Resolution 2012-01

Regarding Support for the Fair Wages   
for Workers with Disabilities Act of 2011

WHEREAS, since its founding in 1940, the National Federation of the Blind has fought to repeal the unfair, discriminatory, and immoral provision found in Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938, which allows the secretary of labor to grant special wage certificates to employers permitting them to pay their workers with disabilities less than the minimum wage; and

WHEREAS, Section 14(c) of the FLSA is a statutory assertion of the negative attitudes and erroneous stereotypes that perpetuate the unemployment and exacerbate the under-employment of people with disabilities, based on the fallacious argument that they cannot be productive and therefore deserve to be paid less than nondisabled employees; and

WHEREAS, Section 14(c) of the FLSA was to be used only “to the extent necessary to prevent curtailment of opportunities” for employment of people with disabilities, but has instead resulted in the creation of an industry of over 3,000 exploitive work environments for over 300,000 workers with disabilities being paid wages significantly lower than the federal minimum wage; and

WHEREAS, data from the U.S. Department of Labor Wage and Hour Division show that over 90 percent of the special wage certificates are held by nonprofit sheltered workshop employers; and

WHEREAS, these subminimum-wage employers, having a vested financial interest in the continuation of the public and philanthropic subsidies that prop up their subminimum-wage business model, are actively lobbying against the repeal of Section 14(c); and

WHEREAS, to combat the efforts of those that would continue to exploit people with disabilities as second class workers, the members of the National Federation of the Blind will continue to raise public awareness about this issue through boycotts, protests, and educational forums to speak the truth about Section 14(c); and

WHEREAS, the truth is that segregated subminimum-wage work environments are not transitional job-training service providers for workers with disabilities, as shown by data from a U.S. Government Accountability Office report that less than five percent of workers with disabilities transition into mainstream employment; moreover, research conducted by Dr. Robert Cimera of Kent State University shows that work habits learned in a segregated work environment must be unlearned in order for workers with disabilities to become competitively employed; and

WHEREAS, the truth is that the payment of subminimum wages is not an incentive for mainstream employers to hire workers with disabilities; mainstream employers want a productive workforce, and the solution is to provide people with disabilities with the proper training and support to be productive employees; and

WHEREAS, if people are too severely disabled to perform competitive work, our society can still do better for them than condemning them to drudgery day after day earning pennies an hour; and

WHEREAS, the members of the National Federation of the Blind resolved in Convention assembled the seventh day of July, 2011, in the city of Orlando, Florida, to call upon the United States Congress to introduce and pass the Fair Wages for Workers with Disabilities Act of 2011; and

WHEREAS, on October 4, 2011, Congressman Cliff Stearns of Florida introduced H.R. 3086, the Fair Wages for Workers with Disabilities Act of 2011, to phase out the use of special wage certificates over a three-year period and eventually to repeal Section 14(c) of the FLSA; and

WHEREAS, the lead co-sponsor of H.R. 3086, Congressman Tim Bishop of New York, has been joined by eighty additional cosponsors of this landmark piece of disability rights legislation: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind in Convention assembled this fourth day of July, 2012, in the city of Dallas, Texas, that this organization commend Congressman Stearns, Congressman Bishop, and all other cosponsors of H.R. 3086, the Fair Wages for Workers with Disabilities Act, for having the courage, creativity, and belief in the capacity of people with disabilities to advance the legislation; and

BE IT FURTHER RESOLVED that this organization call upon the Education and Workforce Committee of the U.S. House of Representatives to conduct an immediate hearing on H.R. 3086 in order to separate myth from reality and to learn the truth about the employment capacity of people with disabilities; and

BE IT FURTHER RESOLVED that this organization call upon the United States Congress to pass this legislation with all due speed, repealing Section 14(c) of the Fair Labor Standards Act and freeing workers with disabilities from nearly seventy-five years of discriminatory wage practices; and

BE IT FURTHER RESOLVED that we condemn and deplore every entity that continues to exploit people with disabilities through the payment of subminimum wages.