

United States | The zip ties that bind

Is it ever right to pay disabled workers pennies per hour?

It is legal to do so in most American states



PHOTOGRAPH: ARIN YOON

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IN A SMALL building on Hi Hope Lane, Jeffrey Pennington sits at a desk packing ten-piece sets of zip ties. A diagram on a piece of paper helps him count before he drops the ties into a resealable bag and begins again. Mr Pennington, who has Down's syndrome and autism and struggles to speak, once dreamed of waiting tables at Wendy's, a fast-food joint. Today he is one of 77 disabled people working in "the shop" at Creative Enterprises, a Georgia non-profit. Mr Pennington and his co-workers assemble allergy-test and home-repair kits for big companies. Each week Mr Pennington proudly takes home a pay cheque, but after about ten hours' work it amounts to only about \$3.00.

Creative Enterprises is one of over 700 organisations in America with certificates from the federal government allowing them to pay disabled workers less than minimum wage. The size of this workforce is at least 36,000. Their conditions are authorised by Section 14(c) of the Fair Labour Standards Act, a law passed in 1938 to provide employment training for disabled veterans and workers injured in factories or farms. Today these workers—most of whom are intellectually disabled—make hotel beds, do corporate laundry, pack pharmaceutical pill boxes and shred files, among other jobs.

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Because they are paid based on their productivity rather than time worked, some, like Mr Pennington, earn mere cents each hour. Roughly half of those employed in these "sheltered workshops", as they are known, make under \$3.50 an hour, according to a government analysis, or less than half the federal minimum wage.

In December the Department of Labour, then still under Joe Biden's management, proposed a rule that would phase the scheme out over three years. As many as 18 states have already banned sheltered workshops and others, including Georgia, have bills before lawmakers. Since the mid 1990s the number of people in sheltered workshops has dropped from almost a quarter of a million. Behind the push to get rid of the remaining workshops is a country-wide network of activists, who reckon the system violates people's civil rights and defies the Americans with Disabilities Act, which bans discrimination. Although sheltered workshops are supposed to prepare people to go into outside jobs, many workers stay in them for decades. "This is about keeping people with disabilities poor and taking away the dignity of work from them," says Erin Prangle, who campaigns for change on Capitol Hill.

According to Jill Jacobs, the boss of the National Association of Councils on Developmental Disabilities, the organisations that still hold certificates do so because they bolster profits. Barely having to pay for labour, she says,

Leigh McIntosh, who runs Creative Enterprises, sees things very differently, however. She says that many in sheltered workshops simply cannot do a regular job—and most have tried. By her estimation those at Creative are about 15% as productive as standard workers, and it would not be economically viable to pay them a full hourly wage. Each year she places about 40 people from her non-profit in outside jobs. Those who choose to stay, who tend to have much lower abilities, take pride in their work: parents of Creative workers report taking special trips to the bank to deposit pay cheques each Friday. “It makes them feel normal,” one says.

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Indeed, it is the parents of disabled workers who seem most opposed to the advocacy groups. Parents of workers at Creative fear that, if sheltered workshops are banned, their children will lose what little choice and purpose they now have. Mr Pennington’s mother says he loves his job and does not know the difference between \$0.25 and \$25. She feels frustrated by disability activists insisting that someone like her son can do more and ought to be treated like a regular worker. “He has the mental capacity of a kindergartener,” she says as her eyes well with tears. “How could a five-year-old work at Target?” ■

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