over a period of time, a person who finds workplaces, makes introductions, which is mediation. Mediation between the mentally disabled individual and the employer is very important. First the mentor comes every day, until the individual learns the work, and then she starts coming less frequently, once a week, then once in two weeks, and finally once a month. It is important for the employer to have a therapeutic address."*

The educators support the social workers' approach regarding their call for a change in perceptions in Israeli society. They, too, believe that the domino effect can influence employers who see their neighbors integrating individuals with mental disabilities in their business, and are willing to do the same, *"They see that their neighbors employ students with mental disabilities, and there have been many cases when neighboring employers told me they are willing to employ individuals with mental disabilities."* Campaigns in the media can help encourage employers, *"Encouragement, advertising, talking about it in the media; not to be embarrassed, as there is nothing to be embarrassed about. Advertisements too..."*

Support of employers and mediation of guides can alleviate the employers' difficulties, and thus encourage employment of individuals with mental disabilities, *"Social worker, counselors and principals. In my capacity I see, as the mother and father of these individuals, that the employer has to be in constant touch with them, so*

*as to be able to help them.*" Meaning, the help of the Ministry of Social Affairs and social Services is required here.

This help has to be accompanied by financial remuneration such as taxation discounts: *"Perhaps decreasing taxes, close mentoring in the beginning, and if they get some perk, some discount, yes, definitely, yes!"*

These statements express the difficulties of employing individuals with mental disabilities, which can be overcome by encouragement, financial perks, help via mediation and propaganda that will help change the public's perceptions and increase their awareness of the issue in Israeli society.

Findings of the interviews with the parents reveal total support of the social workers' and educators' statements. The parents, who cope with their mentally disabled children on a daily basis, are aware of the significance of work in their children's lives on the one hand, but are also aware of the difficulties involved on the other hand, and so they, too, call for a change in perception and increased awareness. According to the parents, *"Message, a good deal of awareness, all the time, like advertisements, and broadcasts, and lectures, and really repeat it and explain the significance of the issue, its importance."* According to the parents, the authorities are responsible for increasing awareness and encouragement, *"The municipality, social services...all educational staff, yes; Perhaps they are not instructed properly."* But the parents understand that encouragement has to be accompanied by financial remuneration of some sort, *"Awareness in the state has to increase, and perhaps some government incentive; improve conditions and increase awareness."* Awareness will come with the incentives.

**In summary, it can be stated that employing individuals with mental disabilities is accompanied by difficulties pertaining to increasing awareness of the significance of employing them and a desperate call for a perceptual change regarding the employment of individuals with mental disabilities in Israeli society.**

**Category 8: Dilemma regarding legislation: "*Morally, I should not be saying this, but if people get tax reductions, they will hire them.*"**

Together with the desperate call for a perceptual change in Israeli society, it has been interesting to find that the support system, meaning the social workers, the educators and parents, expresses dilemmas regarding the legislation of laws that will impose the employment of individuals with mental disabilities, "*Because I believe employers should not be forced to employ this person or that person. Even though it means some kind of discrimination, it is terrible to say this, but the employer still has the right to decide whom to hire and whom to reject...it is his/her business, so I think it cannot be imposed, it is not right to work in this way.*" We can understand that the social workers believe that forcing employers to hire individuals with mental disabilities via legislation may result in damage to these individuals due to stigma and their status in society.

The social workers say, "*I am not sure this is the solution here.*" The dilemma lies in the fact that triggers some bitter laughter among the social workers, "*Law (laughing), I don't know, I don't know what to tell you about it, because in Israel, unfortunately, even when there are laws, they are not always enforced, and they (the citizens) do not always obey them.*" The social workers add, "*There definitely has to be government involvement, that's for sure, because otherwise it would not exist and would not work.*" Meaning, there is the realization that the state has to intervene, but the solution is to be found with the citizens, and only later from the state, "*I believe that it first has to come from some external body and resonate, provide the first shock, and then the government can join in and perhaps make some law.*" The social workers' statements reveal a dilemma pertaining to the possibility that a law ensuring the mentally disabled individuals' right to employment, it might entail immoral behavior towards individuals with mental disabilities, "*My first intuition is to say 'an economic law', but morally, I should not be saying this, but if people get tax reductions, they will hire them, but I am a social worker, I think differently. I personally earn very little...*". The social worker makes an interesting comparison between her situation and that of the mentally disabled individuals. The social workers' wages do not directly correspond to the work they invest in their essentially therapeutic profession. Social workers often find themselves in conflict between the need to provide solutions for the distress

of needy people and the meager wages they get for their work. Hence the dilemma arising from their wish to protect mentally disabled individuals from being exploited in case employers will be legally forced to employ them. This comparison is called for in light of the social workers' sense of being exploited, *"I don't know if I have to think about some social law that is binding. Know what? I have an idea. Yes, there ought to be a law, and it is possible that it is already unrealized, let's say, in education, health, schools, hospitals, kindergartens, they should have to employ a certain percentage, mentally disabled individuals have to be integrated in government agencies first."* In other words, assuming government and education framework will not develop phenomena of abuse and misbehavior towards mentally disabled individuals, as a weak population, the social worker has found a solution that can combine legislation on the one hand, and protection of the mentally disabled individuals on the other. First, government agencies ought to make sure a certain percentage of their employees are mentally disabled, *"The state has to constitute some educating factor, to be the pioneer, and then, the law can apply to the private sector."* Still, the social workers say, *"It is a complex question."*

Finally, the social workers suggest employers be encouraged by tax reductions which will ensure the economic profits of those who will employ individuals with mental disabilities. Hence, the social workers state, *"I would not like to impose, but I believe it is possible to encourage. Tax reductions, certain incentives, yes, definitely, budgets, I think that will be encouraging, more than financial remuneration which exists today, and still it does not encourage all companies and organizations small or big, so I think there has to be something beyond financial remuneration."* Echoing and encouraging may be able to overcome the difficulty, *"Some echo, it is the---, but it is the external echo."*

The educators also deliberate whether a law guaranteeing the employment of individuals with mental disabilities may help and increase their employment rates. On the one hand, they do not want to impose, and believe it is possible to encourage, but on the other hand they state, *"When it is the law, you do not argue. The law is the law; with laws, absolutely."* *"Occupational equality laws for both students and adults who are mentally disabled. Then everyone will employ them because they will have no choice."*

Like the social workers, the educators understand that the employment of individuals with mental disabilities has to be encouraged, "*Encourage as many organizations, small businesses, offer them financial incentives.*", and that encouragement has to be financial, "*Financial incentives, and offer incentives to the businesses which --- incentives means credit, for instance.*" "*Encourage different people to employ, so much so that I would give them some perks if they employ individuals with mental disabilities.*" The educators understand that naturally a business has to survive economically, and so to encourage businessmen to hire individuals with mental disabilities they have to be guaranteed economic rights, "*Really rights, rights which mean money, which means income tax and national insurance.*" They speak in economic terms and clearly state economic perks may benefit businessmen if the employ individuals with mental disabilities, "*Having four workers instead of one who is 'a smart guy', 4 nice guys who say 'Good morning', thank me, want to kiss me and hug me all the time, what could be better? I think it benefits them a lot emotionally.*" Meaning, instead of employing one worker who is a 'smart guy' who is not punctual, take four workers, who are mentally disabled, who will be grateful and give the employer love and loyalty. Naturally, economic remuneration is to come from tax reductions, "*I would give them tax discounts, which is highly attractive to employers.*"

To motivate employers to hire individuals with mental disabilities, the educators suggest incentive to the other workers, so that they agree to integrate the mentally disabled individuals into the workplace, "*I would help them by supporting them, meaning, not only the mentally disabled persons will get bonus points, but also the other workers, and this will motivate them greatly.*"

Finally, the educators propose an employment law which will be based on a certain percentage of an organization's workers that will be individuals with mental disabilities. "*If there is a law that each employer has to make sure a certain percentage of his workers are individuals with mental disabilities, then we will be fine. Making a law that if you have 100 workers, 10 of them have to be individuals with mental disabilities. I wish the state would have some law that each employer has to take mentally disabled employees. It would be an obligation, and naturally, the jobs have to be adjusted them.*" An alternative to the law has to be tax reductions "*or bonus points in income tax*". The dilemma seems to still prevail.

The parents, too, express the same dilemmas. On the one hand, as parents of individuals with mental disabilities, they understand that their children had better not be employed based on a valid law so that they will be protected, *"I would not want it to be forced, because working with this population requires something from the heart. When it is forced, I am not sure it is good for them."* When the parents say "from the heart", they mean that individuals with mental disabilities are subject to abuse and exploitation due to their limited abilities in making the right decisions, and hence, attitudes to them have to be special. However, on the other hand, parents express the need for a law to organize the employment of individuals with mental disabilities *"Look, it is a combination of, on the one hand, yes, each business employing, but on the other hand, not by force, but an act of good will, a law that obligates them. Obligates."*

**In summary, it can be stated that the employment of individuals with mental disabilities gives rise to dilemmas regarding laws that will formalize employment on the one hand, and understanding the complexity of such laws. The interviewees also discuss the financial issue of support, help, recognition and so forth, meaning creative solutions can be found in a way of positive laws rather than forceful laws.**

#### **III.4. Findings Regarding the Types of Employment of Individuals with Mental Disabilities**

Content analysis of the semi-structured interviews with members of the support system, meaning social workers, educators and parents, yielded four major categories pertaining to the types of employment.

1. Evaluating/Scaling cognitive capabilities – *"It varies, we are talking about mild to medium disability"*
2. Employment is adapted to the level of disability *"It depends on the level of disability."*
3. Mental disability leads to occupational disability, *"I cannot place them in a cell phone company next to the software personnel."*
4. Employment depends on cognitive and personality traits, *"How much understanding he/she has of the reality, judgment."*

**Category 1: Evaluating /Scaling of Cognitive Capabilities –  
*Employment varies; we are talking about mild to medium  
disability"***

Content analysis of the data collected via the semi-structured interviews with the support system reveals that mental disability is perceived as a scale of cognitive capabilities. Evidence can be found in the statements made by the social workers and educators who say, "*Individuals with mild to medium mental disabilities can do it easily.*" "*We are talking about mild to medium disability. A highly mentally disabled individual cannot work.*" "*Individuals with mild to medium disability, it depends on the level.*" "*This is a place where individuals with mild to medium disability are employed.*" In other words, the research participants understand that "mentally disabled individual" is a term that consists of different levels of cognitive capabilities. That is why they say employers seek some basic understanding with mentally disabled individuals so they can employ them, "*How much understanding he/she has of the reality, judgment.*" These statements reveal that a basic level of understanding and judgment is required, and that depends on cognitive capabilities. Support of this finding can be seen in the statement made by an educator, "*Many members of this population, on their cognition level, can do a lot more than what is offered to them.*" She believes that the mentally disabled individuals' cognition level can be stretched and they can be taught and trained to work.

**In summary, it can be stated that "mental disability" is not a simple term, but is rather perceived as a scale of cognitive capabilities.**

**Category 2: Employment Is Adapted to the Level of Disability "*It depends on the level of disability.*"**

Together with the perception that mental disability is a scale of capabilities, the support system research participants say that efforts are made to match the type of employment to the level of disability. For instance, "*But it depends on the level of disability.*" "*It depends on the case.*" "*It depends on their level. They can do different kinds of jobs.*" "*It depends on the individual level of disability.*" In other words, educators and social workers engaging in the placement of individuals with mental disabilities in work places, first evaluate their cognitive capabilities, and place them accordingly. An additional consideration for placing individuals with mental

disabilities in the various workplaces is their ability to communicate, and their communication with the work environment, as expressed by a social worker, "*There are first and foremost communication difficulties. I cannot place them in a cell phone company next to the high tech personnel.*"

In summary, it can be stated that placement of individuals with mental disabilities has to consider matching the mentally disabled individual's cognitive capabilities and the job requirements. **In this way, employment matches the level of mental disability.**

**Category 3: Mental Disability Leads to Occupational Disability, "*I cannot place them in a cell phone company next to the software personnel.*"**

Matching the level of disability to the type of employment is accompanied by the knowledge that mental disability leads to occupational disability. The educators and social workers placing the mentally disabled individuals express their realization that the level of disability limits employment, "*I cannot place them in a cell phone company next to the software personnel.*" Or "*Simple jobs, some of them simple, practical chores and some can work as production workers in different places.*" Some of the jobs are simple and monotonous, "*Sorting, assembling, placing in order, putting in, taking out and so on.*" In other words, because of their mental disability, these individuals can only do these simple monotonous jobs.

