

MARK ADREON: Hello, welcome to a conversation we're going to have about disability rights advocacy and how to ensure those rights are upheld. We have two awesome guests we're having discussion with today, Lynnae Ruttledge former DVR director for Washington State as well as the Rehabilitation services administration commissioner under President Obama and also Lynnae has done lots of work as an advocate internationally for disability rights. We also have with us Deb Cook who is the chair of the Human Rights Commission here in Washington and course Deb as also has lots of experience regarding rehabilitation act, VR services as well as experience. Both of our guests identified as having a disability so they are not only professionals in the field but also have personal understanding of the issues that we're going to talk about.

>>So, first thing I'd like to do is I would like to ask Lynnae what her thoughts are regarding the differences. There is a Rehabilitation Act of 1973 it's been revised and then there's the ADA. These are two major acts for persons with disabilities within its vocational rehabilitation and/or rights. Lynnae, do you want to just give us some ideas in terms of what the differences are between the two and what are the strengths of each as well as how that works in terms of just advocacy process.

LYNNAE RUTTLEDGE: Sure and thanks Mark I really appreciate the opportunity. I think that one of the things we need to step back and think about is that the reason that we even have the a.d.a. and the Rehabilitation Act is that disability as a category was not included in the Civil Rights Act of 1964 so many people in our country and around the world always think about the rights of people and being protected in terms of their civil rights but us as people with disabilities we didn't have those protections until essentially the ada.

>>The Rehabilitation Act is a major piece of legislation that essentially said that if you receive federal financial assistance so if you're an agency that gets federal funds and you have responsibilities as an entity to make sure that you don't discriminate against people with disabilities. And we as people with disabilities had a right to be able to assert those rights if something happened and we weren't being afforded the services that we believe that we should get. The a.d.a. has become the gold standard around the world. There are so many other countries that used the basic tenants in a d a to form their own civil rights laws. So I think that as we look at what does the a.d.a. do, what does the Rehabilitation Act Do, I think that essentially what we continue to say is it gives us the mechanism to and the foundation for nondiscrimination and equal opportunity. So I think those are essentially the reasons why they're important to people with disabilities, the reason why they're important to anyone who has a responsibility under either one of those laws but I think it essentially gives us that equal footing that other protected classes had from the Civil Rights Act of 1964.

MARK ADREON: Thank you Lynnae and again many people will identify the A.D.A. as the most comprehensive civil rights legislation ever enacted by the United States, right in terms of the broad breath of it.

LYNNAE RUTTLEDGE: Especially in, Mark, I appreciate that you say that because remember that a d a so we're now celebrating thirty years of the a d a and it is essentially said here are the areas around which people with disabilities have rights and entities have responsibilities. So it's around employment, it's around state and local government services, it's around public accommodations, commercial facilities, transportation, telecommunications. So as you said it is the broadest piece of legislation that assures that people with disabilities would have rights that they could assert.

MARK ADREON: Thank you. And Deb, so I'm a person with a disability and I've got these rights under the ADA and I'm acting on those rights, I have a right to this, a right that. If I feel like someone discriminated against me because of my disability and I'm just sure of that that's the reason I haven't been provided a service, I've been asked not to come into the restaurant because I have a service animal or something, what do I do? What's my step? Does the Human rights commission step in with that?

DEB COOK: Yes, most definitely. So the Human Rights Commission it's I think extremely unique in our state. Our human rights commission was actually established in 1949 by the state legislature to deal with all kinds of issues around discrimination. In 1973 we passed the legislature passed 9.60 r c w which is the piece of legislation that includes disability civil rights. And so the Human Rights Commission enforces this law against discrimination and the idea is to eliminate and prevent discrimination in Washington State through the fair application of the law, efficient use of resources, and establishing productive partnerships in the community. Some of those partnerships are federal level so in the management of the housing cases for the Housing and Urban Development and we are also involved in employment discrimination cases with EEOC. So basically if you feel that you have been discriminated against on the basis of any number of issues including disability then you can file a complaint with the Human Rights Commission and this may result in a joint filing with an appropriate federal agency. But we do have jurisdiction in the entire state of Washington around issues of employment, housing discrimination, public accommodation, Insurance discrimination and some other activities as well, real estate transactions and credit transactions as well so it's a very broad base of things that are covered under this law.

MARK ADREON: Interesting so then Deb, if I feel I'm being discriminated against in the city of Seattle for example, is it better for me to look at the local Human Rights Commission or the county or go to directly to the state?

