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Evidence from Matched Pair Testing

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Employment Discrimination against Persons with Disabilities: Evidence from Matched Pair Testing

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Abstract: In a situation-testing study, persons with and without mobility disabilities applied simultaneously for thirty-one sales positions at New York City clothing retailers. Nearly all applicants were treated courteously, but those with a disability were only 27 percent as likely to receive a job offer or otherwise advance as far in the hiring process as their equally qualified counterparts without a disability. Conscious or unconscious bias was documented by 41 percent of retailers tested. These findings demonstrate how employers' perceptions, policies, and practices contribute substantially to the higher unemployment, lower earnings, lower labor-force participation, and widespread reports of discrimination for workers with disabilities. In contrast, some retailers' employment of job seekers with mobility disabilities demonstrate that unbiased hiring of these workers in retail sales is feasible when employers follow "best practices."

Keywords: Wheelchairs, Field Experiments, Reasonable Accommodation

Introduction

Among the multiple aspects of daily living in which people with disabilities face barriers to full participation, employment is certainly one of the most important. In some cases, disabilities preclude employment or limit workers' on-the-job performance. But for many people with disabilities and many employment situations, the issue is less workers' ability to be productive employees than the willingness of employers to give them that opportunity.

This study quantifies the role of employer discrimination in one employment context: hiring of job applicants with mobility disabilities (e.g., persons in wheelchairs) for retail sales. Although it is widely hypothesized that employer discrimination is common in such situations, the evidence supporting this hypothesis is primarily indirect. This study uses a research method—matched pair testing—creating controlled experiments in which employers' discriminatory behavior can be directly observed. The article describes the application of this research method to fashion retail hiring in New York City in 2015 and presents empirical findings documenting a pandemic level of employer bias there, both conscious and unconscious. However, some of the tested retail employers did not evidence such discrimination, and the article describes “best practices” employers can follow to achieve a similar level of equal employment opportunity.

Disability Discrimination in Employment

Prior research has consistently documented that employment outcomes for people with disabilities are substantially worse than for others throughout the American labor market. For instance:

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- In 2014 nation-wide, among non-institutionalized persons aged 18–64, 34.4 percent of persons with disabilities were employed, a rate less than half the 75.4 percent rate for counterpart persons without disabilities. Within that 34.4 percent rate, the rate for persons with disabilities varied from 50.7 percent for persons with hearing disabilities to 15.4 percent for persons with self-care disabilities. The rate for persons with mobility disabilities was 24.2 percent (Houtenville, Brucker, and Lauer 2016).
- In August 2015, among non-institutionalized persons aged 16–64 in the labor force nationwide, 11.3 percent of persons with disabilities were unemployed, a rate more than twice the 5.1 percent rate for counterpart persons without disabilities (Houtenville, Brucker, and Lauer 2016).
- When employed, persons with disabilities are almost twice as likely as their counterparts without disabilities to hold temporary, part-time, or independent contractor positions, thereby experiencing shorter job duration, fewer opportunities to advance, and more limited fringe benefits than their counterparts without disabilities (Schur 2002).
- When employed, workers with disabilities are more likely than their counterparts without disabilities to be in low-skilled, low-paid occupations for which they are over-qualified (Maroto and Pettinicchio 2014).
- In 2010, median annual earnings for employed persons aged 21–64 with “severe” disabilities averaged \$18,924 and for persons with “non-severe” disabilities \$28,824, which are 57.9 percent and 88.2 percent, respectively, of the \$32,688 figure for their counterparts without disabilities (Brault 2012; see also Baldwin and Choe 2014; Mok et al. 2008).

Disabilities themselves account for part of these disparities. Disabilities so severe that no employment is feasible contribute to the lower ratio of employment to population; among persons with disabilities aged 21–64 not employed for twenty-four months or more, 49.9 percent were “severely” disabled (Brault 2012). Lower earnings may in part reflect disability-based limitations on some workers’ productivity (Jones 2006). More limited education may also partially explain earnings differences; for instance, 41.4 percent of persons with disabilities have some post-high school education, compared to 60.8 percent of their counterparts without disabilities (Snyder et al. 2010). And potential loss of government income payments, such as from the Social Security Disability Insurance or Supplemental Security Income programs, incentivize some persons with disabilities to voluntarily work part-time, accept lower-paying positions, or not work at all (Stapleton et al. 2006; Turton 2001).