Furthermore, the research participants of the support system acknowledge the price this fate places on mentally disabled individuals, who "pay" by lack of development and monotony in their work. The participants say that the type of work that suits mentally disabled individuals is "*Any monotonous work, such that one with a repetitive clear instruction.*" An educator from the special education school notes that mentally disabled individuals can do a variety of jobs according to their level of disability, "*From very simple jobs to very complex ones, based on their disability level.*" Meaning mentally disabled individuals can work at "*Packing, sorting and assembling as well as sitting in a group at a production line and produce.*" This variety of jobs is added to "*Sorting, filing, gardening and a little computer work.*" The common denominator to all these jobs is monotony and repetitiveness. A social worker adds another dimension of the boundaries of employment, "*Because there are quotas to be reached, as they are probably committed to the companies that supply*

*their materials for the cheapest work in the market.*" In other words, as long as the mentally disabled individual can benefit the business economically, he or she will be employed.

In summary, mental disability sentences all mentally disabled individuals to occupational disability.

**Category 4: Employment Depends on Cognitive and Personality Traits, "*How much understanding he/she has of the reality, judgment?*"**

In the occupational disability arising from the evidence, jobs offered to mentally disabled individuals requires specific traits as a precondition. According to the support system participants who place mentally disabled individuals at work and accompany them through their first steps in the work environment, individuals with mental disabilities, "*I think they have to be more punctual, far more serious. They are not trying to bluff their bosses. They are highly wanted workers.*" Traits such as punctuality and seriousness, honesty and commitment lead to employers' satisfaction and guarantee long term employment. Additional traits required of individuals with mental disabilities include devotion and loyalty, "*A mentally disabled person is a person who is totally devoted and highly loyal.*"

In addition to personality traits, educators and social workers promise that with such characteristics as "*Understanding reality, judgment, basic education, reading and writing and enrichment courses,*" individuals with mental disabilities can be placed in work places more easily. Furthermore, they have to be "*Enriched in such domain as gardening, and some computer skills.*" That is another way to make them more attractive to the employers.

**In summary, it can be stated that employment of individuals with mental disabilities requires specific cognitive and personality traits as a way to guarantee their employment in Israeli work places.**

### **III.5. Findings Emerging from Research Question 2.2: What are the perceived difficulties associated with employing mentally disabled people?**

Content analysis was conducted on interviews with four mentally disabled individuals who are employed. The goal of the interviews in this round was to enrich the data collected by adding the perspectives of the mentally disabled individuals, and find their answers to the questions (1) what is the significance of work in the life of mentally disabled individuals in Israeli society? (2) What are the benefits in employing them? (3) What are the difficulties involved in the employment experienced by mentally disabled individuals? (4) What types of work are available for mentally disabled individuals? (5) What are the difficulties arising from being unemployed mentally disabled individuals?

From the four mentally disabled individuals employed in different work places, two are employed as cleaners in a garage, one works in a restaurant as a waiter, and another one works in a gift factory as a flower arranger. Naturally, an interview with mentally disabled individuals is not easy due to their limited vocabulary and verbal expression. The issues associated with interviewing mentally disabled people are presented in the Methodology chapter.

Within these limitations, the researcher, who is a criminal lawyer engaging in eliciting information from witnesses, and from his experience as the head of the "Little Heroes" organization, which provides him with daily direct contact with the mentally disabled individuals' population, collected enough information to shed light on the issues underpinning this research.

Content analysis revealed a tendency to attribute the highest significance to work as a value in the mentally disabled individuals' life.

Six categories emerged from the content analysis regarding the significance of work.

**Table 10: Categories Emerging from Content Analysis**

Theme	☒ <b>Mentally Disabled Individuals Attributing the highest Significance to Work</b>	
<b>Categories</b>	1. Work as a habit in life	<i>"I don't know, I got used to it."</i>
	2. Work as a source of income	<i>"Because I am trying to provide for myself."</i>
	3. Work as a way to relieve boredom	<i>"It is boring at home."</i>
	4. Work as a learning opportunity	<i>"You learn more things and it is important."</i>
	5. Work as an opportunity for making friends	<i>"So you get to know them, and slowly they become... eh... your friends."</i>
	6. Total obedience with employer	<i>"I do everything I am told to do."</i>

**Category 1: Work as a Habit in life: "I don't know, I got used to it."**

The findings emerging from the content analysis of the interviews with the mentally disabled individuals raise the perception that work is an inseparable part of their lives and it has become a habit, *"I got used to it. I am feeling good here."* It appears that the mentally disabled individuals understand that their jobs are the best they could find, and so giving them up is not an option: *"I will always stay, because it is the best job I found."* They also understand that it will be hard for them to change jobs, *"If you come to a new place it will be hard."* The mentally disabled individuals find benefits in their work, such as meeting girls: *"The girls, too; I like girls. I prefer them."* As far as they are concerned, work is both a challenge and a lever to advancement: *"Yes, I would like to have a big car"*, meaning, like normal people in society, mentally disabled individuals regard work as a way to progress, for instance, to buy a car.

**In summary, it can be stated that work is perceived as an integral a part of life and as a habit.**

## **Category 2: Work as a Source of Income, "*I am trying to provide for myself.*"**

In addition to perceiving work as a habit, mentally disabled individuals regard their work as a way of making a living. They work because "*I need money, there is more money in it.*" In other words, work is a source of financial income. The waiter says, "*I am a waiter. I make a living.*" He identifies his job not only as a way to make a living but also as a profession for life. He also knows how to manage his money: "*I get my salary into the bank, not in person, because I am trying to provide for myself.*" Like every person in society, the mentally disabled individual knows his work provides money and he has to know how to handle this money so he can live off it. This finding reaffirms the findings emerging from the interviews with the educators, the social workers and the parents of mentally disabled individuals.

**In summary, it can be stated that employment is perceived by mentally disabled individuals as a source of livelihood.**

## **Category 3: Work as a Way to Relieve Boredom, "*It is boring at home.*"**

The interviews with four mentally disabled individuals, it appears that they perceive employment as something to occupy them, "*It is good to have a job, if there is something to do; because it is both this and that, it also keeps you busy, first of all, the work.*" Unemployment leads to boredom "*It is boring at home.*" This findings, too, reaffirms those emerging from the interviews with the support system participants.

**In summary, it can be stated that mentally disabled individuals perceive work as a way of relieving boredom.**

## **Category 4: Work as a Learning Opportunity, "*You learn more things and it is important*"**

The interviewed mentally disabled individuals expressed their joy with being employed, and are grateful to their employers, who, they believe, have given them the opportunity to work. They say, "*Very good. I am even happy that there are people like that, employers who give people a chance.*" Work provides mentally disabled individuals with opportunities to learn, "*And also, and also you learn more things at work, you learn more things and it is important.*" In other words, work is perceived as a learning opportunity, and learning is perceived as a value. From their point of view,

learning is also an ongoing process, *"You learn things you did not learn in the beginning."*

The mentally disabled individuals are grateful for learning new things, *"Eh, he taught me how to make dough, fist of all, and also...other things, and also, and also, they taught me how to work with the oven inside, slowly, and I worked and I learnt."* In other words, the learning process, even if slow, is valuable to the mentally disabled individuals. This finding is reaffirmed by those emerging from the interviews with the support system research participants.

**In summary, it can be stated that mentally disabled individuals perceive work as an opportunity for learning and making progress.**

**Category 5: Work as an Opportunity for Making Friends, *"So you get to know them, and slowly they become...eh...your friends."***

Together with the opportunity to learn new things and develop, work is perceived as an opportunity to make new friends. The mentally disabled individuals talk about positive experiences in their work, which have to do with making friends, *"I am having fun, because I have friends. Sure I have friends."* The mentally disabled individuals understand that friendship is earned, and so they are directed to investment and maximum performance, *"I give my heart and soul to the clients."* This investment pays off, as through it they gain the opportunity for significant encounters with clients, leading to friendships: *"You meet more clients who come from the outside, and you get to know them, too, and slowly they become your...eh...friends."*

Work satisfies the mentally disabled individuals' needs for companionship. One of the interviewees made an interesting comparison between the void of staying at home and the renewal of going to work, *"It is good because sometimes, a person who stays home does nothing, that is not an idea and not nothing, but to work it is good, because the person sees the new day outside and everything, and you meet people...from other places, you meet other things."*

This finding is supported by the findings emerging from the interviews with the members of the support system, regarding work as an opportunity to enrich the mentally disabled individuals' social world.

**In summary, it can be stated that the job is perceived as an opportunity for enriching the mentally disabled individuals' social life.**

### **Category 6: Total Obedience with Employer, "*I do everything I am told to do*"**

Interviews with the support system research participants regarding the employment of individuals with mental disabilities, yielded findings pertaining to the traits required of these individuals in their work. Similarly, the interviews with the employed mentally disabled individuals reveal that according to their perceptions, the most desirable trait is that of total obedience. All of the attempts to get them to criticize their employers failed, "*He (the employer) is OK.*"

It appears that the mentally disabled individuals understand that their occupational stability depends on their obedience, as they expressed in their statements, "*I always accept what they say. I never argue; I do everything I am told.*"

In addition to being obedient, and communicating with the clients, the mentally disabled individuals testify to their being punctual, "*Here, here, I am also responsible for the --, in the morning, I come on time to do the work... To do everything here, It is the most important thing.*"

The mentally disabled individuals also make sure to have good relationships with the clients who arrive in the work place because they understand that the clients' satisfaction depends on them as well. So they testify that "*Very much. Great; the clients like me a lot. They are friends. Yes.*"

They believe a person with special needs has to be obedient and smile to keep his or her job, "*I will tell you something important, if you meet a person with other needs, you also have to tell him to be good, to smile a lot. I smile all the time.*"

**In summary, the mentally disabled individuals' occupational stability depends on the clients' satisfaction and on their obedience to their employers.**

This chapter delineated the findings that emerged from the various research tools and according to the research questions. The next chapter presents a discussion of these findings.

## CHAPTER IV: DISCUSSION OF FINDINGS

As mentioned earlier in this thesis, the post modern pole of the continuum comprises of various trends and traditions. In a constructivist tradition, one of the post positivist definitions of qualitative research (Kvale, 2002) maintains that the meaning of phenomena and processes anchored in time and place can be constructed in the process of interpretation which is removed from universal generalizations and truths and stress the researcher's involvement in the research process. In this view, there are many ways to reach knowledge, and there is room for competing interpretations and alternative knowledge arguments (Kvale, 2002). Hence, the interpretations of the findings that emerged from the various tools are linked with extant literature pertaining to employing mentally disabled people in society.

Empirical studies show that work has three major roles in the individual's life, besides making a living (MOW, 1987). First, work is a significant source of self-realization, by giving meaning to our lives, intellectually, personally, emotionally, and socially (O'Boyle, 1994). Second, work provides individuals with a social framework of belonging, and hence its significance in a person's social life (Castel, 1996), by developing our sense of citizenship in contributing to society (Marshall, 1965). Work is also significant for creating free time activities (Ciulla, 2000). The third role work plays in people's life is that it provides us with social status (O'Brian, 1992).

A new research published in an employers' conference held in Tel Aviv on March 21<sup>th</sup> 2013, presented data for the end of 2011 reveals that of the employers who hire individuals with disabilities, only a minority (5.4%) employ individuals with mental disabilities. It was also stated that employers of individuals with mental disabilities tend to object to negative attitudes to the integration of that population, more than those who do not employ individuals with mental disabilities. It can be stated that in light of the low employment rate of individuals with mental disabilities, there is a need to conduct research and develop models for increasing their employment rates (<http://www.moital.gov.il/NR/exeres/1A3143A9-8E0A-4FD9-93AE-E1D723F50959.htm> (/21/3/2013).

In light of the significance of work in human life and the low rate of employing individuals with disabilities in Israel and in other countries, and in light of the proven loss in using manpower fit to work and which can contribute to the Israeli and world

society and economy, this research may shed light on the ways to increase employment rates of mentally disabled individuals in the Israeli work market.

This chapter presents the discussion of the findings emerging from the content analysis of the interviews conducted with employers of individuals with mental disabilities. First the discussion of social perspectives will be presented, and then the legal aspects will be discussed. In addition, the discussion of findings emerging from the interviews with employers, the support system and finally, the disabled individuals will be presented.

## **IV.1. Social Perspectives**

### **IV.1.1. Emotional Perceptions**

The research findings reveal that **Israeli society perceives the employment of individuals with disabilities as an emotional issue**. The interpretation of this perception arises from an employer's statement. "*I do not brag about it. I kind of do it for my heart and for my soul, not for anything else*". Another employer said, "*Unfortunately, there are people like that...perhaps other (employers) do not have a heart big enough to accept such people...listen, it comes from the heart. Either you have it or you don't.*" The interpretation of "*it comes from the heart*" is that there is an emotional expression pointing to the tendency to appreciate certain things as significant natural feelings that cannot be questioned.

The literature refers to the emotional perspective in its discussion of attitudes. There are two approaches to changing attitudes: the "**contact** hypothesis" and the "knowledge hypothesis" (Favazza & Odom, 1977). According to the former, one of the variables necessary for changing a person's attitude is the contact with him or her (Florian & Kehat, 1987). **Contact** is defined as an interactional process whereby exposure to the object of the attitude entails a learning process, the shattering of inner balance and influence on cognitive, emotional and behavioral processes (Kendel-Gross, 1987). We may then assume that **leading people to contact with the object of their attitude will influence their attitude positively** (Carter, Hughes, Copeland & Breen, 2001), **or negatively** (Antonak, Fiedler & Mulick, 1989), meaning the more

contact people have with persons with disabilities in the workplace the more attitudes will change and employers will want to employ individuals with mental disabilities.

