

Employer willingness to comply with the Disability Discrimination Act regarding staff selection in the UK

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This study investigated personnel directors and managers' willingness to revise their current selection procedures as a result of both their attitude towards disabled persons *and* their knowledge of the Disability Discrimination Act 1995 (DDA). The DDA states that 'reasonable adjustments' must be made to the selection process for persons with a disability to enable them to compete on an equal level with non-disabled candidates. Results showed that employer willingness to comply with the Act is predicted by attitude towards disabled people and knowledge of the legislation. The results are discussed in terms of the likely impact that the DDA will have on the employment situation for persons with a disability and the factors which might affect its success.

During the last three decades, the rights of minority groups have been increasingly recognized in most Western societies and this is reflected in the legislation which has been introduced to prevent discrimination against members of these groups in employment (e.g. in the United Kingdom, the Race Relations Act 1968 and the Sex Discrimination Act 1975). The most recent legislation of this kind in the United Kingdom is the Disability Discrimination Act 1995 (DDA) which came into force at the end of 1996. The DDA marks an important change in the situation of a person with a disability (PD) who is currently in or seeking work, as it introduced new measures to prevent possible unfavourable treatment by employers.

Examination of the employment statistics for PDs shows that this legislation is overdue because PDs are much more likely to be unemployed or under-employed than the general population (Johnson, 1992). Oliver (1990) also found that PDs are

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unlikely to be employed in 'visible' positions in which they are in direct contact with members of the public. These differences seem to result from employers viewing PDs negatively and making incorrect assumptions about their suitability for work. Instead of focusing on the capabilities of disabled individuals as employees, employers seem to focus on their disabilities (Bowe, 1978). Evidence has also been found that employers underestimate the capabilities of disabled people and generally view them as undesirable workers. In recent years there has been increasingly positive employer attitudes, although reviews of the literature show that attitudes generally are still quite negative (Wilgosh & Skaret, 1987; Yunker, 1994). Related to employer attitudes is the finding that many employers subscribe to certain myths about disabled people and their work capabilities (Furnham & Lane, 1984; Furnham & Pendred, 1983; Furnham & Thompson, 1994; Gething, 1985; Wertlieb, 1985). Individuals face discrimination on the basis of such beliefs when applying for work and these prejudices may act as a barrier to the employment of PDs (Ravaud, Madiot, & Ville, 1992). For example, many employers seem to believe that disabled people are less dependable as workers, less productive, jeopardize safety at work and are not able to get on with or be accepted by other workers (e.g. Ellner & Bender 1982; Geist & Calzaretta, 1982). These beliefs seem to persist and negatively influence employer attitudes (Wilgosh & Skaret, 1987) despite having been shown to be poorly conceived (e.g. Ellner & Bender, 1982; Geist & Calzaretta, 1982; Strom & Ferris, 1982).

There is therefore a general consensus that employer attitude towards PDs is a primary factor contributing to both the unemployment of this group and their under-utilization at work (see also Bowe, 1978; Jamero, 1979; Pope & Tarlov, 1991). Empirical evidence to support this assertion comes from a number of studies (e.g. Johnson & Heal, 1976) in which applications purporting to be from disabled and non-disabled workers were sent to organizations. In these, details such as age, qualifications and experience were kept the same for disabled and non-disabled 'applicants', so that the decision on whether to invite for interview was based solely on disability status. Significantly fewer interviews were offered to candidates with a disability. Without the favourable employer attitudes which will lead to disabled persons finding work, these individuals may never have the opportunity to demonstrate their capabilities.

The section of the DDA which relates to employment applies to employers with 20 or more employees and states that unless there is a substantial reason for doing so, disabled people cannot be treated less favourably than non-disabled individuals in selection, promotion, training, terms of employment, benefits, working conditions, dismissal and so on. The definition of disability for DDA purposes is any condition which causes considerable problems in everyday living. Therefore, individuals with lesser disabilities are not covered by the DDA, despite the fact that they may still be subject to employers' negative attitudes and thus experience problems in obtaining a job. Employers covered by the Act have a duty to make 'reasonable adjustments' to any aspect of the above where this would help overcome the problems encountered by a PD.