However, after such factors are accounted for, substantial gaps in labor market outcomes for persons with disabilities remain, and employers’ discriminatory behavior is widely hypothesized to be a primary cause. In 2015, the US Equal Employment Opportunity Commission (EEOC) received 21,451 charges alleging employer actions illegal under the Americans with Disabilities Act (US EEOC 2015). Surveys of employed workers with disabilities report their widespread perceptions of discrimination in their workplaces, particularly regarding compensation and other terms and conditions of employment, failure to provide legally-mandated reasonable accommodations for their disabilities, and on-the-job harassment (Balsler 2000; Neath, Roessler, and McMahon 2007; Snyder et al. 2010). Employers often report the same tendencies. For example, in one survey, 23 percent of employers admitted that attitudes and stereotypes were a significant barrier to employing people with disabilities (Bruyere, Erickson, and Van Looy 2004).

Discrimination based on disabilities is also suggested by “laboratory” studies in which experimental subjects such as college students play the role of employers making employment decisions. These studies typically document positive attitudes toward people with disabilities as

“heroic” for seeking work despite their disabilities. However, these positive attitudes do not translate into willingness to offer jobs, especially when the person with a disability is not physically attractive, the decision-maker would work directly with the person, or the person’s on-the-job performance would affect decision-maker’s compensation (Colella and Stone 2005; Premeaux 2001; Ren, Paetzold, and Colella 2008). Although such findings strongly suggest that discrimination plays a role in the observed disparities in employment outcomes, they generally do not quantify the magnitude of that role. They also provide only limited insights into how that discrimination manifests itself in real world situations where employers’ decisions typically reflect a complex interaction of personal attitudes, organizational culture, employment practices, and business operating circumstances (Colella and Stone 2005; Schur et al. 2009).

The most direct information on such subjects would come from observing real employers making real employment decisions when presented with equally-qualified applicants and are not aware of being observed. A research technique allowing us to do so is matched pair testing.

Matched Pair Testing

Matched pair testing is a systematic research procedure creating quasi-experiments in which to observe real employers’ candid responses to employees’ personal characteristics. In this procedure, pairs of research assistants—“testers”—apply simultaneously for the same actual job vacancy. Within each tester pair, employee characteristics likely to affect employees’ on-the-job performance are controlled by selecting, training, and credentialing testers to appear equally qualified for the positions they seek. Simultaneously, personal characteristics unrelated to job performance are systematically manipulated by pairing testers who differ in only one personal characteristic (e.g., a disability). If testers within a pair experience a substantially different response to their job-seeking efforts, few assumptions and little analysis are required to attribute that difference to the employer’s reaction to that characteristic (Arrow 1998; Tal et al. 2009).

Since 1990, dozens of well-documented employment testing studies have been completed for a range of US labor markets (e.g., Chicago, New York, Washington, nation-wide), occupations (e.g., sales workers, office workers, restaurant servers), and demographic groups (e.g., African Americans or Hispanics paired with whites, holders of “green card” work permits paired with US citizens, women paired with men, persons aged fifty-seven paired with persons aged thirty-two). These studies have essentially universally reported substantial discrimination, with the proportion of employers found to treat the group of interest significantly worse than their equally qualified counterparts, typically ranging from about 20 percent to 40 percent (Bendick 2007; Gaddis 2018; Neumark 2015).

Such findings provide an important ethical justification for matched pair testing. Testing studies involve employers without their informed consent and induce them to use staff time to process job applications that will not result in hires. However, in typical employment tests, that use of resources is very modest, since most applications are rejected quickly. Employers are not asked to deal with situations that are unusual for them; human-resource professionals estimate that a large proportion of applications they receive from non-testing job seekers include fabrications in resumes (Careerbuilder 2014). And when testing results are reported without naming the employers tested, hiring decision-makers and their employers experience no adverse consequences of their actions. Balanced against these small costs is the over-riding importance of addressing a major societal problem. The US Supreme Court, the EEOC, and multiple university human-subjects review panels have all endorsed testing’s role in these efforts (Bendick and Nunes 2012; Boggs, Sellers, and Bendick 1993; Riach and Rich 2004).