**The conclusion is that the employment of persons with mental disabilities is perceived as employers' emotional need, and the closer their contact with individuals with mental disabilities the more attitudes will change in their benefit.** Thus, when employers have contact with mentally disabled people they will be more inclined to hire them, compared to those who had no previous contact. Therefore, emotion combined with knowledge help to reduce fear and prejudice.

#### **IV.1.2. Ideology and Education**

This finding engages in education and ideology. **The perception in Israeli society regarding the employment of individuals with disabilities as an educational matter which is rooted in the family and national education systems as a pillar of Israeli society.** Meaning, the findings reveal that the employment of individuals with disabilities is the product of education and ideology. The explanation is that education is a combination of home education and school education, and it is a product of processes which begin in preschool. The employers even suggest ways of increasing awareness via campaigns and special projects for including persons with mental disabilities in society, just like others are included..

The literature refers to the issue of social exclusion which is the result of social inequality (Room, 1995) as well as of the failure of social-political, cultural and economic societies in including different groups. "Social exclusion" refers to social isolation, lack of inclusion, lack of integration, decreased participation and the lack of influence and power of various social groups; it refers to ongoing multi-dimensional deprivation causing the loss of sense of belongingness on the part of those excluded from society regarding the excluding society and its institutions. Berghman (1985) argues that social exclusion develops as a result of a number of reasons which strengthen each other, the result of insufficient education.

Regarding education, Ziv (2004) describes the community which had many deaf residents. To maintain ongoing communication among all residents, the hearing children learnt sign language in addition to English. Meaning, if the educational process begins at a young age – preschool – the chance of decreasing social exclusion

will increase and individuals with mental disabilities will be accepted as part of society, but it is clear that this will happen provided that ideological groups are set up, who will believe in this way.

**The conclusion is that the employment of individuals with disabilities is an educational matter rooted in the education in the family systems. Additionally, it can be concluded that education has a crucial contribution to reduce the intellectual ability gaps. By educating learning skills to the people with disability, you can empower him/her to learn.**

### **IV.1.3. Appreciation and Respect**

This finding engages in the issue of respect and appreciation to the employment. **The perception in Israeli society is that the employment of individuals with mental disabilities is a matter that arouses respect and appreciation, which are also expressed in the clients' positive response.**

The issue arises from the sense of respect the employers and their normative workers receive from both the disabled individuals and from their clients. Indeed there are many conflicts pertaining to the employment of disabled individuals, as reflected in the research, but it is clear that once employers have overcome the hurdle and they do employ individuals with mental disabilities, they describe them as an integral part of the business, even from the clients' perspectives.

Clients appreciate and respect the employers and their mentally disabled employees. Indeed employers say they do not expect to be "*patted on the shoulder*", but at the same time they say they hear "*Well done*", "*Hats off*" "*This is so important*". Employers also state that there are also clients who share their thoughts and compliment the disabled individuals, "*You have a great person here*". In other words, the environment regards the employers of individuals with mental disabilities as ideologists with sublime values because they have adopted the disabled individuals in their businesses.

The literature available to us did not attribute much significance to the appreciation and respect given to the employers. People, wherever they are willing to give, but also want to receive. The big question is what will lead to employment of mentally

disabled individuals and what will lead to continued employment. Social encouragement will cause motivation and other employers may also want to learn about the opportunities from which employers of individuals with mental disabilities already benefit.

**The conclusion is that in Israeli society, the employment of mentally disabled individuals needs more respect and appreciation, and has to do with the clients' responses despite prejudice and stereotypes. Since the literature does not refer to the issue of respect to the employers, this finding in the current research is innovative.**

#### **IV.1.4. Protection and Guidance**

**Israeli society perceives the employment of individuals with mental disabilities as a process which has to be accompanied by guidance for both the mentally disabled individuals and the employers and the other workers in the business.**

This finding raises the issue of protection and guidance for both employer and the mentally disabled individual. The need arises to guide the employers and the mentally disabled employees as to how to organize for absorbing the mentally disabled individual, how to operate him/her and how to behave with him/her. Employers claim they hire the mentally disabled individuals without guidance and knowledge what to do and how to behave, and actually learnt from experience.

This situation can be explained via the many difficulties involved in the employment of mentally disabled individuals. It appears that there is no formal body which helps and directs employers from the moment of their decision to hire individuals with mental disabilities through preparing the mentally disabled individual for work and the whole absorption and employment process. Employers claim that in the beginning they had a liaison, who accompanied the mentally disabled worker, but the visits were irregular, and soon stopped and in practice, left the employers without any professional direction.

The literature refers to legislation and laws arranging the mentally disabled individuals' employment. For instance the Commission for Equal Rights for People

with Disabilities was established, in Israel in 2000 (State of Israel, Ministry of Justice Position Paper access to services, Regulation 37), much like the British Law.

Commission for Equal Rights for People with Disabilities was ordained, much like the British law. The commission was indeed established in 2000 as a central body acting on behalf of the Ministry of Justice along with the legislative and enforcement authorities. In other word, employment of individuals with mental disabilities initially causes uncertainty and covert fears, and the solution lies in guiding bodies to train the participants and accompany the process of preparing and absorbing the mentally disabled worker into the workplace.

**The conclusion is that the Israeli legal system is lacking in the specific domain of employing individuals with mental disabilities, which ought to be accompanied by guidance to both the disabled individuals, employers and the other workers in the business. Indeed new winds blow in the political arena regarding employment, rights and obligations, but it is clear that employers have not yet been sufficiently exposed to protection and guidance activities.**

#### **IV.1.5. Responsibility and Accountability**

**Israeli society perceives the employment of individuals with mental disabilities towards their functioning in the workplace.** This finding raises the issue of employing individuals with mental disabilities as accompanied by a sense of responsibility. Mentally disabled individuals require training and guidance in the workplace, and so the sense of responsibility towards them increases. It appears the employers collectively call for developing responsibility for the mentally disabled individual as an equal in Israeli society, and therefore his/her right for employment just like any other citizen. Furthermore, the employer understands the responsibility and his concern, but he also wishes the state to be responsible for employees with mental disabilities.

The literature refers to the employers' conflict by suggesting the responsibility be under the umbrella of the law. For instance, Finland's constitution lists the right to work, including placing responsibility on the public authorities to defend the workers. The 1946 French Constitution states every worker is entitled to basic conditions that will be set by the law. This principle is binding according to the 1958 constitution

(Knesset Information Center - Van Gelder, 2001). The issue of responsibility is indirectly connected to social exclusion and prejudice. Silver argues that the Anglo-American approach, the individual within the community has the responsibility of managing the exchange of duties and rights.

Concerns constitute barriers between the employers and the mentally disabled individuals. Therefore the establishment of administrations or bodies that would take responsibility may dissipate both the employers' and mentally disabled employees concerns.

**The conclusion is that since the employment of persons with mental disabilities is accompanied by a sense of responsibility and accountability for their functioning in the workplace, the state ought to take the responsibility for employing individuals with mental disabilities and anchor this responsibility in legislation.**

#### **IV.1.6. Resistance and Difficulty**

**Israeli society perceives the employment of individuals with mental disabilities as entailing difficulties and deterrence in light of the nearing encounter with the mental disability.** This finding reveals that employing individuals with mental disabilities is accompanied by difficulties and resistance. The findings reveal that it is hard to cope with employees with special needs or mental disabilities, unless the employer receives some perks, help or blessing, mainly from the authorities. Moreover, some of the mentally disabled employees have experienced so many difficulties that they dropped out.

According to the employers, coping without help is difficult. Difficulties of both employers and employees can be explained on economic and social levels, Resistance may result from a low production level, specific expenses required for the employment of a mentally disabled individual; insurance companies reluctance to issue insurance policies for mentally disabled employees, which may cause employers to go into great expenses and be exposed to lawsuits. On the social level, employers testify there were states where people who saw the mentally disabled individual were shocked and left. It appears this finding connects to prejudice and stigma associated with individuals with mental disabilities, and fear in the light of the disability, which lead to their exclusion from workplaces.

The academic discourse pertaining to "social exclusion" attributed sociological meanings to the concept, connecting it to the concept of social solidarity. According to this approach, social exclusion derives from the decline in solidarity among humans and in the life contacts within the community and society. In other words, the concept refers to people who are not connected to the solidarity networks in society. This approach is mostly prevalent among French researchers, and is largely based on Durkheim's sociological approach, regarding solidarity as a significant component in the normative social order, rather than deriving from self-serving interests of an individual or a group (Aron, 1993).

**The conclusion is that the employment of individuals with mental disabilities is accompanied by resistance and difficulties and causes their exclusion from workplaces.**

#### **IV.1.7. Stereotypes and Prejudice**

**The employment of individuals with mental disabilities is accompanied by prejudice and stereotypes regarding persons with mental disabilities.** This finding pertains to the prejudice and stereotypes mentioned by employers, though they tried to refine the stereotypes by using such "delicate" expressions as "*Those souls*", or "*Regarding persons of his kind*", "*Here and there someone tells me – who is that and what is that*", "*Such people*", "*Special people*", and "*Those people*". Also, the use of "laundered" or such alternative expressions as "*A person with special needs*", or "*special others*" points to prejudice and stigma.

The literature expands on the issue of stigma and prejudice

Stacher (1992) stated that the employers' negative attitudes are based on **myths**, where the disability pushes the individual's personal capabilities aside. Havranek (1991) found that the **perception of stigma** is a significant component in attitude research. Brown & MacDaniel found that 99% of the employers who participated in the survey preferred non-disabled employees, regardless of the extent of limitations caused by disability. The literature also refers to the issue of social exclusion. The exclusion chapter describes discriminative legal arrangements which led to the exclusion of individuals with mental disabilities from most life domains and enhanced and emphasized the stigma and stereotypes. Blanck (1998) for instance, believes

many individuals with mental disabilities continue to be exposed to the myths and stereotypes regarding their capabilities and needs.

We can see that the use of stereotypes and prejudice constitutes a primary barrier leading to the social exclusion of individuals with mental disabilities, and although employers do hire employees with mental disabilities, they are still concerned.

**The conclusion is that the employment of individuals with mental disabilities is accompanied by prejudice and stigma despite the attempts to "camouflage" them by using politically correct expressions. The prejudice and stigma are barriers to the mentally disabled individuals' employment.**

#### **IV.1.8. Demand for Institutional Support**

Employers of individuals with mental disabilities raise a demand for institutional support of the government or the local authority, both for the employers and the persons with mental disabilities whom they employ. Employers regard the employment of persons with mental disabilities as a national issue which deserves the state's attention and regulation. There is conflict regarding the issue of institutionalization. Some employers believe that since employing persons with mental disabilities is a moral, sensitive matter of the heart, state intervention in the employment of persons with mental disabilities is perceived as irrelevant, and the state should not be involved, as such involvement will only entail negative attitudes on the part of employers. Others believe the state ought to intervene.

The literature refers to the institutional support issue in detail. For instance, the Wage Subsidy Scheme in Australia, a program seeking to financially support employers who start employing individuals with disabilities; In the U.S., Small Business Tax Credit; in the United Kingdom, the 1995 Disability Discrimination Act.

We can see that the employers are in need of support and the conflict revolves around the question whether the state ought to be involved by offering perks or by coercion. Private employers differ from public employers. The latter will accept coercion as part of the law, whereas in a private business coercion may lead to antagonism.

**The conclusion is that the employment of individuals with mental disabilities surfaces a conflict between a need to be coerced by the law or encouraged, due to the negative responses which might arise in case of coercion.**

#### **IV.1.9. Economic Burden**

Employers of individuals with mental disabilities note employing persons with mental disabilities is not economically worthwhile. Meaning, what employers regard the most is the economic aspect, and if it turns out that employing persons with mental disabilities will harm the business, then employment will be harmed as well. *But in general, it is not worthwhile for small businesses, as they cannot keep an employee who is a great liability, who does not give enough relative to his salary.*" This can be explained by the notion that economic harm, which is the reason for not employing individuals with mental disabilities, can be managed via the instrument of encouraging employers by offering some incentives, as employers consider cost versus benefits.

Employers' objection to employing individuals with mental disabilities said, *"If business owners understand that perhaps business will grow because they employ persons with mental disabilities, perhaps it will succeed more."* In other words, the business can benefit from the employment of individuals with mental disabilities. Radai and Golan (2006) argue that until the last decades, social and economic rights had not been on the top of the Human Rights' agenda, and thus there is a need to rely on international law and its norms.