'Reasonable adjustments' or 'reasonable accommodations' in the selection process relate to the changes which could be made to enable an applicant with a

disability to compete on an equal level with other candidates. Reasonable accommodation requirements apply to all selection procedures including ability testing, personality testing, assessment centres, interviews and rating systems (Kandola & Butterworth, 1996; Klimoski & Palmer, 1994). Examples of reasonable adjustments are using a sign language interpreter for a deaf candidate, allowing somebody with dyslexia additional time to complete ability tests, ensuring that a person in a wheelchair has a table of suitable height to use when completing written tests and changing the location of an interview if the usual room is inaccessible to a candidate. A person who has poor manual coordination could be allowed additional time to complete a test, while modified texts could be used which are in large print or Braille for those with visual impairments. Employers often do not have to make changes which would be excessively expensive or disruptive to their business. It should be emphasized that reasonable accommodation is in no way concerned with positive discrimination in favour of disabled individuals: employers can still employ the most suitable candidate for the job regardless of whether they are disabled.

At the present time, there appear to be *no* studies conducted which attempt to identify the factors which might be linked to employer willingness to make reasonable adjustments to the selection process. This is a very important consideration as the PDs' employment prospects will be significantly affected by whether reasonable accommodations are made to allow for the effects of their disability on performance. The aim of this research is therefore to determine whether personnel directors' attitudes towards disabled persons, and their knowledge of the DDA, will predict their expressed willingness to make adjustments to the selection procedure as legally required.

Method

Participants

The survey sample used in this study was based on that used by Robertson and Makin (1986). A sample of 200 organizations was selected from a computerized database of UK companies. Organizations were divided into three groups according to number of employees (20–50, 51–500, and over 500) and then a random sample was taken from each of these to give 67 small, 67 medium and 66 large companies. Questionnaires were sent to each organization selected, together with a letter which explained the study's purpose and stressed that responses were anonymous. Anonymous replies were used to reduce the likelihood of the answers given being 'socially acceptable' rather than reflecting the respondent's true feelings. A freepost return envelope was enclosed with the questionnaires to encourage recipients to respond to the survey.

The survey questionnaires were sent to 200 personnel directors and managers, whose companies were selected for inclusion in the study according to the criteria described in the procedure section. Of these, 77 responded (38.5%), but 2 returned incomplete questionnaires and were therefore excluded from the study. This response rate is about average for anonymous surveys of this sort to 'disinterested' parties. Robertson and Makin (1986) reported a response rate of 36% from their sample of 304 companies based on the Times 1000. Companies with fewer than 20 employees were not included in the survey as the DDA only covers employers of more than 20 staff. Questionnaires were returned by 21 (31.3%) of the small, 30 (44.8%) of the medium and 22 (33.3%) of the large companies which had been contacted. The sample therefore consisted of 28.8% small, 41.1% medium and 30.1% large organizations. A total of 9 (12.3%) replies were from companies in Scotland, 18 (24.7%) from

the North of England, 15 (20.5%) from the Midlands and Wales and 31 (42.5%) from the South. 4 (5.5%) of the sample were involved in primary industries, 34 (46.6%) in secondary industries and 35 (47.9%) in tertiary (service) industries. 31 (42.5%) of the respondents were female and 42 (57.5%) male. Age range of respondent varied between 23 and 60 (mean = 42.2 years, SD = 9.7 years). Only 12% had worked or had social contact with PDs and only 33% reported that their companies presently employed PDs.

