Universitatea "Babes-Bolyai"
Faculty of Sociology and Social Work

Social and Legal Aspects of Employing Mentally Disabled People in Israel

Abstract

Scientific Supervisor:
Professor Dr. Maria Roth

PhD Student: Yariv Vinzer

2013

Table of Contents

		INTRODUCTION	1
I.		**THEORETICAL PERSPECTIVES**	8
	I.1.	Conceptual Framework	8
	I.1.1.	Political and Social Context of Addressing Mental Disability	8
	I.1.2.	The Right to Work with Dignity	9
	I.2.	Historical, Political, and Social Context of the Development of "Mental Disability"	13
	I.2.1.	Various Definitions of Mental Disability	14
	I.2.2.	Defining Mental Disability	17
	I.2.3.	A Paradigm Shift in Understanding Mental Disability	21
	I.2.4.	Change in Perception: from Retardation to Disability	22
	I.2.5.	Intelligence for Attributing Meaning to Individual Differences	26
	I.2.6.	Some Linguistic Aspects of the Term "Mental Retardation"	30
	I.3.	The Status of Mentally Disabled Individuals in Society	32
	I.3.1.	Philosophical Perspectives	34
	I.3.2.	Cultural Perspectives	34
	I.4.	Work as a Social Resource	36
	I.4.1.	Meaning of Work as a Value in Human Life	36
	I.4.2.	The Role of Work in Human Life	39
	I.5.	The Right to Work – Legal Perspectives	40
	I.5.1.	Legal Right to Work	40
	I.5.3.	Social and Economic Rights	42
	I.6.	Individuals with Disability in the Work Market – Social Perspectives	47
	I.6.1.	Negative Bias towards Mentally Disabled Individuals	47
	I.6.2.	Critical Approaches to the Employment of Individuals with Mental Disabilities	48
	I.6.3.	Exclusion of Mentally Disabled Persons from Society	49
	I.6.4.	The Significance of Employment in the Social Domain	53
	I.6.5.	Practical Perspectives of the Social Exclusion of Individuals with Mental disabilities	55
	I.6.6.	Typology of Attitudes of public policies and services	58

I.7.	Individuals with Disabilities in the Work Market	60
I.7.1.	Comparing Legal and Applied Aspects	60
I.7.2.	Integrating Individuals with Disabilities into the Labor Market: Applied Perspectives	74
I.8.	Barriers to Integration of Individuals with Disabilities into the Work Market – Theoretical Perspectives	88
I.8.1.	Attitudes to Individuals with Mental Disabilities	88
I.9.	Barriers to Integration of Individuals with Disabilities in the Work Market – Empiric Findings	90
I.9.1.	Stigma and Prejudice towards Mental Disability	90
I.9.2.	Employers' Attitudes to Individuals with Mental Disabilities	96
I.9.3.	Approaches to Changing Attitudes towards People with Mental Disabilities	98
I.10	Conclusions on the Conceptual Framework	101
II.	**METHODOLOGY**	102
II.1.	Research Goals	102
II.1.2.	Research Questions	104
II.2.	Research Paradigm	104
II.3.	Qualitative Research	106
II.3.1.	Characteristics of Qualitative Research	106
II.3.2.	Qualitative Research versus Quantitative Research	107
II.3.3.	Considerations in Choosing the Research Paradigm	108
II.4.	Research Design – Social and Legal Aspects of Employing Individuals with Mental Disabilities	110
II.5.	Research Population and Sampling Method	111
II.6.	Research Methods and Research Tools	116
II.6.1.	Documentary Research	116
II.6.2.	Document Analysis – Before the Interviews	116
II.6.3.	The Interview	117
II.6.4.	Semi-Structured Interview	119
II.6.5.	Interview Process	119
II.7.	Data Analysis	120

	II.7.1.	Qualitative Data Analysis	120
	II.7.2.	Content Analysis	121
	II.7.3.	Criteria of Research Quality and Data Collection – Triangulation, Validity, Reliability and Generalizability	122
	II.8.	Researcher's Role and Involvement	127
	II.9.	Ethical Considerations	128
III.		**FINDINGS**	130
		Attitudes to Employment of Individuals with Mental Disabilities in the Israeli Society	130
		Stage I: Analysis of Legal Documents: Legal Aspects of Employing Persons with Intellectual Disabilities in Israel	131
	III. 1.	Findings Emerging from Research Question 1: What is the social legislative structure regarding the employment mentally disabled people in Israel?	131
		Stage 2: Social Aspects of Employing Persons with Mental Disabilities in Israel	134
	III.2.	Findings Emerging from the Research Question 2: What perceptions exist in Israeli society regarding the employment of mentally disabled people?	134
	III.2.1.	Social Aspects	135
		Category 1: Emotional Perception "*For the Heart and for the Soul*"	135
		Category 2: Ideology and Education: "*It all starts with education at Home*"	141
		Category 3: Respect and Appreciation "*Good for B. for Employing Him*"	137
		Category 4: Protection and Guidance – *"You also have to tell him…tell him that he has to be a good boy, and to smile all the time*"	138
		Category 5: Responsibility: "*I am also responsible for --- in the morning, to come to work on time, to do the job*"	139
		Category 6: Resistance and Difficulty: "*There were some elements (employers) here who resisted*"	140
		Category 7: Stereotypes and Prejudice "*And getting those souls,*	141

you know…into his business"
Category 8: Demand for institutional support: "*The State has to care for all its citizens*" 142