**The conclusion is that the more worthwhile it is to employers to hire employees with mental disabilities, the more they will be inclined to employ them despite the difficulties, prejudice and stereotypes.**

#### **IV.1.10. An Egalitarian Approach**

**Employment of individuals with mental disabilities is perceived as a value and as the individual's right to work like any other citizen in society.** This finding is interesting in itself. So far we have seen a direct and indirect system of resistance. Nevertheless, employers recognize the right of mentally disabled individuals' right to work and the value of work in their lives. The employers believe it is important to

work, and we can witness their perception of the mentally disabled individual's right to work like all members of society, and the perception of work as a value in human life.

This approach is emphasized in the employers' statements, where they expressed the belief that there is no need to fear and thus act in a non-egalitarian manner. On the contrary, employing persons with mental disabilities is perceived a value in society. The employers perceive persons with mental disabilities who are employed as people who contribute to Israeli society.

The literature discusses the issue in depth. In 2007, the State of Israel signed the U.N. Convention on the Rights of People with Disabilities (CRPD) defining the rights of people with disabilities to equality in all of life's domains, and ratified it in 2011.

There is a belief in Jewish religion, "*Righteous people prosper while wicked people suffer*", or more simply, the approach of reward and punishment, or "measure for measure" – the egalitarian approach of measure for measure, and giving a person an opportunity. Opportunities are achieved via equality.

**The conclusion is that in the light of prejudice and stigma, Israeli society has the wish to regard persons with mental disabilities as having equal rights despite the disabilities. This conclusion emphasizes the understanding that Israeli society's perceptions of persons with mental disabilities is rather complex.**

## **IV.2. Legal Aspects**

### **IV.2.1. Forced State Laws Will Not Help**

This category engages in the social aspects of employing individuals with mental disabilities. The question is whether employment of individuals with mental disabilities law that will be forced on employers, or only positive, encouragement laws.

In the legal aspect, the literature delineates the 1948 United Nations' Universal Declaration of Human Rights. Though it is not a binding legal document, the declaration represented consensus by 48 states and included the first comprehensive list of human rights, which has been the core of modern human rights laws. Each state

embraces the convention according to its views and determines its coping its guidelines.

Mundlak (1999) argues that the empowerment of the individual and the shaping of society where each individual has basic rights, which enable him/her to write the "book of life" require acknowledgements of basic rights that deviate from the accepted list of liberal rights, and the question, then, is whether lack of legislation is the reason why individuals with mental disabilities are not considered equal citizens in their respective states.

**The conclusion is that without relevant legislation, the employment of individuals with mental disabilities is still perceived as something above or beyond the law, and remains controversial.**

#### **IV.2.2. Respectful Approach**

This category engages in the time when individuals with mental disabilities are already employed. Each person has duties and rights in the workplace; for instance, the issue of wages or terms of employment. For the employers, these workers are like all other workers, and therefore, they have to be respected. Like all other workers, individuals with mental disabilities must know they have duties such as coming to work on time and leaving on time, clear behavior rules in the workplace, being familiar with the role, what is allowed and what is not, a kind of "bill of rights and duties", meaning something not decreed by law, but rather by a court ruling.

The literature refers to the legal issues in a number of ways. In the United Kingdom, Chronically Sick and Disabled Persons Act is considered the "bill of rights" of persons with disabilities in The United Kingdom (Bailey & Shinkwin, 1998). In the U.S., mechanisms for encouraging employers to integrate individuals with disabilities were set up and the 2004 Rehabilitation Act allows for the implementation of professional training programs in the workplace. In 2008, the Turkish government also adopted an "employment package" focusing on the creation of employment opportunities for individuals with disabilities (Almagor-Lotan & Tzadok, 2011).

In 2005, the Equal Rights of Persons with Disabilities (Amendment No. 2), 2005 went into effect in 2005.

We can see that there is a tendency to embrace the Human rights convention, and each state embraces the duty of caring for its individuals with mental disabilities, emphasizing that writing the laws is not specific to the type of disability, but has the beginnings of implementing an idea. It is clear the discourse of rights, equal rights and anti-discrimination is leading. Similarly, Rimmerman & Herr (2004) argue the law and its amendments indeed express the Stat of Israel's commitment to acting for the promotion of the rights of individuals with disabilities, but as already mentioned before, there is no law in Israel arranging for the employment of individuals with disabilities, but rather, the law refers to persons with disabilities in general.

**The conclusion arising from the discussion raises the need to anchoring the employment of individuals with disabilities in the law guaranteeing their dignity.**

### **IV.2.3. Concern for the Future**

This category engages in the issue of the mentally disabled individuals' economic dignity in the present and in the future. The employers believe that persons with mental disabilities are the children of the state, and by law, the state ought to care for them throughout their life. The state has to be interested in its efforts "build the bridge to the late age when they remain on their own, without guardians. The message is one of maintain g a quality of life. The more economically sound the mentally disabled person, the better the well being of individuals with mental disabilities.

In Israel, each person is entitled to an old-age allowance. This allowance is relatively low, but people who work all the years, create a kind of saving account. The concern raised in this category was that by caring for the employment of individuals with mental disabilities, the state will see to their savings in the workplace.

The literature refers to this issue as well. For instance, the members of the Council of Europe signed The Revised European Social Charter seeking to add and amend rights guaranteed in the 1961 social covenant and its amendments of 1996. The charter's goal was to guarantee social and economic rights, and states that all signatories must ensure their implementation (The Revised European Social Charter, 2001). In the United States, only recently (July, 2010) has President Barack Obama signed a presidential order announcing the Federal Government as the largest employer in the United States ought to be a role model for the employment of individuals with

disabilities (U.S. Government Accountability Office, 2011). In the United Kingdom, the Department of Work and Pensions was set up as well as services for individuals with disabilities (Disability Employment Advisers – DEA) and to employers seeking to hire them. In other words, we can see that the solution for caring for the future of individuals with disabilities begins here and now, through laws made due to concerns about violating the workers' rights and the state's interests (Knesset, Information Center, Mechanisms for encouraging employers to integrate individuals with mental disabilities into their workplaces, 2004).

We may conclude and state that not only in Israel, but in other states as well is the concern about individuals with disabilities, but not specifically to individuals with disabilities, but not specifically to individuals with mental disabilities.

**The conclusion is that from the legal perspective, the employment of individuals with mental disabilities is perceived as guaranteed caring for them throughout their lives, and is the responsibility of the state.**

#### **IV.2.4. Encouragement via Incentives**

This category engages in the economic aspect which is to be backed by legal procedures. There may be two possibilities: encouraging the employers to hire individuals with mental disabilities, and by legal correction. Making laws that will compel employers to hire individuals with mental disabilities may cause damage as employers or the other workers might resent them. This may be the case when employing someone undesired, not necessarily disabled, certainly with mentally disabled individuals, who cannot necessarily communicate and are afraid, which may lead to physical or mental abuse, and in addition, employers may financially abuse the disabled individual.

The employers are actually asking to get support – business support, tax deductions. We may see that the human factor can be helped by a legal factor, via the creation of a legal system that will provide financial help. In fact, the employers are saying the once there are economic solutions, the burden of proof is on the mentally disabled individual, meaning, the employers may be willing to employ them, but they will have to prove their capabilities on the job.

In the end, the incentives will promote the interests of both the state and the employers, and certainly the disabled individuals' interests. Some employers talk of deductions and incentives and there are those who only present demands for incentives that will cause them to employ individuals with mental disabilities.

The literature (Knesset, Information Center, Mechanisms for encouraging employers to integrate individuals with mental disabilities into their workplaces, 2004) expresses these mechanisms; for instance, in the United Kingdom, the Job Introduction Scheme – JIS seeks to enable individuals with disabilities to assess whether employment suits their disabilities, and to give employers the right to use the disability sign. In the United States there is a Small Business Tax Credit program.

In other words, the combination of encouragement through tax deductions and incentives to employers, such as disability signs and awards, as well help in finding sources of income will lead to a state where the question whether the mentally disabled individual works or not will not depend on economic barriers, but rather on the individual.

**The conclusion is that the employment of individuals with mental disabilities is perceived as anchored in tax laws which will provide incentives such as awards and exposure to the business motivates the wish to employ individuals with mental disabilities in workplaces in Israeli society.**

**The discussion points to mixed attitudes, as the employment of individuals with mental disabilities is a complex matter and attitudes to it vary.**

**Despite employers' willingness to employ individuals with mental disabilities, appreciation of such employers, and acknowledging the rights of disabled individuals to work like all other people, there are barriers expressed in prejudice and lack of relevant legislation. Legislation, too, is ambiguous due to the possible negative implications of coercion.**

### **IV.3. Findings Emerging from Interviews with Support System Representatives**

The following findings emerged from the personal interviews with representatives of the disabled individuals' support system, meaning 6 social workers, 5 educators from special education schools where the disabled individuals are enrolled and 3 parents of mentally disabled individuals.

Generally, it can be stated that the leading theme emerging from the content analysis is **disillusionment** and acknowledgment that the employment of individuals with intellectual disabilities means a process their normalization, and turning them from a burden on society into useful citizens who contribute to society despite all the difficulties involved in their employment.

#### **IV.3.1. Being Normal**

This category presents the desired situation, meaning, a working person is a normal person. Being normal also means enjoying the advantages of employment, the company and free time. Having free time means having quality time, this is an interesting approach because work provides interests to the mentally disabled persons. Another interesting point is the sense of equality. An intellectually disabled individual who is employed has a sense of normalcy, leading to self-respect.

The parents of mentally disabled persons also support their employment. Israel is a state that cares for allowances to persons with disabilities, and the families receive the allowances even if their child stays home and does not work, but they still regard employment as normal. However, employment of individuals with disabilities depends on society, which ought to accept them as equals, *"I kind of sense it, that in our country, it is being built into the consciousness, that special populations should be integrated into the regular social structure."*

The literature offers many references to the issue of employment both legally and socially. An article written by Jahoda (2009) states employment carries great promise to persons with mental disabilities, suggesting the opportunity for social inclusion, a sense of belonging to the community and a goal for them.

This perspective is of great interest as it refers to the Human dignity and Liberty Basic Law maintaining there is no work which does not honor the worker, meaning a person with no work is a person without honor.

**The conclusion is that employment is the way to normalize individuals with mental disabilities and make them equal citizens.**

### **IV.3.2. Contributing to Society**

This category indicates that individuals with intellectual disabilities also have duties and have to contribute to society, meaning they ought not to only receive but also to give, *"I think that an individual with special needs, like, you, a retarded person with special needs can contribute to society on some level. There is no such thing that a person who cannot contribute."* The entire system supports that notion.

In the Literature, Silver (1994) maintains the individual within the community has the responsibility of managing the exchange of duties and rights. Those who can serve those interests are included in the mainstream of society. Nussbaum (2005), who analyzed Rawls's philosophy, found negative bias towards individuals with disabilities. Rawls described partners to the "social contract" as "rational long term planners" who are required to be *"free, equal and independent"*, meaning "equal in their physical and intellectual strength" and asymmetrically independent of others.

An interesting approach reveals the notion that all humans have duties to society, and have to fulfill them. An individual with mental disabilities who is employed can earn a living and be less of a burden on society. Moreover, it is possible and necessary to integrate them into the work market based on their capabilities, but workplaces can be adjusted to them. Employment for individuals with mental disabilities means they can contribute something to society. This is an educational perspective encouraging each individual to contribute his/her share so as to become an equal member of society.

**The conclusion is that the employment of individual with mental disabilities has both a formative (educational) value for the individuals, and a way to express that people with intellectual disability are rights holder citizens, who can contribute to society.**

### **IV.3.3. Employment as a Basic Right to Develop and Contribute**

This category provides a dramatic description of the dual's progress or regression in the mentally disabled individual's life. Apparently there is a direct association between employment and quality of life. Employment makes life better, whereas unemployment damages their lives.

Employment is a right of individuals with mental disabilities and a duty of society. Representatives of the support system claim mentally disabled individuals are in desperate need of employment and regard work as a source of pleasure due to the fruit of work, feeling mature and independent.

The literature notes employment is a right, but the novel idea is the analysis of employment or lack thereof. From the statements of support system representatives we see that the state of those individuals with mental disabilities who do not work is bad. In other words, there is a correlation between unemployment and quality of life, leading to the understanding that employment is a developmental instrument.

As stated earlier, the State of Israel has made progress regarding the integration of mentally disabled individuals into the work market and signed a covenant defining vision and setting international standards of civil and social rights to which individuals with mental disabilities are entitled, based on the U.N.'s Convention on the Rights of People with Disabilities (CRPD) ([www.justice.gov.il](http://www.justice.gov.il)).

**The conclusion drawn from the support system's approach is that employment is a basic right which contributes to the mentally disabled individual's development and well being. In other words, employment may make the difference between the mentally disabled individual's dependence and mutuality and contribution.**

#### IV.3.4. Difficulties in the Work Environment

According to the support system representatives, difficulties in the work environment pertain to the intellectually disabled individuals' external appearance. Certain fears develop without even knowing the employee, meaning there is emphasis on the stigma. Then the economic concerns are raised, "*The economic issue, lack of tolerance, with all due respect, we are living in a complex state, with many hardships.*" "*And ... the employer wants to make a profit*", here and now. The employers examine productivity and results, and have no tolerance for the disabled employees' results. On the other hand, the support system members maintain that employers benefit from employing individuals with mental disabilities as they can hire four mentally disabled individuals at the cost of one normative worker. This can be regarded as exploiting the mentally disabled individuals' distress and desperate need to work, but also a kind of appreciation of the fact that they can produce results.