Employment in Fashion Retailing

This study tested the hypothesis of employer discrimination in the context of hiring of retail sales employees in the New York City area during 2015. Retail sales are one of the largest occupations

in the US labor market, employing nearly five million persons in 2016. With high turnover constantly creating job openings, few formal qualifications as prerequisites to hiring, and jobs located near the homes of virtually everyone, retail sales is one of the most common occupations in which individuals seek employment, especially at the entry level (US Bureau of Labor Statistics 2016). Within retailing, this study was limited to stores whose principal offerings were clothing, jewelry, cosmetics, and similar “fashion” merchandise. These retailers included large department stores as well as well-known national and local chains of specialty shops.

In part, this study focuses on fashion retail sales because, even drawing solely on their experience as customers, most individuals hired as testers could credibly interview for such positions. However, it is also reasonable to hypothesize that reluctance to hire persons with disabilities is particularly prevalent in fashion retail. Person with disabilities are noticeably absent from fashion advertising (Farnall and Lyons 2012). Among Fortune 500 firms scored on the Disability Equality Index of the American Association of People with Disabilities, no fashion retailers appear among the top-scoring firms (AAPD 2016). Retail sales are a public contact position where “looking good” and “fitting the image” of the products being sold are often considered part of the job (Borna et al. 2008; Gouvier, Systema-Jordan, and Mayville 2003; Warhurst 2007; Warhurst et al. 2009).

Testing Procedures

Prior to the present research, testing studies of disability employment had primarily been “correspondence tests”—studies submitting written job applications to employers online or by mail, disclosing a disability in the applicant’s resume or cover letter, and measuring whether applicants are invited to in-person interviews. Using this procedure, one study documented a substantially lower probability of interviewing persons with facial disfigurements and persons in wheelchairs for public contact positions (Stone and Wright 2013). Another study estimated a 26 percent lower rate of employers’ interest in applicants for accounting positions who revealed having either Asperger Syndrome or a spinal cord injury (Ameri et al. 2015). A study in France found that applicants in wheelchairs were between 31 percent and 56 percent as likely to be invited to job interview as counterparts without disabilities (Ravaud, Madiot, and Ville 1992). A study in Belgium found that when a mental health disability created a substantial gap in a job applicant’s employment history, the probability of male job applicants’ being invited to job interviews was reduced by 34 percent (Baert et al. 2016).

Although informative, these correspondence studies are limited in two ways. First, they do not send pairs of resumes to the same employers, so they provide an overall rate of discrimination but cannot identify individual employers as discriminators. The resulting documentation of a “villainy without villains” offers no basis for follow-up actions to change individual employer behavior (Cherry and Bendick 2018). Second, these studies examine only the first stage of the hiring process, the decision concerning whom to interview. That procedure potentially underestimates the overall rate of discrimination because it does not record bias operating in the face-to-face stages of the hiring process. It cannot illuminate the ways that discrimination operates in, for example, the content of job interviews or the details of job offers (Bendick and Nunes 2012; Bendick, Rodriguez, and Jayaraman 2010).

In contrast to correspondence studies, our study involved research assistants—“testers”—applying for jobs in person. We employed two teams of female testers and one team of male testers. All were in their twenties or early thirties, and all had some college education or college degrees. All were white and non-Hispanic except for two Hispanic women, who were paired. For each two-person team, testers were selected to be generally similar in appearance and manner, but one member of each team used either a manual wheelchair, a motorized wheelchair, or a cane.

These testers were provided with training lasting two days. The training prepared them to be effective job applicants by coaching them on self-presentation, providing appropriate answers to

common interview questions, refining their answers through practice interviews, and developing resumes for each tester describing education and work experience typical of applicants that fashion retailers routinely hire. Indicating that these efforts were successful, the testers without disabilities received invitations to be interviewed in 58.1 percent of tests in which the employer appeared to have a job vacancy, and every tester without a disability who was interviewed got at least one job offer. The resumes constructed for the members of each testing pair described comparable education, work experience, and job-related skills and interests, with a slight edge in each case to the tester with a disability. For example, one tester with a disability was given twenty-five months of experience as a retail sales associate, while her testing partner was given twenty-four months as a retail cashier.

