



Episode 7: Intersectionality -- Policies and Practices - With Finn Gardiner, Director of Policy and Advocacy at the Autistic People of Color Fund

Voice Over:

Welcome to Let's Get to Work: Reimagining Disability Inclusive Employment Policy, brought to you by the Burton Blatt Institute at Syracuse University. And now here's your host, Michael Morris.

Michael Morris:

Welcome, I'm so happy for so many of you to join us today. This is the podcast series, "Let's Get to Work: Reimagining Disability Inclusive Employment Policy." We bring you guests from the world of government, from nonprofit organizations, researchers and others, that give us their unique perspective on ways to translate the latest trends and thinking to advance employment policy, employment opportunities, and economic and financial health for people with disabilities. I'm so excited today to introduce our guest, Finn Gardiner Gardiner, who is the Director of Policy and Advocacy at the Autistic People of Color Fund. He has a Masters of Public Policy degree from the Heller School for Social Policy and Management at Brandeis University, and a bachelor's degree in sociology from Tufts University. He has a wealth of experience and insights he is going to share with us. Finn Gardiner, it's great to have you here today. And let's just jump right in with some questions. Many of our listeners may not be familiar with the Autistic People of Color Fund. Can you tell us a little bit about the history of the organization and its mission?

Finn Gardiner

The Autistic People of Color Fund was founded by a group of autistic activists, including its primary founder, Lydia XZ Brown, to address some of the systemic racism and ableism that face autistic people of color. And that includes some of the economic disparities that we experience. And so, we started an organization that distributed micro--that distributes micro grants to autistic people of color who are, they may be in need, they may be dealing with unstable housing, they may be dealing with unemployment, they may be dealing with some other financial stressor, or they may just want to work on a project that's important to them. And so, the fund exists to help--to help autistic people of color in their economic development. But that's not all we do. Last year, we started expanding to public policy work as well. So, this year, we released the community policy priorities report, which lays out our goals as an organization, like which policies we want to promote. And so, it included housing, employment, health care, education, and food justice. So today, we're gonna of course, be talking about employment. But I think all those issues kind of tied together, because they're all parts of living and thriving in the community. And so that means being able to go to good schools, it means being able to have a job that gives you meaning in life, and that allows you to support yourself, it means having a roof over your head, and even beyond that just means having a house that's accessible, that you can get move around in, that is safe, and means being able to live and thrive in the community through all the--and, you know, being able to have food on your table--food that works for you, food that's not gonna make you sick, food that works with your sensory needs. So, these are all parts, these are all parts of living, they're all parts of existing in the world as an autistic person of color, without the threats, without the insecurity, without these uncertainties that we currently face.

Michael Morris

You've laid out a lot of issues. Your organization, as you said, offers funding to people with autism of color, you have talked some about the policy and advocacy goals for the organization. And what I particularly appreciate is we don't live in separate quarters in terms of when we talk about employment as a policy goal, it really does connect with health equity, disability justice, for you as an individual who has a life experience related to intersectionality. What does intersectionality mean to you?

Finn Gardiner

Okay, I think that intersectionality means that no social category, whether that's race, gender, sexuality, disability, economic status--none of those things exist in a vacuum. None of those things exist separately from one another. If you're black and disabled, for example, as I am, you're going to experience both racism and ableism. You're not go- -- they're not separate. And like, for example, and often, people will experience overlapping kinds of discrimination. For example, if you're black, you're often thought of as being less capable, less intelligent, less competent, less able to navigate the demands of the workplace. The same goes for people with disabilities, you're thought of as being less capable, less intelligent, less able to navigate the demands of the workplace. That's the case in both situations. And if you're black and disabled, then you're, then you're in a double bind, because you're going to be thought of as doubly less capable, and you're going to have to, and you're going to have to compensate for that. And work about 10 times as hard as the, as the saying goes to be successful in the workplace because of all this prejudice, because of all this discrimination. The effects compound. It's like compound interest--compound discrimination. And if you add gender on top of it, if you're a woman, and you're black and disabled, then you're going to be thought of as even less capable, if you have multiple disabilities, if you're an immigrant. And so, you're going to be dealing with all kinds of stereotyping, and discrimination, because you're dealing with multiple different identities and experiences and kinds of marginalization at once. And so, to read more about intersectionality, I would recommend reading the work of Kimberly Crenshaw, who developed the idea. And she was talking primarily about Black women, but people have extended the concept since then, to refer to people of color with disabilities or LGBTQ people of--who, who have multiple queer identities and so on. So it's been it's been--but yeah, the original idea was about race and gender. But I think that I think that a lot, but I think that the idea has expanded beyond since the idea has extended to other identities and other experiences. And I think that it's a useful framework to understand the experiences of autistic people of color,

Michael Morris

And what you've shared is--really gives our listeners a greater sense about what is intersectionality? How about for your own life experience? How has your life experience shaped your vision and advocacy, you have this very important new position to focus on public policy and advocacy for the Autistic People of Color

Fund? How has your experiences shaped your vision that's going to shape the advocacy in this new role?