Questionnaires

Questionnaire on attitudes towards PDs. A variety of questionnaires are available which measure attitudes towards PDs. The Attitude Toward Disabled Persons (ATDP) scale (Yuker, Block, & Campbell, 1960) is probably still the most widely used instrument (Furnham & Pendred, 1983). Although its reliability has been demonstrated, there is no unequivocal evidence of its validity (Antonak & Livneh, 1988); furthermore, analyses of its psychometric properties have concluded that the ATDP requires further work (Antonak & Livneh, 1988). The Disability Factor Scale—General Form (DFS-G) was developed by Siller (1969) in an attempt to overcome the ATDP's perceived failure to view attitudes to disability in a multidimensional way, and its ambiguous use of the word 'disability'. Although it has been shown not to be susceptible to the influences of social desirability and faking, for which other instruments have been criticized heavily, sufficient psychometric analyses have not been conducted and so its reliability and validity have not been adequately demonstrated (Antonak & Livneh, 1988). The Scale of Attitudes Towards Disabled Persons (SADP) was designed by Antonak (1981) in an attempt to develop a more contemporary, easy-to-use and psychometrically sound instrument than those available to researchers at the time. The SADP has been subjected to rigorous psychometric analysis, and this has shown it to be psychometrically sound (Antonak & Livneh, 1988). Reliability has been adequately demonstrated for this scale (alpha coefficients range from .88 to .91), and encouraging preliminary results have been obtained in investigations of its validity.

The SADP was used in this study as it was considered to be the best available instrument for measuring general attitudes towards individuals with disabilities. It was necessary to make a few minor amendments to the SADP in order to anglicize it. The verbal descriptions of each point on the scoring scale were changed to make them understandable to UK residents (e.g. 'I agree pretty much' became 'I agree quite a lot'). Likewise, questions 1, 15 and 23 were changed. Question 1 originally read: 'Disabled children should not be provided with a free public education.' It was considered that the expression 'public education' could have a different meaning to UK citizens because UK public schools are fee paying, and so the word 'public' was dropped. Question 15 was changed from 'Zoning ordinances should not discriminate against disabled people by prohibiting group homes in residential districts' to 'There should be no restrictions against having group homes for disabled people in residential areas'. When this study was conducted, the original version of Question 23 was meaningless in the UK because it referred to the minimum wage system used in the USA, and so it was altered to 'Disabled workers should receive a reasonable wage for their jobs'.

Willingness to adjust selection procedures for disabled people questionnaire. A list of reasonable adjustments that could be made to four widely used selection methods (application form, interview, psychometric testing, assessment centre) was developed by the authors. The questionnaire covered five main disability groups (sensory, motor, learning disability, mental illness and recovering from severe illness/operation). The actual disabilities used were moderate hearing impairment, having to use a wheelchair, moderate dyslexia, moderate claustrophobia, and recovering from a back operation. From all the possible accommodations which could be made, the four or five which appeared most frequently in a pilot test, composed of a panel of students studying for an MSc in Occupational Psychology and who were knowledgeable about discrimination in the workplace, were used in the final questionnaire for each of the selection methods. The application form section was excluded from the final version of the questionnaire on the basis that such accommodations would be pre-planned and taken at the organizational rather than an individual level. Some of the adjustments listed in the questionnaire were not enforceable under the DDA (such as paying for a taxi to take the applicant to his or her interview), but seemed reasonable accommodations. Other accommodations, such as

Table 1. Means, standard deviations and Cronbach's alpha for questionnaire scales

Scales	<i>M</i>	SD	α
Attitude to disabled people	51.57	13.35	.83
Willingness to make adjustments	37.79	5.49	.82
Interview adjustments	13.00	1.96	.54
Testing adjustments	12.13	2.62	.76
Assessment centre adjustments	12.39	2.44	.77

Note: 'Interview adjustments', 'Testing adjustments' and 'Assessment adjustments' are subscales of the 'Willingness to make adjustments' scale.

allowing more time for ability tests, are enforceable under the DDA as some PDs (such as those with coordination difficulties) would be directly disadvantaged compared to other candidates without this allowance being made.