Category 9: Economic Burden "*Economically, it is not worthwhile to employ those people*" 143
Category 10: An Egalitarian Approach – "*Persons with mental Disabilities are the same as all other people*" 144

III.2.2. The Theme of Legal Aspects as Perceived by the Informants 145

Category 1: Forced State laws will not help: *"...really not something that can be forced*" 151

Category 2: Respectful Approach: "*Full Egalitarian Employment*" 151

Category 3: Concern for the Future: "*I think their conditions have to be respectable, so that there will be no abuse*" 152

Category 4: Encouragement via incentives: "*They ought to get incentives so that it will be worth their while to employ persons with intellectual disabilities*" 153

III.3. Findings Emerging from Research Question 2.1: What are the difficulties associated with the employment of mentally disabled people? 150

Category 1: Being Normal "*If my child works, it means he is normal*" 151

Category 2: Contributing to Society, "*The environment close to that employer learns to accept those who are different*" 153

Category 3: Employment as a Basic Civic Right to Participate in the Labor Market: *"He lives here, this is his country*" 155

Category 4: Difficulties in the Work Environment, "*The employer has to be very patient and invest a lot of resources*" 156

Category 5: Appearance is like a Stigma "*It is the ---Let's begin with the appearance which is sometimes---- this is the stigma I mentioned. Depends on his level*" 159

Category 6: Difficulties at the Home of the Mentally Disabled, "*Struggles with the family, with the parents, with the environment*" 161

Category 7: A Desperate call for Changes in Society: "*Something strong that will reverberate and cause a change*" 163

Category 8: Dilemma regarding legislation: "*Morally, I should not be saying this, but if people get tax reductions, they will hire them*" 167

III.4. Findings Regarding the Types of Employment of Individuals with Mental Disabilities 170

Category 1: Evaluating /Scaling of Cognitive Capabilities – *Employment varies; we are talking about mild to medium disability*" 171

Category 2: Employment Is Adapted to the Level of Disability "*It depends on the level of disability*" 171

Category 3: Mental Disability Leads to Occupational Disability, "*I cannot place them in a cell phone company next to the software personnel*" 172

Category 4: Employment Depends on Cognitive and Personality Traits, "*How much understanding he/she has of the reality, judgment*?" 173

III.5. Findings Emerging from Research Question 2.2: What are the perceived difficulties associated with employing mentally disabled people? 174

Category 1: Work as a Habit in Life: "*I don't know, I got used to it*" 175

Category 2: Work as a Source of Income, "*I am trying to provide for myself*" 176

Category 3: Work as a Way to Relieve Boredom, "*It is boring at home*" 176

Category 4: Work as a Learning Opportunity, "*You learn more things and it is important*" 177

Category 5: Work as an Opportunity for Making Friends, "*So you get to know them, and slowly they become…eh…your friends*" 177

		Category 6: Total Obedience with Employer, "*I do everything I am told* to do"	178
IV.		**DISCUSSION OF FINDINGS**	180
	IV.1.	Social Perspectives	181
	IV.1.1.	Emotional Perceptions	181
	IV.1.2.	Ideology and Education	182
	IV.1.3.	Appreciation and Respect	183
	IV.1.4.	Protection and Guidance	184
	IV.1.5.	Responsibility and Accountability	185
	IV.1.6.	Resistance and Difficulty	186
	IV.1.7.	Stereotypes and Prejudice	187
	IV.1.8.	Demand for Institutional Support	188
	IV.1.9.	Economic Burden	189
	IV.1.10.	An Egalitarian Approach	190
	IV.2.	Legal Aspects	191
	IV.2.1.	Forced State Laws Will Not Help	191
	IV.2.2.	Respectful Approach	191
	IV.2.3.	Concern for the Future	192
	IV.2.4.	Encouragement via Incentives	194
	IV.3.	Findings Emerging from Interviews with Support System Representatives	195
	IV.3.1.	Being Normal	196
	IV.3.2.	Contributing to Society	197
	IV.3.3.	Employment as a Basic Right to Develop and Contribute	198
	IV.3.4.	Difficulties in the Work Environment	199
	IV.3.5.	Stigma	200
	IV.3.6.	Difficulties at the Home of the Mentally Disabled People	201
	IV. 4.	Call for Change in Society	202
	IV.5.	Dilemma Regarding Legislation	203
	IV.6.	A Scale of Cognitive Capabilities	205
	IV.7.	Employing Mentally Disabled Individuals in Israel	206
V.		**CONCLUSIONS AND RECOMMENDATIONS**	207
	V.1	Factual Conclusions	207
	V.2.	Conceptual Conclusions: from Misperceptions to a Shift of Perceptions	210
	V.2.1.	Law Encouraging the Employment of Individuals with Mental Disabilities	210
	V.2.2.	Law Proposal	212
	V.2.3.	Main Principles of the Proposed Law	213
	V.3.	Practical Implications and Recommendations	214