Finn Gardiner

Okay, well, I am, you know, an autistic person of color myself, I've dealt with systemic racism. I've dealt with things like educational exclusion, disproportionate discipline, disproportionate discipline in school. I've dealt with unstable housing, I've dealt with food insecurity. I've dealt with anti-LGBTQ discrimination, including for my own family, I've dealt with--I've encountered other forms of adversity as well. And so, my goal in this role is to combat a lot of the things I've experienced through comprehensive policy advocacy. Because there are ways that these problems can be mitigated or, you know, hope, I hope, eliminated, but the very least, mitigated through policies that are inclusive, that take into that take into account the intersections of race and sexuality and gender and disability and everything else that affects people. And because I know a lot of these problems intimately, that positions me well to advocate policies that will support people who have gone through similar things to me and others who have gone through different forms of marginalization but who are also affected and honestly need the support and guidance they need to live fulfilling and happy lives.

Michael Morris

You've been in a number of different positions; you interact with employers. In terms of characterizing where we are today, in terms of employer culture and behavior in the workplace, are we making progress related to not just individuals with disabilities, which is too general a term, but are we making a difference in terms of individuals with disabilities of color in terms of what's going on in the workplace? And I've seen now many employers have hired a lead person with a disability to increase recruitment increase their sensitivity to accommodation and they also have a similar person, but different person responsible for recruitment of people of color. And are we, are we getting to a point where these two areas come together to understand, as you've described so eloquently, intersectionality.

Finn Gardiner

I think we need more disabled people of color during the recruiting and to meet and get hiring more people in general, disabled people of color in general, I think that we have a long way to go. I think there are often cases in which people of color--disabled people of color are often tokens in their organization. I--and

tokenism as a huge problem. There are, and there are often divides, even within each community. For example, there are disability organizations that are overwhelmingly white and do not have many people of color working for them. Or if they do, the people of color are not in senior positions; they do not have organizational power. I've seen this quite a bit. Or there are organizations that are geared toward people of color, but they don't have a lot of knowledge or experience with disability. And I think that a lot of it is that if you—I think the whole principle intersectionality comes in, you're in a double bind. And also, people tend to think that you can only be one thing at one time. Like, if you're here, you're going to be Black. If you're here, you're going to be Asian, if you're here, you're going to be Latinx or indigenous, like, forget about the disability stuff. Or if you are disabled, remember the disability stuff. Forget about your race. Yeah. And it's just frustrating. And we have as I said, before, we, we have a very long way to go. Yes, we have laws in place. Yes, we have other parts like a sensible protections, but in reality, there are still barriers to advancing in our careers or even being hired. God knows how much research I've been doing about disability employment and hiring.

Michael Morris

I know one of the bills your organization is supporting is Senate Bill 630, which was introduced last year by Senator Casey. It's the Disability Employment incentive act. Can you share with our listeners, what changes would occur are being proposed by this bill, to help us understand what you're trying to accomplish?

Finn Gardiner

Okay, so the Disability Employment incentive Act is a way to get employers to hire and retain people who have disabilities in the workplace. And so, it's going to enhance three tax credits that already exist to support employers who hire people with disabilities and create more accessible workplaces. And so, the first credit that is going to be an--that the bill would enhance would be the Work Opportunity Tax Credit. And so, this would increase the tax credit for employers who hire somebody referred to them by a state vocational rehabilitation agency and people who are receiving Social SSI, Supplemental Security Income, and people who are receiving SSDI, Social Security Disability Insurance. And so, this credit would cover 40% of the person's salary for the first year of employment, and then afterward, they would increase that, but they would raise the amount of the salary considered for credit. So, it would be it was originally 6000, but it would be 12,500. And so, they would

raise the maximum tax credit to--from 2400 to \$5,000. And it would also provide a tax credit to any business that keeps the employee for a second year of employment and lets them take a credit on 20% of the worker's salary. The next credit would be the disability access, disability access expenditures tax credit, and this would be available for small businesses that--with gross receipts of less than \$3 million annually or with no more than 60 full time employees. The maximum tax credit is currently 5000 But it would increase it to 10,000. And the final tax credit we the architectural and transportation barrier tax credit, and this would be increased to \$30,000 from \$15,000. This would be used to remove physical barriers and quality in qualified facilities or vehicles. And businesses would also be able to take the expenses to make their telecommunications and online business operations more accessible. This credit has been around since 1976. The current limit is \$15,000 and they would double it if this bill were passed