During training and throughout the testing process, the staff supervising the testers emphasized that the testers' reporting of their experiences should be specific, fact-based, and objective. Testers completed a detailed, semi-structured questionnaire immediately after completing every interaction with an employer and without discussing their experiences with their testing partners. Tester-employer interactions were further documented by hidden miniature recorders carried by the testers. Tallies were kept of employers' attempts by phone or email to contact the testers or the references listed on their job applications.

We tested retail establishments throughout the boroughs of New York. This process began with a sampling frame listing all fashion retailers operating at least five retail stores within that geographical area—identified from a published list (Gonzalez-Rivera 2013), a prominent website (www.mallseeker.com), or the store locator on firms' websites—plus all fashion retailers posting at least five sales job openings in those locations during one month on either www.monster.com or www.allretailjobs.com. This sampling frame included ninety-one firms, including large department stores and national and local chains.

Between April 1, 2015, and December 31, 2015, 103 pairs of job applications were delivered to these ninety-one employers. Sixty-one of these pairs were completed online, responding to either a general invitation to apply in the careers section of retailers' websites or to a specific job vacancy posted there. The other forty-two applications were completed in-person at retail stores either because the firm's website stated that applications were accepted only in person or because it was convenient to apply to adjacent stores in a shopping mall or shopping district already being visited to apply for another position. Among these 103 pairs of applications, thirty-one were responded to by employers sufficiently for the interaction to be analyzable based on three criteria: the employer indicated that it was actively filling a job vacancy (typically, by inviting at least one tester to interview); the tester with a disability interacted with company hiring officials sufficiently to reveal that disability; and the hiring process for both testers included at least one decision point at which the employer could treat applicants differently (e.g., in deciding whom to invite to an in-person interview).

Results

Among the retailers we tested, the hiring process typically followed some variation of two basic patterns. About three-quarters of tests involved a relatively simple process in which applications were completed in person at a store, followed (often immediately) with an individual interview (typically conducted by a store manager and lasting less than fifteen minutes), a review of the store manager's recommendation by an above-store supervisor, and then a job offer. The remaining one-quarter involved a more complex process. First, applications were filled in on-line, sometimes accompanied by online tests of work interests, work attitudes, or skills such as retail arithmetic. A subset of online applicants then received an invitation to a group interview in which they were observed by the employer's staff while answering questions or participating in group exercises. A subset of participants in the group interviews were then invited to individual interviews similar to those in the simpler process. Job offers were then made. Among the

fourteen times that a job offer was made to a tester, only once (7.1%) did the employer check the tester’s references prior to the offer.

In the thirty-one analyzable tests, one important, objective measure of employer’s treatment of testers is the stage of the hiring process that the applicant reached—e.g., no response, invited to a group interview, invited to an individual interview, or offered a job. Additional indicators of applicant treatment included whether applicants were significantly coached or assisted in the hiring process, provided information about additional job openings of which the applicant might not be aware, or given substantial encouragement or incentives to accept a job offer. A high proportion of job vacancies throughout the American labor markets are filled via personal referrals (Feldman and Klaas 2002), making these forms of differential treatment particularly important to analyze.

Table 1 reports the outcome of these thirty-one tests. In employers’ initial responses to their applications, 64.5 percent of testers without disabilities were invited to be interviewed or otherwise responded to favorably in the initial stage, compared to 32.3 percent of testers with disabilities. Then, 55 percent of the testers without disabilities who were interviewed received job offers, compared to 30 percent of testers with disabilities.

Table 1: Test Outcomes

Stage	Without a Disability			With a Disability			Difference		Success Ratio
	Tests	Success	%	Tests	Success	%	Number	%	
<i>Among applicants, tester was invited to interview or otherwise responded to positively</i>	31	20	64.5%	31	10	32.3%	-10	-32.3%*	50.5%
<i>Among interviewees, tester was offered a job</i>	20	11	55.0%	10	3	30.0%	-8	-25.0%	54.5%
<i>Among applicants, tester was offered a job</i>	—	—	—	—	—	—	-12.6	-40.6% ^{*,#}	27.3% [#]

* $p < .05$ ^ = first row + second row *10/31 # = 3/11

These outcomes, in turn, can be summarized in a “relative success rate”—the proportion of tests in which the tester with a disability achieved a favorable outcome at a stage in the hiring process divided by the proportion of tests in which the tester without a disability achieved that same outcome. As the final column in Table 1 reports, testers with disabilities were only 50.5 percent as successful as their partners at the initial stage of the process and only 54.5 percent as successful in obtaining a job offer when interviewed. Combining these two stages, applicants with disabilities were only 27.3 percent as likely to receive a job offer as their equally qualified partners.