DEB COOK: I would go directly to the state human rights commission and for one thing counties don't really have a nondiscrimination law that are you know unique to the county, some do, but you are entitled to be able to file at the state level if the discrimination occurs in the state of Washington. That doesn't mean that other jurisdictions might not be involved or that we might not encourage that but I would definitely file my complaint with the Human Rights Commission. I guess I would say as part of that as well, most in enforcement agencies are underfunded and have a backlog and we do too so our backlog is often about six months and so we opt that if there's any other a conciliatory way to resolve a complaint we in addition to being the enforcers, we also try very hard to be educators. And we want very much for people to learn different patterns and to learn that what they're doing is maybe discriminatory. Especially sometimes under the issue of disability people don't see their actions as discriminatory they just see it as not applicable to them so we try hard to provide education to people so that maybe complaining isn't the only way to resolve an issue. But when it is the best way or when it's the way you choose then I would file with the Human Rights Commission if it's in our jurisdiction.

MARK ADREON: thank you. Lynnae, as we're talking about their complaint process and discrimination and how to creates justice there, in terms of your experience either working with Washington state with the national vocational rehabilitation agencies and or international consulting

>>So what...enforce is sort of the key to making civil rights legislation work so I'm just curious if you have any ideas or concepts around what you feel are really viable and useful enforcement strategies to actually help maintain the rights of people with disabilities?

LYNNAE RUTTLEDGE: Thanks Mark, I think that some of the things that that Deb was talking about around training, around technical assistance, around the ways that we can help people understand the actions that they are taking are perceived to be discriminatory and I think that's one of the ways is to enhance training the technical assistance. And I think that engaging with partners that can litigate so you have in the United States we have the u.s. Department of Justice. They were incredibly helpful with working with the state of Rhode Island and what that ended up resulting in is that a settlement agreement where the state said we are committed to closing sheltered workshops, we are committed to using the strategy of Supported Employment, we are committed to increased employment of people with disabilities. And their numbers have gone up. So the rate of employment of people with disabilities in Rhode Island has a direct relationship to that litigation that happened. In other countries what we see when they write their laws, and they have the best of intentions to have similar legislation to what the A d a says, unfortunately what happens is they don't have enforcement mechanisms and they don't necessarily write in enforcement mechanisms. So enforcement becomes that weakest link in assuring that people with disabilities have their rights protected.

>>The other piece internationally is that we now have the un Convention on the Rights of Persons with Disabilities. The United States has chosen to not yet ratify that but other countries have. And so you have activism that happens in the disability community where they write shadow reports, so they'll read what the government says they have done to further the rights of people with disabilities and then disability related organizations will get together and say yes you've done that but let's think further than that and they really have a way of having people with disabilities have a stronger voice in enforcement as a result. And lastly in other countries they don't have necessarily a right based system. So for many countries they have had a medical model of disability and they really haven't thought in terms of the social model of disability, haven't thought about people with disabilities having rights because that's foreign to the way they think, that's not part of their governing mechanism. So we've tried through organizations here in the United States to work with other countries to help develop that whole approach of disability rights and we've done it where it's recruiting local leaders in local communities and then develop approaches that can work for their culture their communities and their countries. And we're finding that that's incredibly successful because for the first time people with disabilities are becoming empowered to use the laws that they have to be able to make things better for everyone so I think there is a lot to be learned from what's going on around the world but it all comes back to we were the first with the United States with the ADA and that provides the foundation for what you see going on Internationally.

MARK ADREON: you know and then Lynnae, there's a read of a hundred and how many countries have signed on or ratified?

LYNNAE RUTTLEDGE: I haven't kept track of it I know it's more in there like a hundred and seventy but I haven't looked at numbers recently

MARK ADREON: Yeah and I my mind is somewhere of one hundred eighty two I think and it's shameful that the us is not one of those. And then also just to support your efforts is that advocacy is also a foreign concept sometimes in lots of the countries. Though the a.d.a. in the United States was created developed fought for by advocates they learned from the civil rights movement they learned all of those strategies to get attention to get people understand to actually tell the story. My experience in other countries has been that the concept of advocacy has not yet taken hold.