V.4. Future Research 216
V.5. Research Limitations 216
V.6. Contribution to Knowledge 217
References 219
Appendices 236

List of Figures

Figure 1 Employment of individuals with mental disabilities – Legal and Social Aspects **12**
Figure 2 Qualitative and Quantitiatve Research **107**
Figure 3 Researcher's Role **128**
Figure 4 A Socio-Legal model of employment as emerging from this research: Heart to Heart Model **209**

List of Tables

Table 1 Defining Mental Disability **18**
Table 2 American and Israeli Laws - Comparison **72**
Table 3 Comparison of Qualitative and Quantitative Research Methods **109**
Table 4 Qualitative Multi-Stage Research **110**
Table 5 Research Population Profile: Employers **113**
Table 6 Research Population Profile: Support System **115**
Table 7 Perceptions Regarding the Employment of mentally disabled people– Social Aspects **135**
Table 8 Perceptions Regarding the Employment of mentally disabled people – Legal Aspects **145**
Table 9 Content Analysis – Interviews with Social Workers and Educators **151**
Table 10 Categories Emerging from Content Analysis **175**

List of Appendices

Appendix 1 Semi-structured interview with an employer of mentally disabled person 236
Appendix 2 Interview guide 241
Appendix 3 Mapping of data gathered through the semi-structured interview with employers of mentally disabled people. 244

I. INTRODUCTION

The goal of this research was to examine the origins and existing perceptions, both from legal and social points of view, regarding the employment of individuals with mental disabilities and investigating their effectiveness in light of their empiric implementation. In addition, the research aimed to identify possible failures, which ultimately led to recommendations pertaining to possible channels of action towards employment policy-making in the form of a proposed social-legal model for the employment of individuals with mental disabilities. A gap of knowledge was identified regarding this issue. This work sought to learn and try to improve the bleak reality of a social group whose members were born 'different', not by anyone's choice but that of nature and the reality is bleak indeed.

The goals of this research were:

- To examine the legal aspects of employing mentally disabled people within the Israeli society
- To explore the current shape of the existing perceptions regarding the employment of persons with mental disabilities
- To develop a social-legal model for employing mentally disabled people within work places in Israel

The main research question: **What are the social and legal perceptions pertaining to the employment of mentally disabled in Israel?**

The research approach was a two staged multi-methods qualitative research. Data collection was made via a documentary research, analyzing formal legal documents pertaining to the employment of individuals with disabilities, and conducting semi-structured interviews with employers, clients, social workers, teachers, and parents of individuals with mental disabilities. Content analysis was used to analyze the data.

The findings that emerged from the documentary analysis and the semi-structured interviews show that the employment of individuals with mental disabilities is characterized in conceptual duality, and a spectrum of emotional and ideological attitudes which constitute barriers, expressed in stigma and prejudice on the one hand, and motivators expressed in an emotional need to contribute to society on the other hand. The economic factors of employing individuals with mental disabilities also

present a duality, meaning, they are divided into barriers and motivators. The interaction between the social and legal aspects of employing individuals with mental disabilities, as well as the weakening of barriers and the enhancement of motivators also portray the desired picture of employing individuals with mental disabilities in Israeli workplaces.

These results might point to a need to institutionalize mentally disabled people's employment, both economically, using incentives for employers, and by providing support and guidance, by campaigning their right for work and for their inclusion in society.

Key words: mental disability, employment of mentally disabled people, prejudice, the right to work, work, economics.

Aims and focus of the research

This work is the academic outcome of the establishment of a social movement, where the writer is the initiator and founder, and currently serves as president. The movement, a non-profit organization, was set up 13 years ago and adopts some 2000 children all over Israel. The movement consists of 500 volunteers.

The initiative was inspired by the movement's president's mother who had been a special Education teacher for 35 years. The long-term volunteering activity with persons with mental disabilities has sought to improve their bleak life reality, in the way of enriching their leisure time, along with initiative seeking to remove the invisible, but highly tangible, barrier between persons with disabilities and their social surroundings. Over the years of this volunteering activity, consciousness and insights have intensified regarding the centrality of the labor market as "key player" in the individual's integration into society.

Gap in Knowledge: the Significance of Work in the Life of Persons with Mental Disabilities

We must remember: Despite acknowledging the fact that work contributes to enhancing the quality of life of persons with mental disabilities, the literature presents ample evidence that unemployment rates within this population are far higher than those in the non-disabled population (Fresko, 1996; Rimmerman & Duvdevany, 1999). A statistical survey conducted by the Israeli Ministry of Social Affairs and Social Services estimates that in 2007 there were some 32,000 persons diagnosed as

intellectually disabled. This information means that their ratio in the population is 4.5 people per 1,000 in Israel (Gorbatov & Ben Moshe, 2009).

