



# DISABILITY RIGHTS NEW YORK

**New York's Protection & Advocacy System and Client Assistance Program**

**FOR IMMEDIATE RELEASE**

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***EMPLOYEES WHO USE WHEELCHAIRS ARE OUT OF FASHION IN NEW YORK!***

***NEW STUDY FINDS "NO FOOT IN THE DOOR" FOR QUALIFIED  
JOB SEEKERS AT 41% OF NEW YORK CITY FASHION RETAILERS***

**Albany, NY, September 19, 2016** – Workers with disabilities have unemployment rates double the rate of those in the general workforce and earn as little as half of what people without disabilities earn. Disability Rights New York's (DRNY), investigation and study, conducted by labor economist Marc Bendick, Jr., Ph.D., demonstrates that these outcomes often arise not because these workers can't do the job, but instead because employers don't give them a chance. The first of its kind study in retail fashion employment found an alarming 41% of retailers discriminated against people with disabilities.

DRNY requested this study to measure discrimination against people with visible mobility disabilities in the hiring process. Many people with disabilities are subject to hiring discrimination, but little is done to challenge these practices as applicants have limited or no information about their competitors and who was selected. DRNY selected retail fashion because it is an industry that engages in constant hiring for jobs that pose few or no obstacles for workers with disabilities.

Between April and December 2015, DRNY sent pairs of job applicants to 91 large clothing, jewelry, and fashion accessories retailers in the New York City area. Each applicant pair had a resume showing successful retail work experience, education, and skills. The applicants were also matched in gender, age, race, appearance, dressed similarly, and had been trained to provide equivalent answers to common interview questions. The only significant difference was that one applicant in the pair used a wheelchair or a cane, while the other had no visible disability. To ensure the reliability of the data, the tester with the disability was given a slight advantage in both qualifications and appearance. The pair was then assigned to systematically attempt to apply for open positions at retail stores and participate in group or individual job interviews.

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The result? The applicants with disabilities were only 27% as likely to receive a job offer as their equally-qualified testing partners. In all, 41% of the retailers tested were documented as discriminating against job applicants with disabilities who were capable of performing the jobs for which they applied. These employers included large department stores, well-known national chains of clothing stores, and trendy local chains. This rate of discrimination is among the highest ever reported in similar studies of other demographic groups and even higher than the rate found previously for racial/ethnic minorities.

“Some fashion retailers avoid hiring people with disabilities because they don’t embody the stereotypical image they want to project for their merchandise,” said Timothy A. Clune, Executive Director of DRNY. “This is not only illegal, it also perpetuates a myopic view of who is attractive in our society.”

Jessica, one of the testers said, “my chair was still the deciding factor of whether I got a job or not.”

In an example from the study, a 21-year-old woman in a manual wheelchair presented herself at a retail store of a national chain of casual clothing for younger men and women. She was instructed to apply on-line from home, and that application triggered an invitation to a group interview. After the group interview, she heard nothing from the chain. Meanwhile, a 22-year-old woman with no mobility limitations presented herself at the same store. The store manager greeted her smilingly, asked her several questions, lent her an iPad to file her application while in the store, instructed her to put down the store manager’s name as the person referring her, and scheduled her for a group interview. At the group interview, the district manager said that she had received the applicant’s information from the store manager and scheduled the applicant for a private interview the next day for a Manager in Training position.

The appropriate way to hire retail sales staff is to ask all job applicants to show how they can do the essential functions of the job, such as picking out fashion outfits and bringing alternative sizes to the customers. “In most job interviews, the applicants’ obvious disability was never mentioned, and in that atmosphere of silence, managers tended to stereotypically assume our applicants were not capable of performing as retail sales employees,” said Dr. Bendick.

Please watch *Unfashionable Hiring Practices* on DRNY’s YouTube channel at:  
<https://www.youtube.com/watch?v=jQ4U5Y3OYSc&feature=youtu.be>

The study, titled “*Employment Discrimination for Persons with Disabilities: Evidence from Matched Pair Testing*,” is available at [www.DRNY.org](http://www.DRNY.org) or [www.bendickegan.com/publications](http://www.bendickegan.com/publications).

DRNY is the federally authorized Protection & Advocacy System and Client Assistance Program for people with disabilities in New York. DRNY advocates for the civil and legal rights of New Yorkers with disabilities, including employment discrimination issues.

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