Parents of mentally disabled individuals note getting used to the work environment is hard for them, which emphasizes the need for bodies that will accompany them and ease their way.

The literature review, in the legal section, Mendler & Nahon (2003) list solutions for the difficulties both in terms of strategies that may help the mentally disabled employee integrate into the workplace and in terms of laws such as Disability Discrimination Act.

The literature presents two approaches to coping with difficulties in the environment. One such approach to influencing a person's attitude is **contact** (Florian & Kehat, 1987). The second approach, according to Fisher, Pumpian & Sax is that **knowledge alone will not suffice** for changing attitudes towards individuals with disabilities. They have found that the **combination of knowledge with direct contact** with individuals with disabilities is successful. In other words, investment in the employers, directing them to the employment of individuals with disabilities, less bureaucracy, and embracing the combined contact and knowledge approach may cause employers to cope with the issue.

**In conclusion is that the work environment presents difficulties to both employers and individuals with mental disabilities.**

### IV.3.5. Stigma

A significant barrier to the integration of individuals with mental disabilities into the work market is stigma. Sociologist, Erving Goffman first defined stigma in the 1960s as an individual's physical deformity or a character defect, perceived by society as undesirable, and hence Researchers today agree that the concept of "Stigma" consists of three components: Stereotypes, prejudice and discrimination. Stereotypes are collective beliefs attributed to individuals belonging to a specific social group. When society accepts these beliefs and agrees with them, they become prejudice. Whereas stereotypes are general beliefs, prejudice is judgmental and mostly negative. Discrimination is a behavioral response to prejudice towards a specific group.

The research findings reveal that Israeli society also creates negative images towards individuals with mental disabilities, while being aware, that often, these images are far from being anchored in empiric reality, or are the outcome of mere visual judgment, which gets its meaning from the speakers' associative repertoire, "*Let us begin with looks which are...*" these findings correspond to conclusions of other researchers (Eisenberg, 1982; Goffman, 1983), according to which when it comes to individuals with disabilities, the disability itself is perceived as inferiority and is the critical characteristic leading to stigmatizing.

A comprehensive research was conducted by Miniskoff & Hoffman (1987) regarding the attitudes of employers towards persons with learning disabilities and handicapped persons. The research included 326 employers from six countries. The findings revealed that only about 50% of the respondents stated they would be willing to employ individuals with learning disabilities. The researchers believe that this attitude does not derive from lack of knowledge, but rather from prejudice towards this population.

The contents of such attitudes, ironically held by members of the support system as well, emphasize the height and strength of the "Chinese Wall" through which individuals with mental disabilities have to go in order to enter the work market, on the one hand, and the "intensive treatment" required on the other hand, in order to create a significant change so as to eradicate what literature refers to as "public

stigma", defined as the way in which people in society treat specific social groups based on stereotypes and prejudice (Corrigan and Watson, 2002).

#### **IV.3.6. Difficulties at the Home of the Mentally Disabled People**

The finding which generated this category is a statement uttered by one of the interviewees, expressing the distress, the tension and the mental strength required for the support system's daily grappling with the issue of integrating mentally disabled individuals into the work market, "*struggles with the parents, the family and the environment.*" Meaning, the arena of placing and employing individuals with mental disabilities is characterized as full of difficulties, deliberations and frustration.

Paradoxically, the support bodies involved in this important endeavor lack the support of the first-rate interested parties, meaning the support of the mentally disabled individual's nuclear family, and we may assume that this fact is of such a long-term motivational significance that it creates a conscious dissonance which can be expressed in the question "For whom then do I labor?!" Indeed the literature discussing the different aspects of employing individuals with disabilities, argues that intervention programs involving people who are close to the mentally disabled individuals (including family members and caregivers) can lead to changed attitudes towards them (Sobsey & Mansell, 1990). Moreover, the researchers are in agreement that professionals, parents, employers, the peer group, neighbors and the disabled individuals constitute crucial factors in the barriers to the integration of individuals with disabilities into society (Antonak & Livneh, 1988).

We may assess, then, that professional guidance and support are needed due to the clear burnout factors embedded in the endeavor, much like a "support group" or supervision of such professionals as social workers, who help their clients cope with crises, leaving their mark on them. In contrast, the significance of enhancing the mentally disabled individual's nuclear family's resilience upon his/her employment in the work market, as their doubts and fear of the unknown may shatter the mentally disabled individual's most significant emotional support, in their employment, a new experience to which they are exposed.

It appears, then that the required combination is that of creating channels of communication between the members of the nuclear family of the mentally disabled

individual and the support systems involved in their occupational placement. This partnership may enhance the resources invested in the rehabilitation activity. The literature emphasizes the factors leading to successful cooperation of rehabilitation teams and parents: joint decision-making, joint goal setting; joint organization and team-based processes. Parental involvement is of major significance with all of these factors, and hence, the parents' support may promote the employment of mentally disabled individuals.

The following section presents the conclusions drawn from the discussion and depicts the factors acting in Israeli society which may advance or block the employment of individuals with mental disabilities from the social perspective to the legal one.

#### **IV.4. Call for Change in Society**

The call for social justice has been heard in many societies in recent years, and is expressed in the statements of a special Education school principal: *"To make it resonate in our culture, to change from the very basics ...I think that is the only way it will work."* In other words, the ongoing distress has to do with the disabled individual's day-to-day difficulties as well as those of their social environment, create a critical mass of emotional burden seeking to erupt and be relieved of the barriers around it. the desperate call for changes in Israeli society are the verbal expressions of increasing frustration due to the gap between the declaratory level arising from the action taken in different states for designing a positive employment reality for individuals with mental disabilities, and the small rate of mentally disabled individuals in the active labor market. Nevertheless, the finding offers hope for a positive turn due to a widespread conscious change which may lead to taking action that will provide a proper solution for the current difficulties experienced by individuals with mental disabilities in the work market.

An empiric example can be found in a report produced in 2009 by the University of Leeds, Academic Network of European Disability experts (ANED-VT/2007/005) state that individuals with disabilities in the East European countries are hardly integrated into the labor market. The document lists 13,000 individuals with disabilities in Romania, constituting 2.93% of all Romanian individuals with disabilities, who have any kind of jobs. The evident conclusion drawn from this

finding and its context leads to doubts regarding the effectiveness of the steps taken to legislate and arrange for a positive employment reality for individuals with mental disabilities. Perhaps the current institutional intervention is insufficient, or that the different mechanisms for encouraging the integration of mentally disabled individuals into the work market are not adjusted to the social and economic reality, as well as to the unique characteristics of the different disabilities, and there is a need to "move the cheese" in a way of a paradigmatic change in the decision makers' views, which may promote the employment of individuals with mental disabilities.

#### **IV.5. Dilemma Regarding Legislation**

This category is represented by the following statement, "*morally, I should not be saying this: the issue of employment of persons with mental disabilities arouses dilemmas...regarding laws that will sort this out...and regarding understanding the complexity of applying such legislation.*"

Israeli society lives in a state framework, with no constitution (from my personal knowledge as a lawyer), and with a high level government involvement in many life domains – a socialist legacy from the earliest days of the state some 65 years ago. In recent years, there is a tendency to do away with the socialist approach. The current political and public climate naturally begets two contradicting approaches: massive government intervention so as to generate structural changes in the work market so it will integrate individuals with mental disabilities, and on the other hand, a restrained government approach of offering economic incentives to encourage employers to regard individuals with mental disabilities as an attractive workforce, whose employment may create a win-win situations for both sides. All that is happening in a time when the principles of the 1992 Basic Law: Human Dignity and Liberty (<http://www.knesset.gov.il/laws/special/heb/yesod3.pdf>/1.3.2013) declaring human rights to be based on acknowledging the value of Man, the sanctity of human life and liberty.

The applied significance of the law is that the individual is sovereign regarding his/her physical property and human capital, for instance, employment, and the state, which is the territorial framework to which the individual belongs, cannot order the individual what use, which does not harm others, the individual can make of his/her properties. An attempt to arbitrate the personal and collective interests can be seen in

the 2005 Equal Rights of Persons with Disabilities (Amendment No. 2). The legislation of Equal Rights for People with Disabilities Law and those deriving from it express the commitment of the State of Israel to act for the promotion of rights of persons with disabilities (Rimmerman & Herr, 2004). The law seeks to introduce a paradigmatic change in Israeli law's attitude to individuals with disabilities. The starting point was the wish to do away with the non-egalitarian, paternalist attitude towards individuals with disabilities which had governed Israeli law, and to promote egalitarian attitudes while acknowledging their rights as human beings and as citizens. However, the law "is toothless" in the sense that it leaves the economy and the work market on its aspects – both public and private sectors - the freedom to choose their employees and suffices with defining norms of employment and the desired terms of employment.

This approach underlies the dilemma presented in the opening of this section, and represents the wish to design creative solutions that will meet the two contradicting regulative trends.

**The conclusion is that the employment of individuals with mental disabilities arouses moral dilemmas regarding the effectiveness of laws that will anchor the employment of this group in society.**

#### **IV.6. A Scale of Cognitive Capabilities**

The following findings represent the considerations pertaining to the occupational placement of individuals with mental disabilities so as to create a match between the mentally disabled individual and the work environment to which he/she is placed. Clearly, behind all that is the employer's attitudes, and the stereotypical figure of the disabled person, as his/her future employer has not yet assessed his/her unique qualities.

Some of these aspects have been discussed earlier in this chapter. The findings of this research are not inherently different from those of other similar studies: "*It varies; we are talking about mild to medium disability,*" meaning, mental disability is not one particular state, but is rather perceived as a spectrum of cognitive capabilities. It was found that individuals with mental disabilities are more identified by their differences and less by their personal traits (Yuker, 1988). "*It depends on the level of disability,*"

meaning the placement of individuals with disabilities is based on adjusting the person's cognitive capabilities to the requirements of the job they are meant to perform, and thus, their employment is adjusted to their cognitive level. "*I cannot place them in a cell phone company next to the software personnel,*" meaning mental disability sentences the individual to intra-organization segregation and exclusion. Employers are even concerned about individuals with mental disabilities personal adjustment and progress, and that their employment will require physical adjustments in the work environment. These deliberations prevent potential employers who operate in complex environments from employing individuals with mental disabilities (Greenwood & Johnson, 1987). "*How much understanding he/she has of the reality, judgment?*" meaning: individuals with mental disabilities are required to have a certain level of cognitive and personality traits as a threshold condition for employment.

These findings ultimately lead to the conclusion regarding the invisible but ever so present barrier as suggested by Stacher (1992): **the employment of mentally disabled individuals is characterized by the employers' negative attitudes, which are based on myths, where the disability pushes the individual's personal capabilities aside.**

#### **IV.7. Employing Mentally Disabled Individuals in Israel**

This discussion is going the end with some quotations presenting the attitudes of some "interested parties" who are at the heart of this research, meaning individuals with mental disabilities.

Findings emerging from interviews with them lead to the following insights:

- Work is part of the daily routine, "*I don't know; I got used to it*";
- Work is a source of income, "*I am trying to provide for myself.*"
- Work is s a way to relieve boredom "*It is boring at home*";
- Work is a learning opportunity, "*you learn more things at work, you learn more things and it is important.*"
- Work is an opportunity for making friends, "*you get to know them, too, and slowly they become your...eh...friends.*"

- Employment stability relies on total obedience with the employer, "I do everything I am told."

**The employment framework, then, has significant added value that goes beyond merely imparting performance skills, as it constitutes a social arena for interaction with colleagues, even if it is only restricted to the work-environment, and its positive contribution to the mentally disabled individuals' quality of life, helping dissolve some of their relative isolation and loneliness.**

A placement program called "Try another Way" whereby individuals with mental disabilities are integrated into the work market was studied. It was found there is hardly any association between the employment framework and the creation of social relationships with normative persons beyond working hours (Berzon, Gordon, and Zaltzman, 1990; Reiter et. al., 1980). Nevertheless, we may assume that the fact the mentally disabled individuals spend time in the work environment, creates behavioral skills, as almost all jobs, especially in the free market, require interpersonal relationships.

Workers are required to persevere, be flexible and adjust on the interpersonal level. The assumption is that the ability to work regularly and have proper working habits regardless of the job or task complexity predicts successful integration into leisure time social activities, as successful integration requires skills that are similar to those required at work (Hen, 2003). The finding that has to do with obedience connects to the concepts of "mastering" expressing the individual's ongoing experience or sense regarding their ability to influence the environment in a way that suite their needs (Levy-Kadman, 2000). Most studies prove that mentally disabled persons have lower levels of self-determination compared to the general population (Wehmeyer & Melzer, 1995). Research that studied the correlation between the sense of mastering among adults with mental disabilities and the type of employment found that those not employed in the free market perceived themselves less mastering than those working in the free market.