A non-uniform distribution of the special needs population in position papers produced by government authorities poses difficulties in presenting accurate data regarding the disability categories. Nonetheless, it can be noted that the employment rate of all persons with disabilities was 48% in 2010, and the employment rate of persons with severe disabilities was 32% compared to 75% within the general population (Pepperman, The Department for the Integration of People with Disabilities into the Labor Market, 2011).

The existence of a gap in knowledge in the researched issue is expressed in an updated review written by four researchers of Amsterdam University, which states, among other things, that their literature review reveals that not much had been written about the factors influencing the employment of youngsters with disabilities who enter the work market (Ahterberg, 2009).

This gap in knowledge derives, inter alia, from the fact that the body of knowledge extends to a number of content worlds (social, legal, psychological and so forth), and the issue being multi-disciplinary is an obstacle to gathering and summarizing accumulated knowledge into one theoretical approach.

The gap of knowledge has to be bridged, both because opposite the social convention regarding the existential significance of active integration into the work market, and the size of the special needs population, society has not been able to set up mechanisms which will provide a worthy applicable, comprehensive solution for the researched phenomenon, despite the dynamic progress in all life venues. Moreover, beyond personal and economic damage caused to that population, many of those engaging in the field and decision makers still do not realize the economic potential of the work of persons with disabilities, and the scope of loss of product due to low employment rates and high unemployment rates among persons with disabilities characteristic of that population.

Narrowing the gap in knowledge becomes important in light of Israel joining the OECD in October, 2010, and the fact that Israel cannot reach the level of the 15 world developed countries' product per capita, unless a far reaching change takes place in the employment of persons with disabilities (Pepperman, The Department for the Integration of People with Disabilities into the Labor Market, 2011).

Hence, this problematic employment reality sets a challenge of striving towards developing an applicable legal-social model for increasing the rate of persons with mental disabilities in the Israeli work market.

In the process of writing this thesis, the Central Bureau of Statistics has published new data stating that more than 50% of the persons with severe disabilities aged 45 – 64 (61%) in Israel are unemployed. 56% of the persons with severe disabilities with visual or hearing impairments or those who cannot walk or remember aged 20 – 65 are unemployed in 2011, compared to a 26% unemployment rate in the non-disabled population. According to the Central Bureau of Statistics data 16% of the adults aged 20 and over have some disability.
In the older ages, 45 – 64, unemployment rates are high. But even when mentally disabled persons do work, they experience difficulties as they work for low wages, 40% earning minimum wage. This is also expressed in their feelings – 41% of the workers with severe disabilities believe they earn less than non-disabled persons with the same level of education, whereas only 29% of the non-disabled person who believe that. Disability often causes difficulties in getting an education, which in turn, leads to fewer available jobs. The rate of disabled persons within uneducated persons is higher than among educated persons at all levels. Without an education, then, the rate of unemployment among disabled people in Israel might go even higher.

According to the Central Bureau of Statistics, persons with disabilities suffer more from loneliness and are less happy in their lives than non-disabled persons. 48% of the disabled individuals fee lonely quite often or every once in a while compared with 22% among non-disabled persons. 19% of the severely disabled persons feel they have no one to turn to in times of distress or crisis, whereas only 8% of the non-disabled persons have that feeling. In general, the persons with disabilities are three times dissatisfied with their lives than non-disabled persons (25% compared to 8%).

The basic assumption of the law as an agreed social mechanism which can bring about structural changes unto the work market underlies the development of a inter-disciplinary model. The approach is inspired by critical disability legal studies, connecting critical disability studies and critical legal studies, and examining the basic assumptions of the legal discourse regarding disability and the role of the law in the processes of social structuring of this disability. The outcome of this examination is

enlisting the law to the process of social change, as this approach regards the legal field to be an important scene of change (Mor, 2012).

This ideational outline corresponds the thinking which has developed through years of professional activity together with volunteering activity with persons with mental disabilities, and corresponds to the research hypothesis. Hence, it appears that choosing the critical approach of disability and law as the theoretical framework for the study of the relevant legislation and its empiric outcome, is appropriate.

We will briefly note that the grounds for the critical approach to disability were laid by a group of activists among persons with disabilities in the U.S. and England in the 1970s. In the British activists' group UPIAS, where one of the founders, Michael Oliver, was the first to argue in a way of contrasting the "individual model" and the "social model" of disability, "Disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society." As a result, persons with disabilities constitute an oppressed and excluded group in society in a way that is not necessary. In other words, the alleged social discrimination develops since society is not adjusted to persons with disabilities, who have an inferior image cast upon them by exclusion from the public space; then it is society which turns them into a social burden. This approach stems from separation between the medical impairment and society which places barriers to integration, thus creating disability. Persons identified by society as undesirably different, are labeled, and this labeling intensifies the illegitimate characteristic and erases other components of one's identity. As a result, the worth of those persons who have been labeled decreases and they experience various forms of discrimination and oppression. These definitions are the relative product of power relations, and they change and multiply over time (Oliver, 1990). On the basis of these deliberations and context the goals and aims of the study were outlined.