LYNNAE RUTTLEDGE: Right and Mark I think you're right because I think for many countries it is a foreign concept. Many cultures it is built around family it is built around not one individual but a family or a community and to have one person stand up or sit up or raise their hand or raise their voice to say this isn't right is not necessarily respected in some communities and some cultures. So a lot of what we've done with mobility international and with other disability related organizations is to first listen and understand the culture in which that person lives and then help them develop strategies that can be successful in their culture. And what we know from work there has been done a lot of times that's done because of the advocacy of women and their women with disabilities around the world are really the leaders in being able to assure that the people that come behind them their children their communities have a stronger sense of community and a stronger sense of their rights. So I think that you're entirely correct I think that there is a different system and we have to be respectful of those different systems but at the same time at the end of the day people are being discriminated against and it doesn't make any difference if it's here or if it's in Japan or if it's in Uzbekistan, there are people there not being given the rightful place in their communities and we have a responsibility to really grow the leadership skills of people with disabilities around the world to be able to make it a better place.

MARK ADREON: Absolutely. So, Deb, in terms of making the a. d. a a better law, if you have the opportunity say to either change add delete insert anything into that law that you think is missing or that shouldn't be there are there has not fully lived up to it's potential, what would you change, is there anything you would change in the law of the ada?

DEB COOK: Well I'm so glad you asked Mark.

>>You know I think everybody's got something and so I don't think that mine holds any better you know candle than anyone else's but certainly one of the issues that that we have really struggled with in the in the ada has been the fact that when ada was adopted in 1990 we didn't envision the future to be what it is today. And I think especially today that we're now in this pandemic time and all of these things, and you know the fact that we are still struggling with whether or not the ada applies to the Internet and to information technology access is just mind boggling to me. When they told us to stay home and use the Internet to get our groceries, to get our you know banking done, to get our whatever done, those are things that many people with disabilities have been needing to do for years and you know that's not new to too many of us.

>>But the issue of the accessibility of those and whether they need to be accessible and whether they are brick and mortar is one of the things that has been was a promise that was developed out by the Department of Justice was on its way to happening and stopped and I just think that in the current day and age we operate differently than we did in 1990. And of course we do I mean, that any thirty years is going to make those changes and as we're thinking about law we need to take a

page from the we need to take a page from Section 508 of the Rehab Act where the first time they really went through and regulated that act they thought a lot about things like there needs to be a nib on the five key and I remember industry saying well we can fix that we'll just eliminate keys and then you don't have a requirement anymore. And you know that sounded really snide you know, it wasn't really meant to be, it was meant to say hey if you are writing laws that or that specific they're going to become obsolete you know very quickly because things change quickly. So as we patterned laws, one of the things we learned about you know in 508 which is the law that requires the federal government to procure accessible technologies, basically what we learned from that law was you need to write about the concepts you need to write about the outcome and not about prescribing how they should do it, don't tell them you know you need to put a bump on something or you need to make everything this color you need to make it out of this ... say what you need it to be able to do you need people to be able to see it manipulate it understand it those kinds of things and then you have laws or processes that with stand time and can apply as we invent new ideas of doing things but if we really talk only about elevators or we really only talk about doorways we aren't really talking about how our lives go every thirty years. That's the big thing I would change.

MARK ADREON: Yeah and to support that, not only is the technology also an equalizer for people with disabilities in terms of its functioning and doing things perhaps a different pathway of achieving the same result...even in simple things like money for example with no tactile features that's a pretty low tech item money but yet it really takes it out of the hands of some people that are blind or vision for example where they don't know what denomination they have in their hand. It needs to expand not only technology but also to environmental stuff.

>>So. Lynnae, the state of Washington is very supportive the governor is very supportive of the diversity equity inclusion movement in the state and there are training programs being established there are definitions of language has been established for universal language around topics agencies are expecting to provide diversity equity inclusion plan those kinds of things but yet it's still a challenge for people to understand that persons with disabilities are part of that diversity equity and inclusion so I'm curious as to any strategies or do you have any ideas whether disability should always be on a separate track and then d.e.i. issues on track beside or should they be combined?

LYNNAE: And thanks Mark I think that we are in jeopardy of losing our focus if we say we need to be a separate track. I think that too often what ends up happening is that we become minimized and even though the track record is not good in the diversity community of ever thinking or including people with disability and disability rights as a part of diversity I think that's where we need to be and I think that we need to continue to find those champions of those organizations those entities that have successfully included people with disabilities and have them become champions and have them be the leaders that people can look to for how you do it. I think we are not going to run the right path if we say we need to be separate we need to have separate goals we need to have separate strategies we need to have separate reporting systems.