We may, therefore, expect that individuals with mental disabilities employed in the free market for a long time, will acquire the ability to be flexible, experience the freedom to act and will have greater capabilities of mastering ambiguous situations.

**The last conclusion in this category is that employment of individuals with mental disabilities is perceived as a positive value in the free market and in Israeli society.** The following chapter presents the conclusions and the recommendations that emerged from this study.

## V. CONCLUSIONS AND RECOMMENDATIONS

### V.1. Factual Conclusions

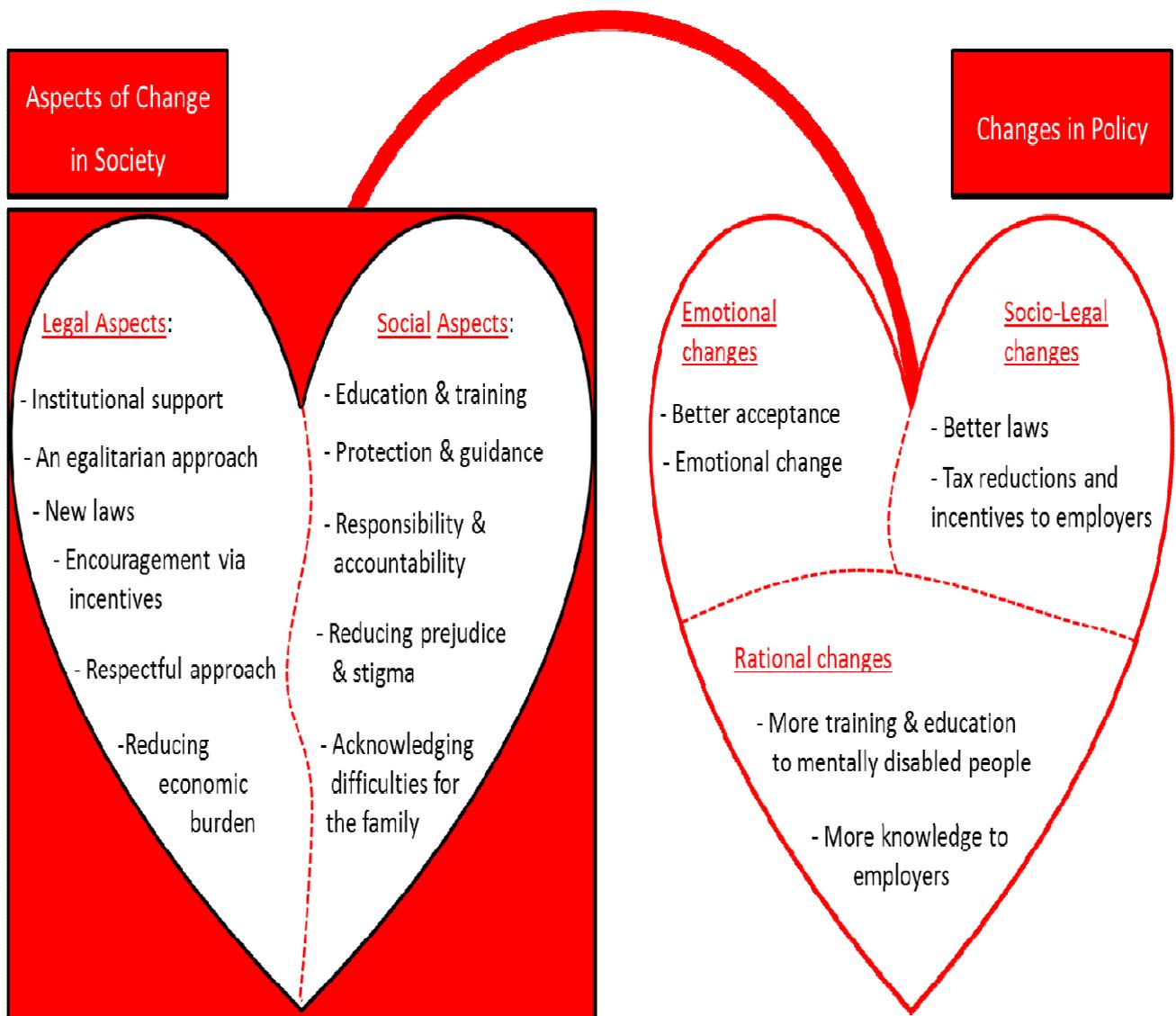
This research sought to express the voice of those whose voice is not heard. In other words, the research sought to fill the gap in knowledge regarding the employment of individuals with mental disabilities in workplaces in Israel.

The conclusions drawn from the research based on the discussion of findings reveal that in Israeli society, the employment of individuals with mental disabilities is characterized in conceptual duality, and a spectrum of emotional, rationale decisions, legal measures and ideological attitudes which constitute barriers, expressed in stigma and prejudice on the one hand, and motivators expressed in an emotional need to contribute to society on the other hand. The economic factors of employing individuals with mental disabilities also present a duality, meaning, they are divided into barriers and motivators. The interaction between the social and legal aspects of employing individuals with mental disabilities, as well as the weakening of barriers and the enhancement of motivators also portray the desired picture of employing individuals with mental disabilities in Israeli workplaces, and call for change of policy within Israeli society, as expressed by the model in Figure 4.

The socio-legal model '**Heart to Heart**' in Figure 4 shows that the changes in society pertain to three main aspects, namely, emotional changes, rationale changes and socio-legal changes. The emotional changes mean better acceptance of mentally disabled people in society in general and in the work market in particular. The rationale changes mean providing more occupational and professional training to the mentally disabled workers, and more information and knowledge to the employers about the essence of mental disabilities and about the possibility of mentally disabled people to contribute to their businesses. This will enable reducing prejudice and stigma towards mentally disabled people in the workplace. The socio-legal aspect means creating better laws that will encourage employers to employ mentally disabled people, and will ensure the latter's assimilation in the workplace by providing institutionalized guidance and support. These changes will enable change in policy to take place in order to increase the rate of employing mentally disabled people in the work market, and turn the mentally disabled from a burden on society to contributing citizens who have equal rights in their execution of their basic right to work.

The legal aspects emerging from this research rely on two major perceptions: tax reductions and grants to those who employ individuals with mental disabilities; guidance and support to the employers and the disabled employees by the system of institutional factors (mostly social workers), who will facilitate the process of the

# Heart to Heart



disabled individual in the work environment.

**Figure 4: A Socio-Legal Model of Employment as Emerging from This Research: Heart to Heart Model**

In light of the moral dilemmas revealed regarding the enforcement of employing individuals with mental disabilities via legal means, the conclusion drawn from this research is the need to phrase and shape a law for encouraging the employment of individuals with mental disabilities, seeking to integrate the social aspects arising from this research with the legal and economic aspects, and organize the employment of individuals with mental disabilities. This law will be characterized by sublimative aspects (refining) and regulative (regulating) aspects, which, on the one hand, will moderate the negative aspects of exploiting the silencing of individuals with mental disabilities' voices, and on the other hand, normalize their integration in the work market, via a detailed definition of their rights and duties in the organization that employs them.

## **V.2. Conceptual Conclusions: from Misperceptions to a Shift of Perceptions**

Conceptually, the conclusions emerging from this research point to the need to promote a conscious paradigmatic change regarding the employment of individuals with mental disabilities in society in general and in the workplaces in particular. Thus the Human Dignity and Liberty Basic Law expressed in the right to work and equality before the law regarding any individual's self realization of capabilities. The paradigmatic shift in the perception of mental disabilities suggested by the results of this study adds to the shift in the field of mental retardation offered by Lukasson et al., (1992) and Schalock et al (1994). Namely, the shift occurs from perceiving mental disabilities as an attribute that characterizes an individual into an expression of the interaction between a person with limited intellectual and adaptive abilities with the environment, and from a focus on an individual's deficits into an emphasis on the person's needs. As suggested by this study, mental disability is to be perceived not as a deficit but as a capability that can be treated and developed. Thus, through education, occupational training, care and support, persons with mental disabilities who are employed can turn from a burden on their environment into contributing and equal members of society.

### **V.2.1. Law Encouraging the Employment of Individuals with Mental Disabilities**

In the Western world, legislation was made to guarantee equal rights and prevent discrimination of any kind towards disabled people, and there is a set of laws recognizing the different rights of persons with disabilities (Rimmerman and Artens-Bergman, 2005; Cohen, 2011). In Israel, mentally disabled people are defined under the definition of all other disabilities. Evidently, no law exists in Israel that addresses the employment of mentally disabled people. Therefore, as shown by the findings of our study, there is an urgent need to create a law institutionalizing the employment of mentally disabled people.

According to the proposed law, and based on the research findings, business owners will be able to integrate individuals with mental disabilities in the normative, non-protected work environment, meaning the business and the public sectors. In this way, individuals with mental disabilities will be able to integrate into the general work market and be supported not only by institutional and interested parties such as associations of parents of individuals with mental disabilities, but also by the normative business environment which will absorb the disabled individuals according to their capabilities and skills. From the national and economic perspectives, the state will benefit from additional working hands contributing to the economy, and during their years of work, the mentally disabled individuals will accumulate pension rights which will help their livelihood when they are older, and thus the state will not need to support them with its resources. In this way, the community of individuals with mental disabilities, who have working capabilities, can turn from a dependent population to productive people. In addition, its parasite image will fade away. This change in image may help in strengthening the integration of that population into the normative population and diffuse stigma and prejudice. That is how individuals with mental disabilities can contribute to society according to their own capabilities and get recognition as persons with equal rights in society.

## V.2.2. Law Proposal

In light of the moral dilemmas revealed regarding the enforcement of employing individuals with mental disabilities via legal means, **the conclusion drawn from this research** is a law "for encouraging the employment of individuals with mental disabilities", which will integrate the social aspects arising from this research with the legal and economic aspects, and organize the employment of individuals with mental disabilities.

The title of the proposed law: "Law encouraging the integration and advancement of individuals with mental disabilities in employment in the work market and accommodating workplaces for individuals with mental disabilities, 2013"

The need for the proposed law and its goals:

The integration of individuals with mental disabilities into society is a value deriving from the principle of human dignity. Though in the past the prevailing attitude was that individuals with mental disabilities are different and hence have to be treated by separating them from society based on the "separate but equal" principle, today the guiding principle is that the integration of individuals with mental disabilities into society has to be encouraged, and they have to be guaranteed equal rights, thus they are "integrated and equal". According to this approach, the integration of individuals with mental disabilities into the open market may not only improve their economic status, but also constitute a major aspect of their integration into the community in general. This principle was expressed in the Basic Law Social and Economic Rights, 1988, in the State of Israel's signing the United Nations' Convention on the Rights of Persons with Disabilities in 2007, and government decisions such as the decision to set up the public committee for examining the problems of persons with disabilities and their integration into the community, and a committee of ministry directors for encouraging employers to absorb workers with mental disabilities and more.

Based on this approach, the Knesset (the Israeli parliament) made laws and directives such as the minimum wage directive (wages adjusted to the workers with mental disabilities with diminished work capabilities), 2002; Equal rights for individuals with mental disabilities (state participation in the financing of accommodations), 2006; rights of individuals with mental disabilities employed as part of rehabilitation, 2007

– all in order to lead to the promotion of integrating individuals with mental disabilities in either supported employment or free employment. This legislation provides employers with tools seeking to encourage the absorption of workers in the open market, alleviate their absorption, and decrease the expenses involved with the employment of individuals with mental disabilities. However, it appears that these tools alone will not suffice, as the rates of employing individuals with mental disabilities in the free market are still low, although there have been improvements in the domain of employing them.

The proposed law's goal is to increase public awareness and promote a change in employment culture regarding the employment of individuals with mental disabilities in Israeli society via incentives to employers so that they will increase the rates of employing individuals with mental disabilities and improve the conditions of their reemployment in the work places.

The law strives to encourage the design and implementation of long-term organizational programs and mobilizing businesses to the endeavor. The population of individuals with mental disabilities is not uniform, but rather multi-faceted in its functional attributes.

Research points to gaps in employment rates among the different functioning levels. Different explanations for the low rate of mentally disabled individuals' participation in the work market are to be found: limiting the wages of individuals with mental disabilities so as not to harm their allowances from the state; employers' fears and prejudice about individuals with mental disabilities; limited investments in general training for integration into the work market and proper, adjusted job training and so forth. The proposed law seeks to focus on providing the best possible solutions for employers' coping with the absorption and employment of individuals with mental

### **V.2.3. Main Principles of the Proposed Law**

1. Awarding symbols of recognition and financial grants to employers who will prove they have actually made efforts to absorb individuals with mental disabilities, to accommodate the workplace to the disabled worker's characteristics and needs, and that they implement an organizational program

seeking to increase the number of individuals with mental disabilities employed in their businesses.