Research Goals

The goals of this research are:

- ☒ To explore the sources and current shape of the existing perceptions regarding the employment of persons with mental disabilities
- ☒ To examine the legal aspects of employing mentally disabled people within the Israeli society

- ☒ To develop a social-legal model for employing mentally disabled people within work places in Israel

Research Questions

The main research question: **What are the social and legal perspectives pertaining to the employment of mentally disabled in Israel?**
Two secondary research questions are:

- ☒ What is the social legislative structure regarding the employment mentally disabled people in Israel?
- ☒ What perceptions exist in Israeli society regarding the employment of mentally disabled people?
    2.1 How do employers, social workers, parents, and mentally disabled people perceive the employment of mentally disabled people?
    2.2 What are the perceived difficulties associated with employing mentally disabled people?

II. THEORETICAL FRAMEWORK

Since this research engages in the legal and social aspects of the employment of individuals with mental disabilities in Israeli society, the theoretical framework guiding this research included such concepts as the political and social context of mental retardation, the right to work, employing individuals with mental disabilities in workplaces, economic issues involved with the employment of individuals with mental disabilities, changing attitudes, and stigma and prejudice.

1. Political and social context of mental disability

The common definition by the American Association on Mental Retardation (AAMR) refers to individuals with cognitive disabilities as mentally retarded. In 2002, the same association determined that "mental retardation" is a deficiency disability originating before age 18 and is characterized by significant limitations both in intellectual functioning and in adaptive behavior. The fourth edition of the Diagnostic Statistical Manual (DSM) defines "mental retardation" as subaverage intellectual functioning existing concurrently with related limitations in adaptive skill areas such as self-care,

home living, health and safety. To meet the criteria, the disabilities have to manifest before age 18. Mental retardation is then defined in terms of behavioral functioning. The attempts to define different levels of deficiency tend to rely more on measurements, especially on standard IQ tests (Carson, Butcher, Muneka, 1998). This research uses the term 'mental disability' in relation to people having cognitive deficiencies, mainly because this is the term used in educational, social, and legal arenas in Israel.

2. Political and social context of mental disability

The labor market is a key player in the integration of individuals into society. In a nutshell, we will mention Harpaz's assertion (1990) that work has a major role in the life of the individual and occupies a great part of the individual's adult life. In most modern industrialized societies, people spend about a third of their waking hours in their workplaces. A good deal of time in the individual's routine is spent on training and preparation the activity in the workplace and planning how to improve its conditions.

Symbolic meaning is attributed to work in modern western society, beyond its being an economic resource. Work constitutes a significant means of gaining social status, a social network and self esteem. In other words, work is a dimension that has to do with personal independence on the one hand, and social-community belonging on the other hand (Gal, 2004; Jenkins, 1994; Moore, Fiest-Price & Alstone, 2002).

The significance of work for the individual can be divided into three dimensions (1) instrumental dimension whereby people work to guarantee their livelihood and provide for their material needs; (2) the human need dimension according to which a person is characterized by the need to make efforts, study, develop, reach achievements and influence their environment; (3) The need for meaning according to which work casts meaning in human life, shapes the identity of the individual, creates stability and continuity, generates social relationships and provides the individual with a feeling that he or she is part of society's mainstream (Harpaz, 1999; Kroner, 1997). All this is emphasized regarding the significance of the integration of individuals with mental disabilities into the work market, when their functioning is not like that of non-disabled individuals, due to their cognitive disabilities.

3. Employing individuals with mental disabilities in workplaces

Despite the acknowledgement of the significance of work in the advancement of disabled individuals' quality of life, the literature presents ample evidence that the rates of unemployment amongst individuals with mental disabilities are higher than in the general, non-disabled population (Fresko, 1996; Rimmerman & Duvdevany, 1999). A non-uniform distribution of the special needs population in position papers produced by government authorities poses difficulties in presenting accurate data regarding the disability categories, but it can, nonetheless, be noted that the employment rate of all persons with disabilities was 48% in 2010, and the employment rate of persons with severe disabilities was 32% compared to 75% within the general population (Pepperman, The Department for the Integration of People with Disabilities into the Labor Market, 2011). In the light of the significance attributed to work in a person's life, this research seeks to develop a model to enhance employment of mentally disabled people.

4. Economic issues regarding the employment of individuals with mental disabilities

We must remember that the principles of the work market are based on productivity and profitability, tough competition and modern technology and requires high skills (Ram, 1998). Therefore, employers are not interested in taking "risks" and investing in persons with mental disabilities, when they can employ normative workers. The fears of employing persons with mental disabilities focus on the need for intensive training and constant support, and on lack of required skills (Nietupski, 1996). Nevertheless, it was found that employers who integrated persons with mental disabilities, reported satisfaction with their capabilities (Liebster, 2003; Mandler & Gaon, 2003). It appears that the main difficulty is to persuade employers to attempt employing persons with mental difficulties, as once they have had experience, the employers can appreciate their worker's contribution. Employers, who have had contact with persons with disabilities, are inclined to employ them (Mandler & Gaon, 2003), and on the other hand they ought to be economically encouraged to employ individuals with mental disabilities.