The preamble to the questionnaire was written as such: 'Imagine that someone with a moderate disability (e.g. having to use a wheelchair, hearing or visual impairments, recovering from a serious illness, mental health problems such as claustrophobia) has applied for a job with your company. Some of the ways to make your selection procedure easier/fairer are listed below. Please indicate how likely you would be to make these changes or recommend these changes to staff members.' Ratings were then made on a scale of 1 = Definitely not do; 2 = Unlikely to do; 3 = Likely to do; and 4 = Definitely would do. (The items comprising this questionnaire are in fact summarized in Table 2, which shows the factor analysis solution to this questionnaire.)

Knowledge of the DDA. Respondents were asked to assess their knowledge of the DDA using a five-category scale labelled 'Not heard of it', 'Poor knowledge', 'Fair knowledge', 'Good knowledge' and 'Excellent knowledge'.

Results

The means, standard deviations and Cronbach alphas for employers' scores on each of the questionnaires used in this study are presented in Table 1. All Cronbach alphas for each of the scales are above .75 except for Willingness to make interview adjustments, which has an alpha of .54. This low internal reliability for this subscale probably resulted from the diverse, but theoretically relevant, nature of the items comprising it and that the scale consisted of just four items (the actual items comprising each of these scales are summarized in Table 2). Overall, 2.7% of respondents had not heard of the DDA, 20% rated their knowledge as poor, 40% as fair, 37.3% as good and 0% as excellent.

A scree slope factor extraction method using principal components factor analysis suggested two underlying factors to the 'willingness to make adjustment' items. The varimax solution is presented in Table 2. The first two factors explained 47% of the variance and were named as (1) adjustments which are relatively cheap and/or are non-disruptive, and (2) adjustments which are relatively expensive and/or disruptive to the selection process. Coefficient alpha of these two subscales was .81 and .74 respectively.

As shown in Table 3, employer attitude towards PDs and knowledge of the DDA was correlated .03, which was not significant. Significant correlations were found

Table 2. Factor loadings of willingness to make adjustments to selection process items

	I 'Cheap/ Easy'	II 'Expensive/ Disruptive'
% Var	35.4	11.6
Interviews		
Pay for a taxi to the interview	.56	.26
Arrange for the person to be met and escorted to the room	.16	.39
Allocate more time for this candidate	.70	.20
Change location of interview if access is difficult	-.04	.77
Ability/personality tests		
Allow the candidate more time to complete the test	.76	-.12
Change how test is taken	.61	.33
Discuss in advance with candidate how to minimize problems	.51	.50
Change test used if it would present difficulties	.59	.34
Change location to ensure suitable facilities	.11	.83
Brief assessors on 'disability etiquette'	.45	.59
Plan more frequent breaks	.70	.26
Change the way instructions are given	.16	.39

Table 3. Correlations between various scales used in this study ($N = 75$)

	Employer attitude toward PDs	Knowledge of DDA
Knowledge of DDA	.03	
Willingness to adapt procedures overall	.24*	.34**
—to adapt interviews	.07	.45**
—to adjust psychometric tests	.26*	.14
—to adapt assessment centres	.25*	.29**
—to make cheap/non-disruptive changes	.21	.24*
—to make expensive/disruptive changes	.25*	.35**

*Correlation is significant at the .05 level, two-tailed.

**Correlation is significant at the .01 level, two-tailed.

between overall willingness to make adjustments in the selection process and employer attitudes to disability ($r = .24$, $p < .05$). Willingness to change specific parts of the selection process were also significantly correlated with employer attitude to disability (willingness to adjust psychometric testing procedures, $r = .26$, $p < .05$; willingness to adjust assessment centre procedures, $r = .25$, $p < .05$). The correlation between willingness to make adjustments in interviews and employer attitudes was not significant ($r = .07$).

The correlation between willingness to make changes in the selection process and knowledge of the DDA was significant ($r = .34, p < .001$). The subscales of willingness to make changes in interviews and assessment centres were also significant ($r = .45, p < .001$; $r = .29, p < .05$, respectively), but willingness to make changes in ability/personality testing with knowledge of the DDA was not.

