

Testimony in Support of Provisions of SF 2934
To Phase Out Disability-Based Subminimum Wages

Monday, March 20, 2023

To Chair Hoffman and Senate Human Services Committee Members:

Thank you very much for holding a hearing on the provisions in SF 2934 to phase out subminimum wage. I strongly support these provisions. Currently, I am a graduate student at the University of Vermont in educational leadership and policy studies, and I work as a graduate research assistant at UVM's Center on Disability and Community Inclusion. I am also a blind person, and I have personal experience with subminimum-wage sheltered workshops. These are dehumanizing environments designed to break and control disabled people, and I am grateful that I escaped. I cannot simply forget about all those people who are, in many ways, just like me, but who are still stuck in subminimum-wage jobs. I came to the University of Vermont because Vermont was the first state to eliminate the payment of subminimum wages over 20 years ago, and Bryan Dague wrote his dissertation, in this same doctoral program, about the closure of the last sheltered workshop in Vermont. I will offer some comments on some major themes in this discussion.

Rural vs. Urban Communities

Vermont is such a small state that we have only one person representing us in the United States House of Representatives. I live in Burlington, the biggest population center, a town of about 43,000 people. Vermont is overwhelmingly rural, and I grew up in a typical, depressed New England Appalachian mill town of 5,000 people. We had no public transportation. People could seek work for the Town, a few farms, a truck stop, one of three gas stations, a FedEx Ground sorting facility, a breakfast-only diner by the train tracks, or the town pizza restaurant. If you could get to the next town over, you could work at a supermarket. Young people, regardless of disability, learn from an early age that seeking gainful employment opportunities will require getting out of town. The economic struggles of rural communities are much bigger than disability-based subminimum wages. Rural communities have our struggles, but we are often tired of being held up as the whipping boy ("Don't hurt him!") when employers in or from the cities want to avoid paying their workers.

Subminimum-Wage Employers Will Not Have to Close

Instead of "if you cannot afford to live on the wages, buy fewer lattes," consider "If you cannot afford to pay your employees, buy fewer yachts." If an employer decides to close after a policy change, that is their decision, not necessarily a direct consequence of the policy change. This is an ordinary scare tactic used over and over by those employers who do not want to pay their workers. Consistently, the trend is that these employers do not close down after being forced to pay a proper wage.

Disabled People Will Not Lose Necessary Services

This is a common threat, but it does not happen. If a sheltered workshop is in the business of providing disability-related services to its employees, it can continue to offer those services. Even if they cease to work in the workshop, they can go spend part of their day working somewhere out in the community and then return to their former place of employment for those services for the other part of the day. The possibilities are endless, and people will choose the combinations of work, leisure, therapy, and other services that are right for them.

Working Hours May Go Down

If someone's working hours go down, this does not imply a reduction in quality of life. A disabled person may choose to spend some of the week working, some of the week taking an exercise class at the local YMCA, some of the week receiving Home and Community Based Services (HCBS) under Medicaid waivers, or really doing whatever it is that is right for them. They can choose what is right for them.

Economic Elements

If wages go up, then there becomes an increased incentive for the employers to make those workers productive. Frequently, in current subminimum wage jobs, workers are being trained for one task until they get good at it, then switched to being trained for another task, and the cycle repeats. It keeps the workers perpetually in training. The purpose of a sheltered workshop is not really to make workers productive; if it were, the workshops would not continuously stir their workers around so that they avoid reaching their productive potential. If the employer needs to pay the workers a minimum wage, then the employer will be more likely to choose to set up the worker for productivity.

Frequently, workers are matched with jobs that showcase how disabled they are, not how competent they are. In real jobs in the competitive market, this is not the trend because employers have an economic incentive to use the employees' strengths to achieve productivity. For example, someone in my family with cerebral palsy was made to strip and wax floors for 65 cents per hour, which required a lot of muscle that he could not control. If you give him a computer, he can be very productive, but that kind of manual labor is not a good match for his body. This is so obvious, but the workshop was not designed to make him productive.

Many sheltered workshops are currently operating like corporate welfare queens. Many of them gobble up government grants, private foundation grants, tax breaks, and government contracts; at the same time, they do not have to pay for the costs of keeping their labor alive. If a worker is making 22 cents per hour, they are not living on that wage. Therefore, someone else is picking up the tab to keep that labor alive, and it is frequently government programs again. Workshops can also get paid just to be giving disabled people a place to go during the day. These are incentives to keep disabled people in the sheltered workshop even if they could otherwise transition to competitive

integrated employment. This means that the subminimum wage sheltered workshops are parasites on government funding.

Mythbusting the Façade of Safety in the Workshop

Many families are under the illusion that their disabled family members are safer in a sheltered workshop than in competitive integrated employment, which is part of why they are so afraid of what will happen if workshops close. The workshops won't need to close, but let me help dismantle the fear in that threat. Instead of thinking that the workers are safer in the workshops, consider the idea that the workers are actually more vulnerable in the workshops than they are in integrated settings. In subminimum wage sheltered workshops, there is a hierarchy where the people on the bottom are disabled people. The lower someone is paid, the less power they have. Disabled workers in a workshop have no voice and very little ability to fight back if someone is abusing them. These work facilities are separated from the rest of society, often in settings like Willy Wonka's Chocolate Factory, where "nobody ever goes in, and nobody ever comes out." In many ways, we are like the Oompa Loompas in these subminimum wage facilities. We are paid in peanuts. If anyone ever does come in to visit, we are expected to put on a nice happy show and look happy, and the tourists are told that we "creatures would never be able to survive outside the workshop on our own." Frequently, these workshops are staffed by people with backgrounds in the criminal justice system, so the key skill set is controlling people. Often, the nondisabled supervisors have no meaningful skill sets for supporting disabled people. Workshops sometimes get dumped on by nursing homes; if they get fired by a nursing home for being abusive, the sheltered workshop will take them. They might be fresh out of jail; I've seen that a lot. It is an opportunity for them to be a supervisor when they otherwise would never be good enough to become one. For those who seek power and control over others, working as a nondisabled supervisor at a subminimum-wage sheltered workshop is a delectable opportunity. If something happens, nobody will ever believe the disabled person over them.

I encourage the Committee to please support these provisions to phase out disability-based subminimum wages without fearing the closure of these workshops. It's not likely, and it also wouldn't be much of a loss.

Thank you,

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