Michael Morris

Excellent, so multiple approaches and strategies, but the bottom line is the same thing: really to improve opportunity for meaningful work and greater participation in the labor force by individuals with disabilities. Are there other bills on a short list that you are considering or are working on in terms of support?

Finn Gardiner

Okay, so the transformation to Competitive Integrated Employment Act will help move employers away from using the subminimum wage. So, section 14 C under the Fair Labor Standards Act allows employers with certificates to pay workers less than the minimum wage if they are deemed not competitive enough. And so, the subminimum wage devalues the work of people with disabilities. It says "oh, your work, we're going to pay you pennies on the dollar to do this work, and keep you in a sheltered workshop," which is often where this subminimum wage work occurs. Instead of giving you opportunities or real opportunities, and they say it's training, but nobody is actually being trained, nobody is leaving these jobs, they are just stuck there for years. And in this bill, the Secretary of Labor will be will award grants, competitive grants to states and other entities to help employers transition their work by offering competitive integrated employment by paying, by paying workers minimum wage or higher and by helping people disabilities find jobs, whether it's with, whether it's with their former employer or somewhere else. And by providing community participation, wraparound services for people with disabilities and making sure that the services and as well as non-employment services comply with requirements for home and community-based services under

the HCBS rule. So, they want to make--with this new bill--this new bill aims to help integrate people disabilities in the community, including having integrated employment, because the subminimum wage has been around for a while. A lot of organizations use it. There are a lot of--and like there are some of these workshops that pay the sub minimum wage will pay people less, pay people, you know, only a few dollars an hour. And then the CEO makes six figures.

Michael Morris

I think that there are over a dozen states now that have actually outlawed the use of 14C and subminimum wage. So, states are moving in the right direction. This bill you talk about, I think, another one that Senator Casey is leading on, will really, really make a difference to begin to outlaw a 14C, that notion that you can pay people with disabilities as suddenly

Finn Gardiner

This is--this bill is also sponsored by Senator Casey.

Michael Morris

Okay, let me switch a little bit to the center that's behind this podcast. It's funded by the National Institute on Disability Independent Living and Rehabilitation Research. It involves researchers from Harvard, Rutgers and Syracuse Universities at the heart of the research that's being done. It's looking at disability inclusive employment policy; what do you think that term means? What does that term disability inclusive employment policy mean to you? And why is it important to employers, others with disabilities and the economy?

Finn Gardiner

Okay, I think that disability inclusive employment means that if you're a disability, there should be a job for you. There should be somewhere where you can work and thrive. It's important to employers because there are a lot of people with disabilities who are pretty good at what they do. But because of their disability, a lot of employers may not, may, you know, they may write them off. But if employers are educated about disability, if they, if they realize it's important to give disabled workers a chance, then they might have a lot of important assets. I think that it's important to people with disabilities because a lot of us want to work, but our, you

know, our employment rates are dismally low and autistic people have especially low employment rates. I think that having that opportunity to be able to earn a living to be able to do something that means something to us is incredibly important, and to society as well, because integrating people with disabilities allows people--just the general public know "Oh, wait, oh, here's this person I work with. Here's this person that's part of the community," as opposed to "look at all those disabled people who are being kind of kept away." And, I think, segregating people with disabilities sort of engenders fear and suspicion and stereotyping. And so, community integration, including integrated employment, allows people to interact with disabled people and go, "Oh, hey, yeah, that's the person I worked with. This is the person that is part of the community."

Michael Morris

When we think about public policy, you talked about one public policy, 14C subminimum wage, that poses barriers to the economic advancement of people with disabilities. Are there other public policies you would identify that are also particularly holding back people with disabilities of color from really moving ahead economically?