Willingness to make cheap and/or non-disruptive changes to the selection process was significantly correlated with knowledge of the DDA ($r = .24, p < .05$) but not employer attitude towards PDs. However, willingness to make expensive and/or disruptive changes was significantly correlated with knowledge of the DDA ($r = .35, p < .001$) and employer attitude towards PDs ($r = .25, p < .05$).

The major research question in this study required multiple regression analysis to determine whether and to what extent attitudes and knowledge predicted self-reported behavioural intentions in the selection process. Willingness to make adjustments in the selection process was regressed against employers' attitudes to disability and their knowledge of the DDA. It was found that employer attitude and level of knowledge of the DDA were both significant in predicting overall employer willingness to make adjustments to the selection process (adjusted $R^2 = .15$). Also at the subscale level of analysis, it was found that employer attitude to disability predicted willingness to make changes in psychometric testing, assessment centres and expensive or disruptive changes. Level of knowledge of the DDA predicted employer willingness to make changes in the interview procedure, willingness to make changes in assessment centre procedures, relatively cheap/non-disruptive changes in the selection procedure and relatively expensive/disruptive changes to the selection procedure. Supporting statistics for these statements are shown in Table 4.

Table 4 presents the simple regressions of attitude towards PDs and knowledge of the DDA against willingness to make changes. Isolation of these variables as being the most relevant was confirmed by stepwise multiple regression in which other variables collected in the survey (such as size of business, age, and amount of social and work contact with PDs) were included. Only attitude towards PDs and knowledge of the DDA were significant predictors.

Discussion

The results show that the overall willingness of employers to comply with the DDA is likely to be a function both of their knowledge of the DDA and their attitude towards PDs. This result is supported by further results which provided evidence that at least one of these factors was able to predict adjustments to individual selection procedures (interviews, psychometric testing and assessment centres). Factor analysis of the willingness to adjust results data suggests that employers were concerned with whether the adjustments were (1) cheap and/or non-disruptive, or (2) expensive and/or disruptive. This suggests that the ratings of employers' willingness to make changes are classified into two categories based on mainly economic/pragmatic principles. Again it was found that knowledge of the DDA predicted the former, whereas knowledge of the DDA and employer attitude predicted the latter.

Table 4. Regression of willingness to make changes in selection process against employer attitude to PDs and knowledge of DDA

Dependent variable	Independent variables	β	t	p	R^2	Adj R^2
Overall level						
1. Employer willingness to make changes in selection process	Employer attitudes	.23	2.2	.03	.17	.15
	Knowledge of DDA	.34	3.1	.00		
Sub-scale level						
2. Adjustment in interviews	Employer attitudes	.06	0.6	n.s.	.21	.19
	Knowledge of DDA	.45	4.3	.00		
3. Adjustments in psychometric testing	Employer attitudes	.25	2.2	.03	.08	.06
	Knowledge of DDA	.14	1.2	n.s.		
4. Adjustments in assessment centres	Employer attitudes	.24	2.2	.03	.14	.12
	Knowledge of DDA	.28	2.6	.01		
Factor level						
5. Cheap/non-disruptive adjustments	Employer attitudes	.21	1.8	n.s.	.10	.07
	Knowledge of DDA	.23	2.1	.04		
6. Expensive/disruptive changes	Employer attitudes	.24	2.2	.03	.18	.16
	Knowledge of DDA	.35	3.3	.00		

It is therefore concluded that a small but significant amount of variation in willingness to make adjustments to the selection process is dependent upon both knowledge of the DDA and positive employer attitude towards PDs. In other words, although employers are legally required to take such steps, whether they might actually do so is more directly influenced by attitudes and knowledge of the appropriate legislation. Failure to comply with the DDA's requirements may therefore at least partly be because of negative attitudes towards PDs and poor knowledge of the Act.