A second way test that outcomes can be summarized is the “net rate of discrimination,” computed as the proportion of completed tests in which the tester without a disability achieved a favorable employment outcome minus the proportion of tests in which the tester with a disability achieved that outcome. This subtraction takes account of random circumstances which may affect employment outcomes—for example, if only a single position is vacant, even non-discriminating employers can hire only one applicant. It also takes account of possible instances in which employers favor persons with disabilities (Bendick and Nunes 2012). According to Table 1, testers with disabilities experienced a 32.3 percent net rate of discrimination in being invited to interview plus a 25 percent net rate in receiving jobs offers when interviewed, for a combined net rate of discrimination in 40.6 percent of their applications. This result can equivalently be stated as: *40.6 percent of the employers tested were documented as discriminating against job applicants with disabilities.*

To put this 40.6 percent figure in perspective, three previous studies using in-person testers seeking sales jobs provide comparable net rates of discrimination for demographic groups other than persons with disabilities. One found a 42 percent net rate of discrimination for transgender persons applying for retail sales positions in New York City (Make The Road New York 2010); another found a 34 percent rate for persons in their late fifties seeking sales employment in the Washington, DC, area (Bendick, Brown, and Wall 1999); and one found a 30 percent rate for African Americans and a 25 percent rate for Latinos seeking retail sales employment in the Washington, DC, area (Bendick, Jackson, and Reinoso 1994). Thus, job seekers with mobility disabilities encountered hiring discrimination in sales at rates similar to those for demographic groups experiencing the most discrimination and substantially higher than the rate experienced by racial/ethnic minorities.

In public health analysis, a disease is considered pandemic if it infects a large proportion of a population, faces little population immunity, and has severe adverse consequences (Morens, Folkers, and Fauci 2009). By these standards, a 40.6 percent net rate of discrimination establishes fashion retailers' hiring discrimination against persons with mobility disabilities as pandemic. The following examples illustrate the less favorable treatment documented in the present tests.

Example One: No Opportunity to Interview. Following online instructions that job applications be filed in person, a twenty-one-year-old white woman in a manual wheelchair presented herself at a store of a local chain featuring casual clothing for younger men and women. She completed an employment application, answered a few questions from the store manager, and left, never to hear from the company again. Four hours later, a twenty-two-year-old white woman with no mobility disability presented herself at the same store. The same manager took her to a quiet part of the store, asked her a number of questions, described the advantages of working for that company such as health insurance and bonuses, and invited her to a group interview at the chain's headquarters to be held two days later.

Example Two: Extra Application Assistance. That same pair of applicants presented themselves at a store of a national chain offering casual clothing for younger men and women. The tester who used a wheelchair was instructed to apply online from home, and that application triggered an invitation to a group interview. After that interview, she heard nothing. Later the same day that the first tester had appeared at the store, her testing partner presented herself at the same store. A sales associate introduced her to the store manager who 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, a district manager said that she had received the tester's application from the store manager and scheduled a further interview the next day for a Manager-in-Training position.

Example Three: No Job Offer. Thirty minutes apart on the same day, two white male testers filed online applications for sales positions in a large department store. One week later, both applicants were invited to interview to sell men's clothing at a location in Manhattan. At that interview, the employer became aware for the first time that one applicant walked with a pronounced delayed gait and used a cane. In his interview, that applicant was asked a series of questions from a written list and then left, never to hear anything further. Four hours later, his testing partner was interviewed by a different person who asked questions from the same list. The interviewer then left the room briefly and returned to offer the applicant a full-time position at ten dollars an hour plus commissions.