>>Because separate does not mean equal and it does not mean inclusion and so I think if we're serious about building a better world it has to be that we are imbedded with and that definition of diversity and I think It's a huge mountain to climb because I don't think that human resources professionals necessarily embrace that yet and it's not that they don't want to they just have not had any incentives to do that and I think that the more we can get human resource professionals also

and C.E.O.'s to step forward and say we believe in an inclusive environment because it makes us stronger and it is stronger because of the women that work here the people with disabilities that work here, people from various backgrounds work here the more we can get leaders and champions to understand and to speak about the value of diversity including people with disabilities the better we're going to have

MARK ADREON: and you know in part of the challenge and part of the opportunity is the embracing diversity. In the dei movement at least in Washington's in some component parts diversity is the data percentage of this percentage of that in terms of the mix . Inclusion means are they here are they part of. And equity means is it equal. Do they have the same opportunities and also the same chances at opportunities. Right and so equity is actually the goal not diversity right and inclusion is the pathway. So with that broader concept of d.e.i. it's easier to say that the diversity of persons with disabilities is a you're representing a part of a community the inclusion means that you establish a culture that embraces and equity means you give them equal opportunity for advancement or opportunity to achieve and survive and thrive. So that stuff is actually an easy message is just one that has to be harped on over and over again.

LYNNAE RUTTLEDGE: yeah, and it has to be reflected in an agency or an organization's promotional materials and that has to be readily apparent when people go through a work place so that it is inclusive it has to be readily apparent when you're looking at t.v. ads or are you listening to radio ads or if you're on the Internet and you can actually see feel hear or that there is an inclusive environment. It does no good to have the rhetoric if you don't also have that representation.

MARK ADREON: Absolutely. And Debbie on the same topic, it's been a separate track versus the diversity inclusion track, workforce systems, workforce innovation and opportunity act, all of which that are now trying to embrace underserved or fragmented populations. The VR system often has been the counterpart to the workforce system for people with disabilities so what are your thoughts in terms of how you think Washington state is doing in that regard? In other words, moving off the track and into the system of work.

DEB COOK: Yeah I think Washington state has made some good progress in this area in terms of partnerships but I think that kind of actually piggybacking on some of what Lynnae was saying, the thing I kind of wanted to say about some of that too is that and I think it does apply to the workforce system or it does apply to what do we need to fix about the a d a all those different things. I think the thing that's really significant is disability will be Ok and will be part of our culture once everybody understands that disability is really unique among minority groups in that it's and I and I and I don't know who said this to originally I didn't come up with this but it that it has impacted me and that is the idea that disability is the minority group you can join at any time. So we think about people with disabilities as being you know children who are born with a disability or who acquired disability at an early age and they live a life with disability and that you know that's great but really most people with disabilities acquire their disability later and it's as we're talking about baby boomers and that kind of thing.

>>Disability is acquired at a really really rapid rate that our society isn't even dealing with as part of the aging process so when I think about workforce systems or I think about others any other systems I think you know what are these systems doing across the board not not how are they you know

necessarily incorporating of the specialized services of agencies like the division of voc rehab or the developmental disability council or department of services for the blind or you know all the things that might be available to them but how are they thinking in their own sphere about how do we adapt our environment for a changing culture and a changing lifestyle and and I you know we're running out of time for today but I hope that basically we'll be able to kind of continue this part of the conversation into the future because I think it's about that social adaptation the fact that disability at least for the foreseeable future with baby boomers is going to actually become the norm.

MARK ADREON: And just to support that there's if you start looking at disability and the intersectionality of other characteristics such as race gender or gender identity all of these sort of blending that all together and reality is is that applies to people and what they bring into the conversation whoever they are, their authentic self and all their characteristics and inclusion means we include all of you.

LYNNAE RUTTLEDGE: Mark I was saying I'd really like to help us continue to focus on who are the heroes who are the people that I really leading the way and I think that when we started this we talked about the role of activism and I want to remember the words of John Lewis. He said get in good trouble, get in necessary trouble disrupting the status quo is what we need to be about and lastly my other hero is Greta Thunberg because what she says is my disability is my superpower and I think for all of us we need to be able to promote that superpower because that's what's going to carry the day.

MARK ADREON: So I'd like to thank both Deb Cook and Lynnae Rutledge for your wisdom today for your thoughts for your active engagement in conversation and I like to thank our audience for paying attention and I'm hoping someone learned something today they can take with them forward.

This is Mark Adreon signing off.

LYNNAE RUTTLEDGE: Thank you, it was great.

DEB COOK: Yeah!