5. The Law of Equal Opportunity

In 1998 the Law of Equal Rights for People with Disabilities went into force (herein "the law"). When this law was made, the Law of Equal Opportunity at Work was in force and included a prohibition of discrimination of discrimination based on innate and acquired attributes, but the law did not refer to disabilities. In fact, until 1998, there had been no legal anchor for the prohibition of disability-based discrimination. Disability had indeed constituted grounds for entitlement to social services, but it had not served as grounds for equality claims. The Equal rights for Persons with Disabilities Law of 1998, has been the first legal tool creating an adequate framework for employment discrimination claims of persons with disabilities, and discrimination claims in general (Ofir & Orenstein, 2002). The law's main virtue is that it allows for the conceptualization of persons with disabilities' experiences as prohibited discrimination, and allows for legal action against this discrimination, although it still presents many obstacles on the way to realizing these rights (Rabin Margaliot, 2000).

6. Stigma and Prejudice

Persons with mental disabilities often encounter attitudes of mostly negative generalizations based on misconceptions about them. These types of prejudice cause persons with disabilities to be undesired workers, as their presence in the workplace causes discomfort and negative feelings, due to the fear they need protection or special treatment, or due to misconceptions as per their abilities to perform certain tasks. Their unemployment is considered justified, the work market which is structured in a way that makes it inaccessible to them is taken for granted, and allowances paid to these persons are perceived as a burden on society.

7. Changing attitudes towards individuals with disabilities

The attempt to understand the barriers to the possibility of individuals with disabilities in general and individuals with mental disabilities in particular, to integrate into the work market leads us to one of the key concepts in social psychology's contents – the concept of "attitude". The concept "attitude" pertains to the individuals' relationships with their material and social worlds as well as with themselves and their tendency to positively or negatively appraise people, objects or issues.

A significant "attitude" trait is that an attitude has both a positive and negative social and personal aspects. Sometimes an attitude gives a person a good feeling at the cost of humiliating others or hating minorities. Some attitudes tend to over-generalize

others constitute prejudice, while others yet serve personality needs at the cost of twisting reality. In the course of life, the origin of the attitude is forgotten, and the individual develops his or her own justifications for the attitudes, which are based on previous models. This process works at the development of attitudes to different groups of people, some of whom the person may not even meet (Katz, 1983). That is the process of developing stereotypes and prejudice, which is not based on facts, including attitudes towards individuals with mental disabilities.

Figure 1 proposes a visual representation depicting the theoretical framework and the interaction among the concepts which leads to the research question and the research goals.

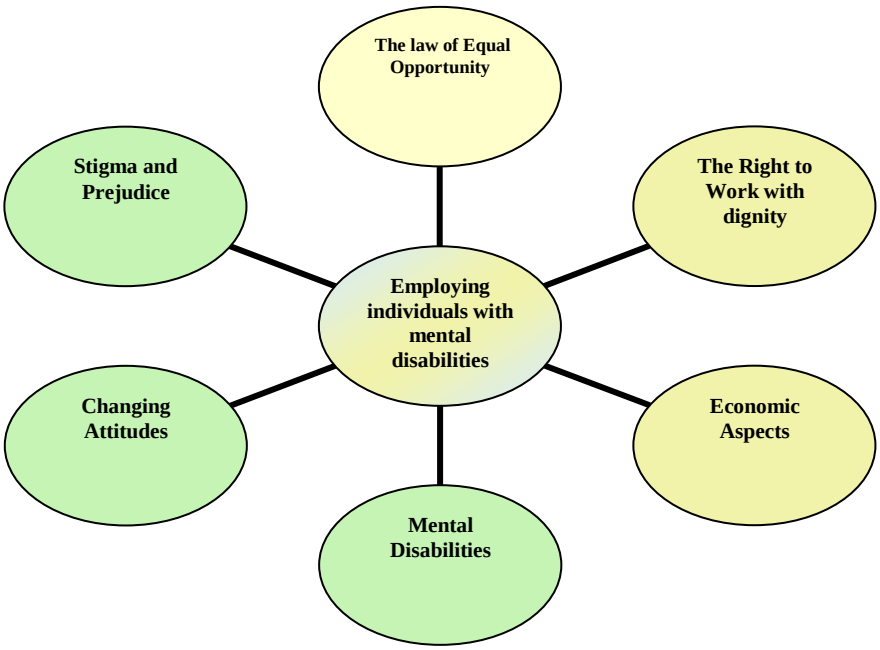

Figure 1: Employment of individuals with mental disabilities – Legal and Social Aspects

This research draws on the premise that each person is entitled to reach a state of self-realization via exercising his/her right to work. Nonetheless, the employment of individuals with mental disabilities in Israeli society is legally associated with the lack of legislation making provisions for the individuals with mental disabilities depend on the benevolence of employers. However, employers regard managing their businesses in terms of economic gain and profitability as the main aspect of the business. The

employment of individuals with mental disabilities also involves difficulties stemming from negative attitudes, stigma and prejudice on the part of the environment. This research's main goal is to develop a legal and social model which will enable individuals with mental disabilities to be employed.