Example Four: Rejection of Reasonable Accommodation. The website of a national chain of mid-price clothing for mature women advertised a sales associate vacancy at one of its stores in Manhattan. Applications by two Hispanic women were completed online fifteen minutes apart. Two weeks later, a manager for the store called both applicants to schedule interviews. When the tester without a disability appeared for her interview, the store manager read her the job description and asked her questions about her ability to meet the requirements stated there. When her testing partner arrived for her interview thirty minutes later, the manager became aware for

the first time that the applicant used a motorized, lift-assist wheelchair. Interviewing that applicant, the manager read the same job description and asked the same questions as in the previous interview. She also asked whether the applicant could restock goods on the top shelf at her previous retail job (the answer was yes) and whether she could go down a flight of stairs to the stockroom (the answer was no). Regarding the latter issue, the job applicant suggested that the requirement could be accommodated by informally trading tasks with coworkers, as had been done successfully in her previous retail job, but the manager responded that would not work in her store because sales staff worked on commission and therefore would not cooperate. One week later, the tester without a disability received a call from the manager offering her a job. Her testing partner never heard anything.

Analysis

In all these examples, the difference in treatment arose at the first decision point after the employer became aware of a job applicant's mobility disability, a "no foot in the door" pattern suggesting that the employers were not open to even considering these job seekers. A similar pattern has been observed in paired-comparison testing studies of age discrimination, where the majority of differences occurred immediately after the employer became aware of the older testers' age (Bendick, Brown, and Wall 1999). It differs from a pattern more typically observed in testing studies involving race, in which minority testers have often been allowed to continue in the hiring process after the employer became aware of their race only to be treated less favorably at the final stages of hiring process, such as who receives a job offer (Bendick, Jackson, and Reinoso 1994).

"No foot in the door" discrimination, such as not being invited to interviews, is particularly difficult for job seekers with disabilities to overcome because it offers little opportunity for them to explain or demonstrate how they can perform the essential functions of the job they are seeking. Few opportunities to discuss or demonstrate their ability also characterized most tests in which the testers with disabilities were interviewed; in seven out of ten (70%) of these interviews, the applicant's disability was never explicitly discussed or addressed in any way.

Retail sales work typically requires carrying merchandise while assisting individual customers, ringing up sales, and wrapping purchases. In addition, in some retail stores, sales staff neaten displays, unpack merchandise, or move merchandise from the stock room to the sales floor. Among the 103 employers we tested, the application information of only twelve (11.7%) stated physical qualifications related to these job duties. All twelve stated lifting and carrying requirements, with weights ranging from twenty to fifty pounds. Four (3.9%) also listed motions such as stooping, bending, or reaching, and four (3.9%) stated that staff must be able to move around the sales floor or stock room.

The persons employed as testers in this study were all capable of reaching, lifting, and moving reasonable amounts of clothing and other merchandise as well as navigating store aisles if the aisles were uncluttered and of legally required width. Our testers were instructed to explain or demonstrate these abilities if possible during job interviews. Their resumes all reported successful prior employment in retail sales. The testers were also instructed to discuss how, in those previous jobs, when an action was required that they could not perform, the requirement was accommodated at no cost to the employer by informally trading tasks with other sales staff.

With little or no opportunity for the testers with a disability to demonstrate these abilities or provide these explanations, decisions concerning whether to hire them appear to have been based on employers' assumptions that the applicants could not meet these requirements. Psychologists apply the label "stereotyping" to the tendency, often unconscious, to judge the qualifications of an individual—such as one job applicant—based on the average qualifications of the group to which the person belongs—such as all persons with disabilities (Pager and Karafin 2009). Economists refer to adverse employment outcomes based on group stereotypes as "statistical discrimination" (Arrow 1998).

The tendency to base decisions on stereotypes is particularly strong when, as in typical retail sales hiring, decisions are made quickly—e.g., after brief questions while the applicant is handing in an application or in a job interview lasting less than fifteen minutes. Quick decisions tend to be disproportionately based on first impressions, which, in turn, are heavily influenced by high-salience personal characteristics, such as a mobility disability, in which the interviewer differs from the interviewee (Dougherty, Turban, and Callender 1994; Tsai, Chen, and Chiu 2005). Psychologists apply the label “in-group bias” to the often-unconscious tendency to assess or treat people resembling oneself more favorably than those who are different (Dovidion and Hebl 2005).