A consequence of employers' failure to make adjustments in selection will be that the DDA will not have the desired effect on the employment situation for PDs. Some indication as to the likely impact of the DDA on the employment situation in the UK can be obtained from examining the effectiveness of America's Disabilities Act (1990), as the two Acts are very similar. Blanck (1995) found that five years after the American Disabilities Act came into force, the employment status of most PDs had not changed, with few of those who were previously unemployed having found a job. For those already in work, the outlook was rather more positive, as one third of those surveyed had moved into more integrated jobs, such as moving from sheltered employment schemes into more 'mainstream' work. If, as seems likely, the DDA has a similar lack of effect in the UK, at least partially because of prior knowledge and negative employer attitudes, then it will be necessary for additional measures to be introduced to remedy PDs' employment situation. The results of the present study suggest that strategies aimed at improving employer attitudes towards PDs such as disability awareness campaigns

might be logical ways to encourage employers to comply with the DDA. The same is true for measures aimed at increasing employer knowledge of the DDA. However, studies have shown that changing attitudes to PDs is not straightforward (Johnson & Johnson, 1984; Laking, 1988).

Future research should attempt to determine which other factors affect employer willingness to make adjustments to the selection process. For example, it might be found in the future that knowledge about the financial penalties for non-compliance with the DDA will be another factor as publicity about cases brought to employment tribunals increases employer awareness. It may also be found that the type and extent of disability will affect employer willingness to make adjustments to the selection process. An early version of the questionnaire used here enabled raters to assess their willingness to make changes when people with different disabilities were applying for jobs. These sections had to be collapsed into one category (i.e. someone with a moderate disability) to make the questionnaire sufficiently short and therefore attractive for the sample of raters from diverse companies. Future research may be able to examine the effect of type and extent of disability by means of a larger questionnaire that is completed by an opportunistic sample of more highly motivated raters.

Further research might also investigate what employers and PDs believe to be a reasonable accommodation within a selection exercise. A survey along these lines could help employment tribunals and courts decide this issue as cases inevitably come before them.

An external factor that could not be measured in this survey which is likely to affect PD employment prospects is the overall state of the job market which affects each sector quite differently. When unemployment rates are high, there will be insufficient jobs for all individuals of working age, regardless of whether they have a disability (Wehman, 1993). Therefore, even if the DDA was successful in ensuring that the selection process was made totally fair so that PDs were able to compete on an even level with other candidates, they still may not be successful in securing employment. It may also be true that the DDA may encourage disabled people who had given up trying to find work to try once more to join the labour force. This point needs to be taken into account when assessing the effectiveness of the DDA as the numbers of PDs failing to find work might increase even if employment did increase.

Another important consideration is that the nature of the job market is currently undergoing change, with flexible contracts being used increasingly in preference to traditional contracts. Thus, there is a trend towards individuals working for shorter periods for each employer. If this trend continues, then this could present a significant *barrier* to the effectiveness of the DDA. If the use of flexible contracts does increase, then there will be fewer PDs with permanent employment and with long-term, mutually supportive relationships with employers than at the present time (Steward, 1996), and thus many will miss out on the benefits of such arrangements.

Even if the DDA is successful in increasing the number of PDs in employment, these individuals may still not be treated equally to non-disabled workers. Individuals might find themselves employed mainly in part-time jobs or in work

which does not fully utilize their skills and abilities—in other words, they may experience under-employment. Studies have frequently shown that PDs are not promoted as often as their non-disabled colleagues (e.g. Steward, 1996), and so even if more disabled people are able to find jobs, they may still experience this ‘glass ceiling’ effect. The work of Oliver (1990) on the social construction of disability also describes the way in which PDs are generally employed in ‘non-visible’ positions in which they do not come into direct contact with members of the public. Such restrictions on the types of work in which PDs are employed is termed ‘occupational segregation’, and this may be horizontal or vertical, as illustrated in the preceding scenarios. Another section of the DDA does make these kinds of restrictions on PDs’ employment prospects illegal, but it remains to be seen if this will be successful.

Finally, note that a large number of PDs are not covered by the DDA, as this only applies to those whose disabilities cause them ‘considerable problems in everyday living’. The employment rights of individuals with lesser disabilities are therefore not legally protected by the Act, despite the fact that they are still likely to meet with discrimination from employers because of their disability. The employment situation for these individuals may therefore remain unchanged.

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