2. Encouraging employers in the private sector to act to the best possible absorption of individuals with mental disabilities to their work places, after examining their activity in the domain according to predefined criteria, via financial grants and certificates;
3. Encouraging public bodies to do their duty and beyond the call of duty regarding the employment of individuals with mental disabilities by publicly acknowledging their activity and awarding certificates of appreciation;
4. Establishing the "public council for the integration and advancement of individuals with mental disabilities in employment in the work market".

### **V.3. Practical Implications and Recommendations**

On the practical level, the recommendation is to promote the employment of mentally disabled individuals by campaigning in Israeli society, including media campaigns about the activities of non-government organizations (NGO) such as the "Little Heroes" Association. The association's goal is to get the mentally disabled individuals closer to mainstream society via common activities like jeep tours financed by volunteers. The idea behind the jeep tours is that the car is manned by its owner, his/her son, and a mentally disabled child. From an educational point of view, this provides an opportunity for a close encounter with a mentally disabled person around an enjoyable experience in the wild area for a few hours, thus reducing fear and prejudice. The jeep tours activity filtered into Israeli society as a tradition and a trend within people's leisure time. Also included in those activities are Bar-Mitzvah ceremonies (a Jewish religious ceremony which means that the 13 year old boy has the same rights as a full grown man, and is now morally and ethically responsible for his decisions and actions.) at the Western Wall, in Jerusalem though Jewish tradition negates the idea, as mentally disabled individuals are considered mindless, and hence are not allowed to have such ceremonies. The Bar-Mitzvah ceremonies for the mentally disabled children are conducted in conjunction with normal children. The organization promotes the military service of mentally disabled persons, while joining the army is perceived as participating in the "melting pot" which melts together all the levels of Israeli society. Therefore, serving in the "melting pot", where normative

soldiers, without special needs, work together with individuals with mental disabilities may help diffuse the somewhat demonic image of people with mental disabilities. Moreover, in the end of their military service, soldiers become part of civilian society when their consciousness has already been shaped. At the end of the military service the youngsters are less deterred of individuals with mental disabilities and their attitudes to civilian issues such as employment will be more positive than their attitudes before the army and before their direct encounter with the disabled individuals. These soldiers, who end their army service, are "ambassadors of good will" for the implementation of the principles of integrating individuals with mental disabilities into normative society. Recruiting the mentally disabled individuals to the army will symbolize the connection to Israeli society, and will create links with individuals with mental disabilities, thus conveying a message of promotion of social equality. In this way, the "Little Heroes" will turn the members of Israeli society into "Big Heroes", who have overcome prejudice and barriers and accepted the individuals with mental disabilities into their safe bosom. This requires resources that will allow the ongoing existence of such social movements for the promotion of justice in the State of Israel.

#### **V.4. Future Research**

This research recommends two channels of future research activity: one – follow up on the proposed law for encouraging the employment of individuals with mental disabilities; the second channel – in-depth investigation of the attitude of the social and business environment toward employers who have employees with mental disabilities. The insights reached may lead to the design of additional employment mechanisms that will suit the integration of individuals with mental disabilities into the general work market.

#### **V.5. Research Limitations**

This research had a number of limitations as detailed below. The first limitation pertains to qualitative research which is subjective and interpretive, and therefore, doubts may arise as to the reliability of findings. However, qualitative research is characterized by high validity and does not presume reliability (Shkedi 2005). Furthermore, the interpretation of findings is indeed subjective due to the researcher

being a lawyer researching the field of his expertise. Nevertheless, this profound acquaintance with the field provided the researcher with tools which allowed for the interpretation in the broad context of the researcher's activity, and hence enhanced the strength of the findings emerging from the research.

An additional limitation is the use of semi-structured interviews to collect data. This tool may create "social desirability" according to which the interviewee is influenced by the researcher and may create bias. However, the researcher used the means recommended by Robson (1993) to minimize the researcher's influence on the participants by not responding to their statements with judgment, thus contributing to minimizing social desirability.

Another limitation has to do with using the data collected from individuals with mental disabilities. Nevertheless, the researcher followed the rules of ethics requiring the participants to sign an "informed consent" and in this case, the forms were signed by both the disabled individuals and their legal guardians. As can be seen in research population profile, all disabled individuals are legally adults. The questions were asked in a relaxed, non-threatening atmosphere and in a familiar environment, so it can be argued that there was no coercion. The last limitation had to do with generalization. Indeed qualitative research cannot claim to generalize to other populations, but the use of "case study" in this research allows for theoretical generalization from one context to a similar context, and it is up to the reader to decide.

## **V.6. Contribution to Knowledge**

The research contributed to knowledge by filling the gap in knowledge in the domain of evaluating social perceptions and legal aspects in the issue of employing mentally disabled individuals in workplaces in Israeli society.

Theoretically, a paradigmatic change has been proposed as a model for employing individuals with mental disabilities in the workplaces. This model can serve as theoretical grounds integrating social and legal aspects in addition to the existing body of knowledge, in addition to refuting the common opinion that employing individuals with mental disabilities may damage the business activity and deter clients. Moreover, this research has shown the opposite to be true. The employment of mentally disabled

individuals receives positive attitudes from the social environment, complimenting the employers for it.

The social-legal policy model 'Heart to Heart' that emerges from this research corresponds to the gain-gain model from game theory: employers gain, because they can financially benefit due to the laws that encourage employment of persons with disabilities, the mentally disabled persons themselves gain self-esteem, learn skills and capabilities, gain a new identity as useful persons for their environment, parents gain, because their children make progress in the directions of autonomy and self-sustainability. Society also profits, by mainstreaming life-courses of people with disabilities and decreasing the pressure to sustain financially the people with mental disability.

The innovative character which can be attributed to this research lies in the fact that it combines empirical qualitative research with a very specific legal perspective on public policies of the research domain. No similar studies were found in the field. From the legal perspective, the proposed law for encouraging the employment of individuals with mental disabilities is related to the Basic Law on Human Dignity and Liberty. Thus, the contribution of this research expands the application of the equality law to individuals with mental disabilities. The literature reviewed in this research shows that the population of individuals with mental disabilities is often excluded to some extent. The existing laws are oriented towards individuals with disabilities, but individuals with mental disabilities are not specifically mentioned.

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## Appendix I

### Interview with Employer E.1 (Age, Gender)

*Researcher* E.1: OK. We are now in the Tulip winery. The Tulip winery is located in Kfar Tikva, a village where adults with special needs live. Ro'i, who is the owner of the winery, will now tell us a bit about his life

*E.1:* Ro'i Yitzchaki, born in Kiryat Tivon, almost 35 years old, remarried, father to Yonatan and Avigail, currently living in Beit Shearim, a Moshav near Tivon. More questions?

*Researcher:* How many people do you currently employ?

*E.1:* I have five steady daily workers - you just met one of them a few moments ago. And then there are another twenty five or so workers that I provide with outsourced work. They don't have to come here. They work in that building nearby and do jobs like constructing boxes, folding boxes, putting dividers in the boxes, stacking the boxes – many simple tasks that I can outsource to them.

*Researcher* So, we're talking about how many at the moment...

*E.1:* Altogether, I would say five steady salaried workers, who come daily whether or not there is work and then another 25 workers whom I employ for a few months a year.

*Researcher* And those workers are the ones with special needs?

*E.1:* All of them

*Researcher* And how many regular workers are there in your business?

*E.1:* I have about ten regular workers plus a few who work in a subsidiary company of mine

*Researcher* How long have you had the business?

*E.1:* Exactly nine years

*Researcher* Tell us what you do and describe what is the essence of your business

*E.1:* The Tulip winery produces wine and specializes in the production of quality wines consumed both locally and abroad. We are very successful. When we opened our business in 2003, the boutique winery market in Israel was saturated and I was warned not to commit economic suicide by opening another one. But with my craziness, I dared and I did it. I produced 7,000 bottles that first year and to my delight there were some crazy people who were ready not

only to drink my wine but also to pay for it and even wanted more! So we grew and expanded and now from the perspective of nine years, we have become the leading boutique winery in the country in terms of production (175,000 bottles annually) and in terms of prestige. Well. Maybe I should be more modest and say we are in the top five wineries, successful both in Israel and abroad.

*Researcher* Why did you decide to employ people with mental disabilities?

*E.I.:* First of all, it's an excellent question and all along I've been asked the same question over and over again. I assume the answer is in my background – certain values that I grew up with in my home. Even as an officer in the army, every three months, we would do some voluntary community service. Once we painted an old age home in Nazareth Elite.

*Researcher* Where did you serve in the army?

*E.I.:* I was in the Air Force here at Ramat David Base. I was the commanding officer of the control tower there. I used to take my 40 soldiers on community projects – once we painted an old age home, once we volunteered in a nature reserve, once we did agricultural work to help a farmer who was struggling with bankruptcy. Again, I don't know how to explain it other than to say it was part of my upbringing – my parents taught me that when you have, and I grew up in a family which has, to give to others. None of my relatives has special needs, and I admit, I had many hesitations at first. When I set up the business and I knew that I was going to hire people with special needs, I had two main fears: how I would be able to deal with this population I didn't know on a personal level, and how would I be able to market a 100 NIS bottle of wine made by a “retard”. I can tell you my two fears disappeared in seconds. On the first day when my workers from the Kfar arrived it only took a few seconds and I felt connected with them. They won my heart. And as to my fear about marketing, I discovered the opposite is true. I found that customers appreciate the fact and the wine gains an extra value because it is produced by people with special needs.

*Researcher* How do you know? Do you speak with your customers?

*E.I.:* Yes, yes. I am often out meeting the customers. Approximately 15,000 people visit this visitor center a year. 15,000 people a year! Of all my story, that is the most amazing thing. That I am crazy and I hire people with special needs to work in my business is all well and good. But that 15,000 people come here, without knowing what they are going to see – they are just wine lovers coming to taste

some wine and then suddenly the interaction that develops between the visitors and the special needs people is amazing. It is the most wonderful thing there is and it moves me each time.

*Researcher*

Amazing. What, in your opinion, deters business owners from employing people with mental disabilities?

*E.I.:*

I think one of the problems is money. It costs close to a normal salary to employ such a worker yet his output is not always the same as a normal worker. Secondly, I think many businesses are very frontal, for example restaurants, where let's say waiters with special needs have to serve their customers. Many restaurant owners are scared that their customers might find the interaction uncomfortable or complain that the service is not so good, etc. Thirdly, and maybe most important, is awareness. Here in Israel there is a lack of awareness. I think that businesses can employ people with special needs, be it mental retardation or physical disabilities, and their business will function just as well, if not better. Taking this step is scary for people without awareness of the world of special needs. I can say that for me, if there's something good I did, it was in hiring them. They contribute not only to me but to all my workers. It opens something up. The atmosphere and energy at the workplace are not the ordinary. It is very special!

*Researcher*

What in your opinion could encourage others to follow in your footsteps?

*E.I.:*

I think the first step is to heighten the awareness of people. The second step is economics. The output of such workers is sometimes but not always equal to as a regular worker.. I will give you an example. The worker you met this morning told you his job is to put bottles on the machine. He performs this task better than you or I could. Why? After a day or two of this repetitive work, we would go crazy. Let Osher do this nonstop and he will do it expertly without a problem. The are jobs that they do well and jobs that require more supervision. I think that if the government and we spoke of this previously off the record, would put emphasis on bringing this issue into the awareness of the business owners and offer them certain benefits to make it worth their while. OK, I might only get half the regular output from these workers, but the cost is only a quarter of what it normally costs, so why not? It's a good deal for me, for them, for everyone. These people when employed become productive members of society and not parasites. So we've accomplished only good things.

- Researcher* As long as we are talking about the government, do you think the government should force businesses to hire people with mental disabilities?
- E.1:* Difficult question. It would be hard to enforce. I am sure that the government will know how to find a way to provide enough incentive to make it worthwhile to employ people with disabilities. After all we are businessmen and want to succeed and make a profit. That's the name of the game in business. We want to make it to the end of the year and earn a few grushim. If the government says to me, OK Ro'i, you're interested in earning a few grushim, you can earn an additional two grushim if you hire these workers. So, I've done something good, I've contributed to the community and also earned a few more grushim.
- Researcher* Do you think the government should be involved in this process?
- E.1:* Yes I do. The government should be encouraging and supporting and pushing forward this agenda and allocating appropriate funding as incentive. This will lead to a healthier and higher quality society.
- Researcher* O.K. Let's summarize. In your opinion, what needs to be done on the social and legal level so that more employers will join your ball field? (not yours personally....)
- E.1:* ... No, Of course...Of course...
- Researcher* As an employer
- E.1:* Listen, as far as the legalities go, I am less knowledgeable but in general I can say that what's needed is "encouragement laws", whatever, by the Ministry of Industry, Trade and Labor or other relevant government offices in the Ministry of Finance just like the laws that further the development of the Galilee and also the development towns. In the same way, there should be a law to encourage the employment of special needs people, laws that set specific parameters to define the benefits. Give and get, give and get. On the social level, it is clear that this move will contribute to the creation of a healthier, better society. The benefits are both financial and social. I think the Ministry of Social Affairs and Social Services should lead this process, just as the Ministry of Agriculture furthers development in the Galilee. By the way, I could've set up my winery in the Galilee and then I would've been entitled to the same benefits as an approved industry: an exemption from taxes for 10 years, 25% investment capital.