Finally, lower-level managers, such as store managers, are seldom rewarded for taking risks or recommending hiring that might prove controversial or costly (Eder and Harris 1999). When surveyed, employers commonly cite fear that persons with disabilities will require costly accommodations and that their presence will cause problems with their fellow employees as reasons for not hiring individuals with disabilities (Hernandez, Keys, and Balcazar 2000; Kaye, Jans, and Jones 2011; Lengnick-Hall, Gaunt, and Brooks 2001). Although these concerns are generally unjustified, they remain highly influential in hiring decisions (Domzal, Houtenville, and Sharma 2008; Unger 2002).

As was discussed earlier in this article, an additional reason that retailers might not hire people with disabilities is the concern that their appearance would not promote the brand image that the retailers wish to project for their brands. For instance, one prominent clothing retailer—Abercrombie and Fitch—was sued for not hiring racial/ethnic minorities and, separately, for not hiring women wearing hijabs. The company’s (unsuccessful) defense in both cases invoked its intent to hire sales employees embodying their clothing line’s sporty, active, “preppy,” and “All American” image (Marcum and Perry 2010).

As in these Abercrombie and Fitch cases, courts have generally not accepted retailers’ arguments that a person with a visible disability cannot meet an essential job function (Stearns and Smith 2008). Moreover, since the 1980s, a number of producers and retailers of fashion products—including Levis, Nike, and Target—have experimented with including persons with visible disabilities in advertising aimed at the general public. The generally favorable consumer response to this advertising suggests that the assumption that sales staff with a disability will discourage fashion sales has little basis in fact (Haller and Ralph 2001).

Despite the absence of factual basis for their discriminatory decisions, a high proportion of the fashion retailers we tested responded to our job seekers with mobility disabilities substantially less well than their paired testing partners. With one primary exception—a test in which a store security guard screamed at a tester in a wheelchair—our job applicants with a disability were treated courteously and with an appearance of helpfulness. Thus, in the absence of the paired testing procedure to document how an equivalently-qualified job applicant without a disability was treated, the discrimination would have remained invisible.

Indeed, testing studies and other research document that the discriminatory nature of their behavior is often invisible even to most perpetrators of the discrimination. As the Abercrombie and Fitch cases illustrate, some retailers operate in a consciously discriminatory manner, through explicit (albeit usually unwritten) policies not to hire persons with certain racial, age, or other personal characteristics. However, in most cases, if hiring officials were asked about their hiring decisions, they would sincerely claim that they had acted fairly and rejected the job applicant with a disability only because these applicants were unable to perform essential job functions. In reality, by the design of our experiment, our job applicants with disabilities were at least as qualified to perform these functions as their testing partners. The persons conducting interviews and making hiring decisions were under-utilizing these job applicants based on biases of which they themselves often were largely unconscious (Banaji and Greenwald 2013). In the convergence of all these circumstances, it is perhaps not surprising that few job offers were made to our testers with disabilities.

Best Practices

What are practical ways that employers can avoid the discriminatory behavior documented in this study? In contrast to the general lack of success of our job applicants with disabilities with most employers, three employers—one department store, one national chain of women’s clothing boutiques, and one national chain selling fashion accessories—offered them jobs. What lessons can be learned from these employers as well as non-discriminatory employers examined in other studies (Bendick, Egan, and Lofhjelm 2001; Bohnet 2016; Brief 2008; Dipboye and Collela 2005)?

The first lesson is the importance of a hiring process that provides job applicants the opportunity to discuss or demonstrate their ability to perform essential job functions. Psychological research has firmly established that the best antidote to discrimination based on stereotypes and in-group bias is concrete information on the actual likely job performance of the individual job applicants being assessed (Bielby 2008; Bohnet 2016). As was reported earlier in this article, the resumes presented by our testers with disabilities described successful retail sales employment prior to their current job search, and the testers were trained to explain and illustrate how they successfully functioned in those jobs. But for that information to be useful, the applicant had to be interviewed, and the most frequent barrier encountered by our testers with disabilities was not progressing to the interview stage. Thus, one characteristic of a bias-minimizing hiring process is that *all* persons who meet minimum standards should be allowed to interview prior to any screening decisions. Judgments about whom to interview based on first impressions are too likely to be biased to be relied on.

