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# It's Time to Include Disability in All Corporate Diversity Requirements | Opinion

**TED KENNEDY, JR.** , CO-CHAIR OF THE DISABILITY EQUALITY INDEX

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OPINION

DISABILITY

**W**hen the U.S. Securities and Exchange Commission gave the green light to Nasdaq for its new board diversity reporting initiative, it rightfully included women, racial and ethnic minorities, and LGBTQ+ individuals. But people with disabilities were left out.

As a childhood bone cancer survivor, amputee and disability rights lawyer, I view this decision as the latest snub for the 33 million working-age people with disabilities in corporate America. Several states, including California, Maryland, Illinois and New York, also failed to include disability from board diversity-related requirements for companies headquartered in those states.

Even 31 years after the passage of the Americans with Disabilities Act, systemic bias still has a strong grip. The ADA calls people with disabilities a "discrete and insular minority" that has been subjected to discrimination and unequal treatment. But we are still not viewed akin to other underrepresented minorities like women and people of color. We are still not seen as important enough to

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The argument from Corporate America against including disability in corporate diversity metrics often rests on the lack of data. Companies and regulators routinely say there's not enough data to support the case that people with disabilities can improve financial performance and contribute to good governance. But they can—and do.

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An Accenture report, [Getting to Equal: The Disability Inclusion Advantage](#), found that companies that champion disability initiatives performed better than their peers. On average, over a four-year period, these companies reported 28 percent higher revenue, two times the net income, and 30 percent higher economic profit margin. Total shareholder returns were higher, too. Plus, a more diverse labor force that better reflects the makeup of today's society appeals to younger generations of workers.

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## ISTOCK

The challenge to gathering empirical data around disability is that not enough employees self-disclose their disability at work, and not enough companies measure disability inclusion. Many workers fear "coming out" will hurt their careers due to the stigma surrounding disability. In the latest Disability Equality Index (DEI), of the 319 companies that participated—including 67 Fortune 100s—only 5 percent of employees and 10 percent of senior executives disclosed having a disability.

This is precisely why disability should be included in all corporate diversity requirements. When employees begin to see disability as a strength, they'll be more comfortable working as their authentic selves and asking for the accommodations they need to succeed in their jobs. Businesses then gain more accurate data and can start to benchmark their disability inclusion efforts—and financial performance—against industry peers.

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70 top CEOs have [signed the CEO Letter on Disability Inclusion](#). Many civil rights organizations have also voiced their support, including [The Leadership Conference on Human Rights](#), National LGBT Chamber of Commerce, National Veteran-Owned Business Association, US Black Chamber, United States Hispanic Chamber of Commerce, US Pan Asian American Chamber of Commerce, Women Impacting Public Policy, and Out & Equal.

People with disabilities bring diverse skills and unique perspectives to all levels of a company, including corporate boards. Nasdaq would have done well to take

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occupied by women, Indigenous Peoples, persons with disabilities and members of visible minorities.

Or they could have taken cues from the U.K.'s Financial Conduct Authority, which plans to consider disability in broad new transparency rules and targets for U.K.-listed companies. Or they could have taken a page from the SEC itself, which recently adopted disclosure rules to include human capital management: U.S. public companies are now asked to report material information such as initiatives and statistics relating to diversity and inclusion in their 10-Ks and other filings.

Investors increasingly view diversity and inclusion as a vital component of environmental, social and governance (ESG) investing. The representation of people with disabilities in diversity sits squarely in the "S" of ESG and is rooted in materiality. That's why 30 institutional investors representing \$2.8 trillion signed the Joint Investor Statement on Disability Inclusion, calling on corporate America to take the DEI and report their disability advancement initiatives. Massachusetts and New York also revised the proxy voting guidelines for their public pension funds, vowing to scrutinize boards that are not sufficiently diverse, including people with disabilities.

Seven years ago, Disability:IN and the American Association of People with Disabilities launched the DEI to give companies a tangible way to measure and report on disability inclusion and equality. In light of Nasdaq's decision, the 2022 index will include three new questions to ascertain whether companies are pursuing the nomination of board members with disabilities as well as publicly reporting this information. Disability:IN has also partnered with data solutions firm

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For too long, people with disabilities have been marginalized in employment based on fears, myths and stereotypes around their ability to do well in their jobs. That alone is enough reason to include them in diversity measures. While Nasdaq and others missed an opportunity to hold the torch, the disability community is now tuned in to the fact that they're being excluded again.

There is strength in numbers, and with the right corporate leadership, people with disabilities will have an opportunity to prove they belong in business.

*Ted Kennedy, Jr., is a disability rights lawyer, Co-Chair of the Disability Equality Index and Immediate Past Chair of the American Association of People with Disabilities.*

*The views in this article are the writer's own.*

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## THE DEBATE



### **We Need a More Nuanced Approach To Higher Education in America**

BY JENNIFER FREY

VS

### **Higher Education Is Indispensable and Deeply Meaningful if Done Properly**

BY MICHAEL ROTH



## OPINION



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**PUBLIC SCHOOLS**

## Are Homework-Free, 'Equitable Grading' Schools What Most Parents Want?

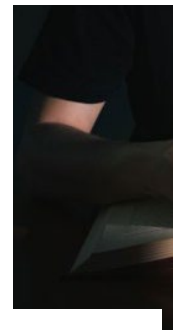
How America teaches, incentivizes and rewards student performance is about to become the biggest education battle in America.