Finn Gardiner

I think a lot of it is more the lack of policies that are protecting us, honestly, because you have the ADA. But you have to litigate to enforce it. Like you can file EEOC, equal opportunity, Equal Employment Opportunity Commission, complaints, but again, you have to file them after the fact. And a lot of people who file the -- I mean, who file these EEOC complaints end up losing their jobs anyway. And, you know, there are very few protections for things like workplace bullying. And there are a lot of ways that people can be discriminated against during the hiring process, without any accountability whatsoever. Because like, they can turn you down at any point, and they'll say, "Oh, we just found somebody who was a better fit" or whatever, and, and, of course, you know, the person who's a better fit is white, not disabled, doesn't have the same marginalization as you, but you'll never find that out. Because you don't see any--like, it's not as though you meet all the candidates that are being hired for that position, so they can--so there's a lot, there's a lack of transparency in the hiring process. And also, there are other policies, for example. For example, things like credit checks. There aren't like--there are some jurisdictions that some employers, not just banks, but some other employers use credit checks. And people of color are more likely to have poor credit. And well,

anybody who encounters economic difficulties is probably more likely to have difficulties with their credit for whatever reason. Some jurisdictions, like New York City, banned the use of credit checks and most employment circumstances. But there are no federal laws against the use of credit scores in hiring. And it is, that's yet another barrier to somebody's success, because let's say somebody lost their job and fell behind on their bills for a few months, because they were looking for work, they were unemployed. And then they're trying to get back into work, and they don't get hired because--or they, or they get hired, but that being hired is contingent on a credit check. And then they fail the credit check, and then the offer is rescinded. That puts the person in an even worse economic state than they were before they were before. And so, there are a lot of policies that mean, the policies that exist to and to enforce inclusion to enforce fair employment, tend to be retroactive, they tend not. They don't catch the problem as it's happening. And there's a lack of transparency. And there are still policies out there that may not deliberately target people of color, but are unfair anyway. And so again, like I think a lot of it is less that there are policies that are directly keeping us out of work. The problem is that there is just a lack of policies, a lack of--a lack of policies, a lack of procedures, a lack of regulations that exist to protect us.

Michael Morris:

You make an interesting point. There's ADA. There's section 504. There, there's a variety of policies from the equal opportunity, Equal Employment Opportunity Commission, EEOC, but you'd like to see stronger enforcement efforts being made, whether it's at the federal or state level. That's what I--is my takeaway. There are a growing number of people with disabilities working from home. Do you think our current laws and policies need to be adjusted? One of the one of the things that I think has really happened due to COVID is an understanding for the first time by employers that they need to be more flexible. And this is actually help people with and without disabilities do their jobs in different ways. It's part of the ADA reasonable accommodations, but not all employers have really understood what that means. Is there more that can be done related to supporting people working from home?

Finn Gardiner

I think so, I think so. I think that there should be, I think that telehealth should be, at least in some kind of rulemaking made, you know, an accommodation like some, some people with disabilities may benefit from working fully remotely. But you know, some workplaces are now insisting that people come into the office more often than not. I feel as though we've kind of stepped back from, you know, the height of the pandemic. And I feel as though we're becoming less accommodating again, and that frustrates me.

Michael Morris

Okay. I know that you're particularly concerned about autistic people of color. I know there are some employers who have really been very intentional about hiring more people with autism. Are there employers, you're familiar with that are setting an example for other employers, in terms of dealing with people who are autistic, and as well getting the view around what you talked about earlier in terms of intersection with race and ethnicity and sexual identity and things of that sort?

Finn Gardiner

From what I know, most of the organizations doing this tend to be in tech. And I haven't heard much about an intersectional or racially inclusive focus from them. And so, I'd like to see more employers in other, in other, in other fields and other areas, supporting autistic workers, I find it frustrating actually, that it's primarily workers in tech and programming or even or something's finance. Mostly, it is primarily tech. Because there's a stereotype of autistic people that we are predominantly, we're predominantly interested in technical or quantitative work, when there are people in the community who have other skills have other skills, that can be good writers, they can be good artists, they can be good, you know, they can be good teachers, they can be, you know, good historians. They don't--it doesn't have to be technical work all the time. But a lot of these organizations, for example, specialist Sterna is probably the best known one they've been around for, you know, about, at least, they've been around for, like 17 years at least. But um, they're mostly technical jobs. I feel as though that ignores the heterogeneity of autistic people's experiences and skills. And I think that it's important for organizations for companies to--if they're gonna be intentionally hiring autistic people, they should be organizations in different fields, not just technical fields. And the input of autistic people is important, including autistic people who are currently

working in different fields. So autistic writers, autistic researchers, autistic artists, and so on, as well as autistic people who are looking for jobs in those fields. And so, it needs their needs, there needs to be an active conversation, there needs to be serious work going on within those organizations, and, and there should be policies to support that as well.