When our testers with disabilities were interviewed, most interviewers avoided questions about their ability to perform essential functions of the job, perhaps out of concern that raising any questions about the applicants’ obvious disabilities might seem offensive or might violate anti-discrimination laws. Concurrently, in nearly all cases, our testers without disabilities were also not asked such questions, apparently based on interviewers’ stereotypical assumptions that they could perform satisfactorily. A second characteristic of a bias-minimizing hiring process is that *all* job applicants are asked the same questions, without regard to interviewers’ assumptions as to what their answers will be.

A third characteristic of a bias-minimizing hiring process is that questions posed to job candidates should directly relate to essential job functions. In many job interviews, these questions commonly take the form of asking the applicant to discuss how in the past s/he has successfully performed some job function (e.g., working in a team or handling a dissatisfied customer). For positions such as retail fashion sales, job simulations are also often used to probe actual job performance even more directly than interview questions. For example, one of the hiring processes our testers encountered involved a group interview held at a retail store. The interviewees were assigned to go around the sales floor, assemble two complete outfits (clothing, shoes, and accessories) suitable for that store’s customers, carry the outfits back to the group, and make a sales presentation about each outfit. This exercise took less than an hour for a group of six applicants but allowed every applicant to demonstrate both physical strength and mobility and job-related abilities such as an “eye for fashion” and powers of persuasion.

Of course, for reasons discussed earlier in this article, providing factual information about applicants’ potential job performance does not mean that hiring decision-makers are unbiased in evaluating that information. Thus, a fourth characteristic of a bias-minimizing hiring process is that hiring decision-makers, such as store managers and their supervisors, are trained about bias, both conscious and unconscious, and how the hiring procedures they are asked to follow can assist them to avoid these problems (Banaji and Greenwald 2013; Bendick, Egan, and Lofhjelm 2001).

A fifth characteristic of a bias-minimizing hiring process is that other well-established human-resource management practices are also followed. For example, in most hiring processes our testers encountered, it appeared that decisions were made based on hiring officials’

undocumented overall impression of an applicant. Psychological research has firmly established that decisions based on overall general impressions are more subject to bias than those based on explicit ratings of applicants on specific qualifications, which are then brought together in an overall assessment using explicit weights reflecting each qualification's importance in performing the job. Requiring hiring decision-makers to think through and justify their recommendations in this structured way is neither costly nor time-consuming, but it can be highly effective in reducing hiring bias (Bielby 2008; Eder and Harris 1999).

To be sure, these five practices, by themselves, do not guarantee discrimination-free hiring. In fact, some tests in which testers without disabilities were discriminatorily preferred included some of these practices (e.g., job simulations and job-related interview questions). Thus, a sixth and final characteristic of a bias-minimizing hiring process is that the specific practices and procedures recommended above are embedded within a workplace culture unambiguously committed to non-discrimination.

Formally defined, a workplace culture is the interdependent system of beliefs, values, perceptions, priorities, and behavior that are common to a workplace. Less formally, it is easily recognized as “the way things are done around here” (Bendick 2000). Attitudes toward employment discrimination are one prominent element of this culture. The vast majority of large American employers today state at least a formal commitment to equal employment opportunity, including for persons with disabilities. However, some employers pay only lip service to that commitment, or even consciously contradict it in the employee behavior they tolerate or encourage. Other employers vigorously support that commitment—e.g., through frequent, sincere statements by senior management identifying that commitment as an organizational priority; monitoring employment outcomes on dimensions such as disability, race, gender, and age; rewarding successful performance on this goal in employees' performance appraisals, compensation, and promotions; and severely disciplining employees violating the norm (Bendick, Egan, and Lofhjelm 2001; Jans, Kaye, and Jones 2012; Robert and Harlan 2006; Schur et al. 2009). Only with such support are the specific employment practices designed to protect job seekers with disabilities likely to make a significant difference in hiring outcomes.

Conclusions

This study has documented the prevalence of discrimination against people with one particular type of disability (mobility) in one employment decision (hiring) in one industry (fashion retailing) in one location (New York City). However, there is little reason to expect that the results would differ substantially if similar tests were conducted in other circumstances. Such discrimination remains a key issue that American society has yet to effectively overcome.

Importantly, the study also documents how some employers appear to have successfully addressed these issues. The procedures they have adopted were not complex, expensive, or inconsistent with efficient human resource management. Studies such as this one may encourage additional employers to follow their examples; however, the scope of problems we have documented suggests that aggressive enforcement of anti-discrimination laws remain essential as well.

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