**ENGLAND**

## Christian Teacher Says She Was Fired for Using Student's Wrong Pronouns

The fired teacher, now working in a sandwich shop, has taken legal action against her former employer.



## RON DESANTIS

### Ron DeSantis' War on 'Woke' Targets Holocaust Textbooks

Two high school books have reportedly been rejected by the Florida Department of Education.

## STUDENT LOAN DEBT

### Student Loan Cancellation Update: Biden Admin Forgives 600,000 Loans

The Biden administration will find out this summer if a broader policy forgiving student loans for some 40 million Americans will go into effect.

## CATHOLIC

### Catholic School Board Member Calling Christian Men 'Dangerous' Sparks Anger

A demonstration against a Catholic school board member criticized for "anti-Christian" tweets caused a walkout on Monday.

## SUPREME COURT

### Biden Sent Out Refunds for Student Loans, But Americans Shouldn't Spend It

If the U.S. Supreme Court rules against Biden's plan, Americans would have to pay back their refunds.



## SCHOOLS

### Three Women Leading the Education Revolution in America

In the fight for control over our local schools—who pays and who decides what should and shouldn't be taught—watch what these women are doing.

## HIGHER EDUCATION





## Woman Discovers Her Unopened 'College Fund' From Parents 23 Years Ago

The latest video has amused users online, with several joking that the amount saved in the bucket would be enough to cover "a whole 6 hours of tuition."



### BOOK EXCERPT

## Why Are So Many Women Now Leading Ivies? Thank These Female MIT Scientists

Six out of the eight Ivy League universities will be led by women presidents this fall. Opportunities such as this come as a result of an unparalleled group effort by 16 female members of the MIT faculty to bring about



### Q&A

## Key to Providing Equal Opportunity to Women in the Sciences? 'Look Harder'

Pulitzer-prize winning journalist Kate Zernike tells the story of a group of women scientists who brought change for women, and she discusses the future of equal opportunity for girls and women in the sciences.



### MEGYN KELLY

## Megyn Kelly Blasts Jill Biden Playoff Game Appearance: 'Wannabe'

Megyn Kelly has been accused of being "jealous and petty" for criticizing Dr. Jill Biden as she attended the Eagles-49ers NFL Playoff game.



### POLICE

## Cop Accused of Groping Student Given New Job Investigating Sexual Assault

David Laudon allegedly offered a 20-year-old college student a ride in his cruiser, then "grabbed her breast," according to an incident report.

change.



## KANYE WEST

### Kanye West Seeks Help in Rehousing Students After Donda Academy Closure

"I got about 60 children that have no place to be as they look to transfer," West wrote on Instagram about his school's students as he addressed Ari Emanuel.



## TEACHERS

### 'Why I Quit Teaching': Teachers Tell Stories of Threats, Abuse, Depression

"I had to go to the doctor and he prescribed me talk therapy and antidepressants, all to cope with my daily job," said a former teacher.



## TIKTOK

### 'Pro-Bullying' Trend Blasted on TikTok: 'Pure Evil'

"Why are y'all proud of creating that kind of lasting damage on people?" asked a critic on TikTok. "I would feel eternally ashamed."

## REDDIT



## Parents Stir Debate After Spending Daughter's College Tuition

You laid out what would happen, and it happened," one commenter said about the financial decision that was made.



### ALEC BALDWIN

## Alec Baldwin Says He Planned to Teach in Syracuse Before Marrying Hilaria

"I thought I'd keep my apartment in New York...and then I would come up here and teach film appreciation, or something like that," Baldwin said on Instagram.



### SCHOOL

## Law Student Busted After Etching Notes on Pens to Cheat in Exam

Yolanda De Lucchi told Newsweek the student failed the course and he had to retake it, but that he is "probably a lawyer today."

### SCHOOL SHOOTINGS

## Students, Parents React to



## 'Grueling' Spate of School Shooting Hoaxes

A Woodside High School student in California said the PSAT seemed "boring" until her school was swatted.



### BEAUTY PAGEANTS

## Pageant Judge Slammed For Calling Biracial Little Girl 'A Tad Too Dark'

Charleigh Bullock is biracial in a predominantly white school district, said her mom, Amber Fletcher.



### STUDENTS

## Florida Student-Athletes Are Now Being Asked to Report Their Periods Online

Dr. Chris Koutures told Newsweek that information on students' periods "should not go to the school."

### KANYE WEST

## Video of Children Singing Kanye West's Song at Donda



## Academy Divides Fans

In the clip shared on TikTok, the children were shown performing an adapted rendition of West's 2007 track "Good Morning."

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