Finn Gardiner

I think having an inclusive workforce allows everyone to feel more connected to the mission of a particular workplace, people are able to feel as though they're part of something they feel part of a community, they feel connected to the people they're working with. And also it reduces the stress you're not going to be people are not going to be going to work, worrying that they're going to be marginalized or pushed away or fired or laid off. Because they're a person with a disability or they're a person of color, or because they experience some other form of marginalization. I've often you know, as, as an autistic employee, as a black employee, you worried that I was going to be, you know, pushed aside because of my race because of my disability. And I've worried that. You know, I've worried that I was somehow being treated as, you know, less important or less skilled than my white or non disabled colleagues. And in an inclusive workplace, I'm not worried about that so much. And I'm just glad that we're able to sit down and focus on the work that we're able to just get things done.

Michael Morris

When we think ahead, maybe looking over the next three to five years, are you optimistic about changes that will occur in business culture, in terms of hiring and, and as you said, in more diverse jobs for people, artistic people of color? And if you're optimistic about what's ahead, what are some of the signs? What are some of the reasons you think things are going to continue to improve?

Finn Gardiner

Okay, well, right now, the jury's out, because although things are, you know, things have improved since, you know, things have improved over the past 20 years or so, we still have a long way to go. So, you know, I'm agnostic right now, I actually don't know, I think that it depends on the national leadership, it depends on the efforts made by Oregon, it's not just ours. Of course, we're a relatively small organization. It depends on the work of larger organizations. It depends on what's going on in the

States. It depends on what's going on among employers, and I feel like we're still dealing with even if you don't take disability into account, we are still dealing with companies that filter out resumes, for sounding to black, or to Asian,

Michael Morris

There's a long way to go. You're not willing to say we're, we've, you know, we're making some progress, but not enough.

Finn Gardiner

Not enough. Not enough. Yeah, that's why I'm doing what I'm doing. Because there is not enough progress. There are still situations like the one I mentioned, there are still people struggling to find work, there are still people who are being just constantly marginalized and isolated. It is depressing and sobering. But I also think that there are opportunities for us to make progress. And I think that that depends on that depends on the movement of different organizations and people to get to move towards success. But I think that we have a long way to go. And I think that it's going to be a rough road. But I think it's worth it. I think that the results are worth it. It's just going I just, I'm not gonna lie, it's not going to be easy.

Michael Morris

Well, let me just end with two last questions. The first is, how can our listeners support the work of the artistic people of color fund? And let me have you answer that. And then I'll close with one final question.

Finn Gardiner

Okay, so the most important thing you can do is to donate to our organization so that we can distribute more money to the people who need it. And the URL is awnnetwork.org/apoc that's awnetwork.org/apoc. And through our fiscal sponsor, the autistic women and non-binary network, please donate so we can help more autistic people of color get the support they need to stay housed, cover the rent, keep themselves supported while they're unemployed, or to help them fulfill their dreams by working on creative projects, or anything else that they may need. And all this money goes to autistic people of color. And we also send out emergency grants for people who are in people who are dealing with homelessness or who

don't have enough money to eat or who are unemployed or otherwise struggling. So please support the autistic people of color fund by going to awnetwork.org/apoc

Michael Morris

Great and with the one last question is you're relatively new to your position a year from now. What do you think you could report on policy goals or policy change that you have been particularly instrumental in moving forward?

Finn Gardiner

I'm hoping that we can get some, I'm hoping that we can make some progress in hiring in particular, we are working on an employment brief that includes research about disability, race and employment include statistics about that. We currently have a survey out in the field for autistic people of color to respond. We've already had about 40 people responding. So that's a good sign. And we plan on using this research to advocate policy change.

Voice Over

Finn, it's been wonderful to have this conversation with you. I really appreciate you taking the time to be part of our podcast series. Let's get to work, reimagining disability inclusive employment policy. I wish you all the best of future success in your policy advocacy. And, again, thank you, you've said many things that I hope will promote change in thinking and change even more importantly, in behavior within the workplace, as well as within employment policy. So, thank you so much.

Finn Gardiner

Thank you for inviting me