Given that employment is the "key component" in the experience of individuals with mental disabilities' integration into their social environment, the examination of the existing provisions for the employment of individuals with disabilities (emphasizing mental disabilities) and investigating their applicability will lead to recommendations for employment policy-making in the form of a proposed social-legal model for the employment of individuals with mental disabilities, which might meet the terms of the declared policy. In other words, an applied practice based on agreed upon ideational principles, trying to break through the barriers between "intent" and "practice", in a regulative way representing an applicable employment policy for the increase of the number of individuals with mental disabilities who are active in the work market.

III. RESEARCH METHODOLOGY

III.1. Research Paradigm

A multi-staged multiple method qualitative research paradigm was chosen for this research, due to the belief this approach would provide the most appropriate grounds for the investigation of the research topic, to its contents resources and the way to examine them as thoroughly as possible.

Tzabar Ben-Yehoshua (2001) defines "qualitative research" as research with participants, not about them, and maintains it is a suitable research approach when seeking to investigate the perceptions, attitudes and actions of people and reach a profound understanding of phenomena. Richardson (1996) believes this research approach is relevant especially in situations where the investigation of complex issues is called for whose examination in experiment based research summarizing the findings quantitatively will not capture the researched phenomenon, and therefore cannot depict a comprehensive picture of the interpretations underlying it. Creswell (1998) regards qualitative research as a process necessary for understanding human society. By using this research approach, the researcher may construct a clear and complete picture of information gathered in natural surroundings, by means of interviews, reports, observations and more (Manen, 1997; Thyer, 2011).

Since the qualitative research method focuses on understanding the essence and meaning of phenomena, it was believed that we had to combine direct discourse with persons affiliated to the researched phenomenon and the documentary evidence gathered about it when researching a complex reality which consists of persons with special needs, meaning the perceptions in Israeli society regarding the employment of persons with special needs. Hence this is a multi-method qualitative research, as data gathering included documentary research with analysis of formal legal documents pertaining to the employment of persons with mental disabilities, and semi-structured interviews with the employers of persons with mental disabilities in the workplaces, the supportive system, and with mentally disabled people.

III.2. Research Population

Table 1: Research population profile- Employers and employees

Name/Code	Age/Gender	Education	Business Type	Profession	Mentally disabled employees
1	51 female	High School	Office	Insurance consultant	1
2	38 female	M.A.	Office	City Designer	1
3	20 female	B.A	Restaurant	Shift Manager	2
4	40	Accountant	Restaurant	Owner	2
5	54 female	High School	Office	Insurance office manager	1
6	16 female	High school student	Restaurant	Waitress	2
7	53	M.A.	Food Supply	Personnel Manager	3
8	51	High School	Office	Insurance Agent	1
9	50	B.A	Restaurants	Owner	5
10	47	B.A	Real Estate Appraiser	Real Estate Appraiser	Customer
11	37	Special Education School	Restaurant	Waiter	Mentally disabled
12	45	High School	Pizza Place	Chef	5
13	45	High School	Car Protection	Owner	2
14	44	Special Education School	Car Protection	Dismantling and fixing car seats	Mentally disabled
15	29	Special Education School	Car Protection	Maintenance and cleaning	Mentally disabled
16	63	Academic	Electric Company	Logistics Manager	2
17	26 female	M.A. communications	Winery	Marketing Manager	
18	48	Refrigeration technician	Food Supply	Manager	2
19	66	Economics	Electric Company	Personnel Manager	57
20	42	Business Management	Electric Company	Department Manager	5
21	51	Electricity Engineer	Electric Company	Design and Supervising Manager	7
22	52	Logistics	Electric Company	Logistics Manager	4
23	48	Special Education School	Gift Company	Flower Arranger	Mentally disabled
24	54	M.A./ Brigadier General in IDF-	Bank	Personnel Manager	50

		Personnel Manager			
25	53	M.A. Economics	Bank	Department Manager	3
26	33 female	High School	Gift Company	Sales Manager	1
27	40	High School	Gift company and gardening nursery	Owner	30
28	42	High School	Food Storage	General Manager	2
29	35	B.A. Economics and Business Management	Winery	Owner	25
30	48	High School	Food Supply	Owner	2

Table 2: Research Population Profile: Support System

	Name/Code	Age	Gender	Education	Academic Degree
Social Workers	1.	28	**Female**	B.A.	
	2.	52	**Female**	B.A.	
	3.	40	**Male**	B.A.	
	4.	41	**Female**	B.A.	
	5.	31	**Male**	B.A.	Parole Officer
	6.	57	**Female**	Social Work	Ph.D
Educators	1.	46	**Female**	B.A.	
	2.	61	**Male**	B.A.	
	3.	58	**Female**	Education and Social work	Ph.D
	.4	46	**Female**	M.A.	
	5.	52	**Female**	M.A. Education and Social work	
Parents	1.	46	**Female**	M.A.	Nurse
	2.	49	**Male**	B.A.	Economics
	3.	54	**Male**	Economics and Business Administration	Ph.D

The selection of research participants was made in the "purposeful sample" method, which is a "convenience sample" focusing on choosing informants that would best represent the phenomenon under investigation, and can provide insights about the researched phenomenon (Mason, in Shkedi, 2003).