*Researcher* So Why not?

*E.I.:* So that I could contribute to society. I thought that is more valuable than 10 years tax exemption and 25% investment capital. Today, 9 years later, I know I was right. But then again, it made me think – as a cold business might calculate - these benefits do provide incentive and in the end the economy gains millions.

*Researcher* Excellent...

*E.I.:* So if the encouragement law is passed, then just as it applies to developing the Galilee, it is so simple - it will apply to any location, on the condition that I employ workers with special needs, according to set parameters. In my case, I can say that beyond the fact I employ these workers, the location also gains. Maybe I'm being egotistic, but I really love this place. It brings me satisfaction; I go to sleep at night with a smile. It's very pleasant to be a giver. There has been a 40% increase in the number of requests to be accepted to the Kfar. Among the 15,000 visitors that come to the winery, there are those who have a relative or a neighbor with special needs and tell them about the Kfar. There are those visitors who are so impressed, they leave donations. Volunteers hear about us and want to come to the Kfar. So beyond just bringing employment to a few special needs people, the effects on the Kfar are more far reaching.

*Mr. Vinzer* That is really great

*E.I.:* What do you mean – It's the greatest – nothing is better than this.

*Mr. Vinzer* Ro'i firstly, I want to say thank you. Secondly, I must say this because the interview records only the words but can't capture what I see. I have to say that throughout this interview I see your face beam with happiness when you speak about your work .Thank you for the privilege of letting me interview you.

*E.I.:* I am honored. Always...

End of Interview.

## **Appendix II**

### **Semi-Structured Interview with Employers of Individuals with Mental Disabilities**

1. Personal and general information: name, age, gender, education, profession, place of residence, business location, type of business, number of employees, number of individuals with mental disabilities employed in the business;
2. How long does the business exist?
3. When did you decide to employ individuals with mental disabilities?
4. What made you employ individuals with mental disabilities (personal, ideological, cultural, social, business motives)?
5. What in your opinion may deter employers from employing individuals with mental disabilities?
6. What do you think can encourage more employers to act like you?
7. What do you think should happen in Israeli society for more employers to act like you?
8. Do you believe the state can compel employers to hire individuals with mental disabilities? Why?
9. Does the state need to intervene in this process?
10. How do you propose the state should intervene in the process?

### **Discussion with Work Mates of Individuals with Mental Disabilities**

1. How do you feel about the employment of individuals with mental disabilities?
2. What is your background?
3. Is this the first time you encounter individuals with mental disabilities?
4. Were you partners in the decision to employ individuals with mental disabilities?
5. What bothered you?
6. How did you accept it?
7. If you open your own business, would you like to employ individuals with mental disabilities? Why?
8. What do you think should happen in Israeli society for more employers to hire individuals with mental disabilities?

9. Do you believe the state can compel employers to hire individuals with mental disabilities? Why?
10. Does the state need to intervene in this process?
11. How do you propose the state should intervene in the process?

### **Interviews with Social Workers/ Professional Field Teams Managers Regarding Employment of Individuals with Mental disabilities**

1. Why is it important for individuals with mental disabilities to work?
2. What, in your opinion, are the difficulties in a home with an individual with mental disability who does not work?
3. What kind of jobs do you think individuals with mental disabilities can do?
4. What are their difficulties at work?
5. What do you think causes employers to employ individuals with mental disabilities in their businesses?
6. What possible advantages and disadvantages can employers have in hiring individuals with mental disabilities?
7. Who do you think can help employers in hiring and accompanying the hired individuals with mental disabilities?
8. Which law do you think will bring about the employment of individuals with mental disabilities?
9. What kind of mental disability suits work?
10. What in your opinion may deter employers from employing individuals with mental disabilities?
11. What do you think can encourage more employers to employ individuals with mental disabilities?
12. Do you believe the state can compel employers to hire individuals with mental disabilities? Why?
13. Does the state need to intervene in this process?
14. How do you propose the state should intervene in the process?

## **Interviews with Parents of individuals with mental disabilities**

1. Why is it important to you that your child will work?
2. What are the difficulties arising from the fact that the child is at home and does not work?
3. How do you cope with these difficulties at home?
4. What kind of work can your child do?
5. What are the difficulties he/she encounters at work?
6. What do you think causes employers to employ individuals with mental disabilities in their businesses?
7. What possible advantages and disadvantages can employers have in hiring individuals with mental disabilities?
8. Who do you think can help employers in hiring and accompanying the hired individuals with mental disabilities?
9. Which law do you think will bring about the employment of individuals with mental disabilities?
15. What do you think can encourage more employers to employ individuals with mental disabilities?
16. What do you think should happen in Israeli society for more employers to act like you?
17. Do you believe the state can compel employers to hire individuals with mental disabilities? Why?
18. Does the state need to intervene in this process?
19. Does a parent feel anger about the state not seeing to the employment of individuals with mental disabilities? How do you propose the state should intervene in the process, if at all?

**Appendix 3: Social and Legal Aspects of Employing Mentally Disabled  
Individuals (A Few Examples)**

**Social Aspects**

	<b>External</b>	<b>Internal</b>
<b>Initiative</b>	<p>I advertised in the want ads, and they called me from a project called "Employment in a different way", a joint AKIM and National Insurance Institute. I was asked whether I would be willing to employ a girl in my kitchen, to be a pioneer in this project. I was too embarrassed to say no.</p> <p>Actually, it is not something that seems unusual to me, this type of employment. It is coming in, emptying the trash can and leaving. It does not require any special interaction.</p> <p>The institution where these workers were staying approached Tiv Ta'am, asking them to employ these individuals, and Tiv Ta'am agreed.</p>	<p>I was enthusiastic about it, and it was clear and natural that when I open the branch I would employ individuals with disabilities.</p> <p>I can say that I kind of learnt to be a social worker of some sorts, especially with my two employees, because they require a lot of attention. They are not regular workers. But with this attention, I understand that I am enjoying it, it is good for me; it is nice. I like it. I like to help, and I am not proud of it, I kind of do it for the heart, for the soul, not for someone else.</p>
<b>Factors involved in the decision to employ mentally disabled individuals</b>	<b>Education</b>	<b>Personal ideology, if a normative worker opens a new business, will he employ mentally disabled individuals</b>
	<p>I did not have any problem with it, because I accept all people equally.</p> <p>I think one of the things that can help is education from a young age.</p> <p>Israeli society has to develop tolerance to others, to respect others and their way of life. This is true for all kinds of population: homosexuals, Arabs, religious people</p>	<p>Just get them all together from a young age.</p> <p>It is all a matter of education, and then when the child grows up, he knows it is natural.</p> <p>I will accept them willingly and with lots of love.</p> <p>I think it is important and contributes to society, and honestly, if I have the ability, I will start a business and employ workers with special needs.</p>

	<b>Institutional Support</b>	<b>Financial Incentives</b>
<b>Satisfaction with Employing Individuals with mental disabilities</b>	<p>Not intervene, but perhaps encourage.</p> <p>It is very hard to cope with employees with special needs, or with mental disabilities, if he does not get some push, help or blessing, mostly from the authorities, but that does not happen.</p> <p>The state has to care for all its citizens.</p> <p>Perhaps offer some incentives to business owners.</p> <p>Some reward beyond the usual, it may help.</p> <p>All in all, everyone will benefit – the state and the employers.</p>	<p>If business owners are cold, then they the issue of interest versus benefit is decided according to benefit.</p> <p>If business owners understand that business may grow because they employ persons with disabilities, it may succeed.</p> <p>Explain to employers that perhaps they ought to employ other people both for economic and social reasons.</p> <p>If there is some financial remuneration for employing persons with disabilities, I think people who do not do it like me, naturally, will want to do it because it will help their business, and then they will see it is not so bad to employ persons with disabilities.</p>
<b>Environmental Support</b>	<b>Insurance / Pension</b>	
	<p>It is hard to get insurance for them. The insurance companies did not want to insure them.</p> <p>I think the state has to promote this issue.</p>	

	<b>Customers and normative workers' attitudes to the mentally disabled employee</b>	<b>Disabled employee's roles at work / Attitudes of other workers</b>
<b>Mentoring q Support</b>	<p>They are loyal, devoted and clean. They never cause problems.</p> <p>First we give them employment. Integration with society which is of great importance, and they are really pleasant people. They are kind and nice. I know them for at least five years. They come, they know...</p> <p>Another client that says, "Please be patient with him."</p> <p>The clients know them. They are part of us.</p> <p>What may deter is their ability to function.</p> <p>It is part of the daily routine</p> <p>Almost everyone likes it. I hear "Good for you!" or "Great" of "this is so important". That is why I am certain it will succeed in any business. I have not met clients who thought it was wrong.</p> <p>Most responses are positive, and they see we employ individuals with mental disabilities. I have not encountered negative attitudes such as people feel uneasy, perhaps people do not say those things, and they might come less, I do not know that.</p>	<p>Give them the jobs for which it is hard to find workers or which require specific skills. Train them to do things that will turn them into small cogs in a large system that can really help.</p> <p>Adjust, integrate them into the work and guide them.</p> <p>She is an integral part of the place, and mostly seen by clients, because she walks around and clears the tables, so she spends time among the eating customers.</p> <p>He is like a part of the family.</p> <p>They are great workers, these two employees with mental disabilities... And it is not only the work they do. If they talk to you, you feel there is retardation, but they work really well.</p>

	<b>State's role in accompanying the mentally disabled employee / liaison</b>	<b>Employer's personal background / Number of employees</b>
<b>Institutionalization / liaison</b>	<p>Each person ought to do it from the heart. If you do not, it is no good. Once you are coerced you do not do it willingly. I believe the state can compel business owners to employ them, but will it work? If the employer is not willing to hire them and accompany them and make them feel at home, the employee will suffer, so you cannot force it, but still you can encourage employers and help them.</p> <p>Encouragement from the authorities, because I have tried, if not to get help, at least some incentives. In the past the state took away their allowances because they had salaries. State intervention refers to money.</p> <p>The state can intervene if it so wants, but not force.</p> <p>In the process itself, advance persons with special needs. It is important.</p> <p>Four and a half years. First she had a mentor and then that was it.</p> <p>I think it would help if there was some contact with someone who can be in touch with them, and it would help me realize what I need, too.</p>	<p>50 years old, married, father of two sons. I served in the army and afterwards I went to study cooking in Italy. I have had a restaurant for 25 years, called "Pizza Patza" in Tel Aviv.</p> <p>Owner of an insurance agency, 51 years old.</p> <p>I am 40, I live in Jerusalem. I am an accountant and a football coach. I have some 15 employees, two with mental disabilities.</p> <p>I am Uri's secretary – Uri, insurance agent, Rishon Le'Zion, 50 years old.</p> <p>I am 16, a religious girl</p> <p>I am 20 years old, and I live is Kafr Qassem</p>

## Legal Aspects

	<p><b>State Laws</b></p>
	<p>Encourage. Give Credit points to employers who hire persons with disabilities, give them tax deductions and so forth.</p> <p>The state, look, there are institutions, there are social workers; they have lists...if the state wants it can do anything. It is not that complicated. It is just work. It is just a department that needs to deal with it, but I am not sure there is the will...</p> <p>I know in other states in Europe one of X workers has to be an individual with special needs, especially in public organizations, so they can start there, as an example.</p> <p>Because if the state makes laws, and there are such laws, some sophisticated employers will find the way not to do it.</p> <p>Sometimes you have to create some law that will become a routine or a norm. I am all for it being in the law. Someone ought to get up and make a law.</p>
	<p><b>Supervision and Protection</b></p>
	<p>Look, the state intervenes in every domain of our life. The state is involved, and so it cannot leave the issue of mentally disabled persons hanging, because there are families with members who are mentally disabled, and they would like him/her to be absorbed into some framework during the day, and what happens is that many employers abuse them, do not pay their wages and so on...</p> <p>They are exploited. And they do contribute to our state.</p>
	<p><b>Disability Allowance</b></p>
	<p>At the time I was trying to fight for--- because his allowance was terminated because he was earning money ---if they earned more than 1,8000 NIS, their allowance would be terminated.</p>
	<p><b>State Commitment</b></p>
	<p>There will be such incentives, so that it will be worthwhile to employ them, and this will open the door to full, egalitarian employment with everyone, I think.</p> <p>The state is making a mistake, because when their legal guardians die, the state becomes their guardian. At some point these mentally disabled individuals reach age 60 – 70 and they are alone. So the state, instead of caring for them then, should accompany them from a young age and it will be easier to treat them later, too.</p>