III.3. Research Design and Research Tools

Table 3: A Qualitative Multi-Stage Research Design

	Goal	Source of Information	Type of Knowledge	Research Tools	Research Population
Stage 1: Documentary	Understanding the social and legal context of employing individuals with mental disabilities in Israel	Central Bureau of Statistics	Figures, percentages of individuals with mental disabilities, employment rates	Documents, documentary research	
		Legal-constitutional	Laws and directives	Documentary research	

		structure of the right to work. Analysis of the law pertaining to the employment of individuals with mental disabilities			
Stage 2: Qualitative Research	Describing the perceptions in Israeli society regarding the employment of individuals with mental disabilities	Employers of individuals with mental disabilities in the workplaces Parents and families of individuals with mental disabilities Employed individuals with mental disabilities Support systems – teachers and social workers	Perceptions, attitudes, references, feelings	Semi-structured interviews with employers Semi-structured interviews with social workers, teachers in special education schools, parents of mentally disabled individuals	43 interviewees

Two research tools were used in this research: the first tool is that of documentary research – conducted via analyzing quantitative data which have accumulated over the years and formally published, as well as legal matter and formal reports pertaining to the researched issue, but are exterior to the research. Documentary research apparently engages in the review of overt documents, but via presentation of the quantitative historic data, as well as the researcher's direct interpretation of the data or decision to present specific data, adds a subjective touch to this allegedly objective research tool. This is the research tool which constitutes the "springboard" to the great dive into the deep waters of the qualitative research via semi-structured interviews. Thus, the semi structured interviews with employers of persons with mental disabilities, and with the support system, were based on the findings of the documentary analysis.

The semi-structured interview was chosen as it allows for the expression of insights, thoughts and the opportunity to describe actions which directly pertain to the researched issue. Interviews were conducted in a conversational framework and included questions which touched upon predetermined main themes (See appendix 1). The themes were based on the research question. Nevertheless, the interviews allowed

for flexibility regarding the order of the questions asked and openness to additional issues (Creswell, 2002).

Content analysis was used as a method to analyze the data obtained via the semi-structured interviews, seeking to objectively conclude the social context from the transcribed interviews. Hence, content analysis of the data collected via the semi-structured interviews was conducted according to Kacen and Krummer-Nevo's seven stage model (2010):

1. Holistic reading of the data;
2. Organizing and minimizing the data (initial mapping – See appendix 2);
3. Breaking the data into smaller units of analysis – words, phrases and sentences relating to the research questions, research goals and the theoretical framework;
4. Re-constructing the data and conceptualizing – categories were named;
5. Holistic re-reading of the data and conceptualizing the main theme;
6. Verifying the data – the data were presented to a colleague for validation;
7. Writing

III.4. Researcher's Role

It seems that there is no way to separate the researcher from the research activity and take an objective stand regarding the researched phenomena. The observer is part of that which is being observed, and is inseparable from it. What the observer sees shapes what he or she will define, measure and analyze (Charmaz, 2000 p. 524 in Shkedi, 2011). It is obvious that such a research attitude regarding the nature and level of the researcher's involvement in the experiences of the research subjects raises questions about the level of validity and reliability of the completed research activity.
As far as this research activity is concerned, it appears the researcher is greatly involved in the researched issue due to his volunteering actions and as a legal professional and a president of a social movement seeking to get society closer to persons with mental disabilities. Accordingly, this fact is reflected in the validity of this research.
That is where the concept of triangulation comes in, which Shkedi (2011) regards as a key concept in the understanding of the significance of combining different methods

in the research. Other researchers (Hammersley, 2005; Alpert, 2010 in Shkedi, 2011) emphasize that triangulation of research methods and sources of information may enhance research validity, as in this process, the phenomenon is examined by two research methods. In this research, employing persons with mental disabilities was examined via document analysis and semi-structured interviews.

III.5. Ethical Considerations

The research was conducted according to some principles of research ethics which are common to all research: informed consent was obtained from all the participants, anonymity of the participants, authorization to conduct research and loyalty to the findings, preserving the privacy and safety was maintained, as the qualitative research paradigm, the participants are not research objects, but rather "others" who engage in dialogue with the researcher. All these ethical guidelines were meticulously adhered to.

IV. FINDINGS: Attitudes towards Employment of Persons with Mental Disabilities within the Israeli Society

IV. 1: Findings Emerging from the Documentary Analysis

In order to understand the legal structure relating to the employment of mentally disabled people, two major laws were analyzed, namely, the 1998 Equal Rights for persons with Disabilities Law, and the American Disability Act (A.D.A, 1990). The documentary analysis revealed that the Israeli law does not relate specifically to mentally disabled people, as the law relates to disabilities in general. Moreover, even though there is legislation that institutionalizes employing mentally disabled people, there is no enforcement to this law. Consequently, there is no law that enforces the employment of mentally disabled people. Another finding emerging from the document analysis is that mentally disabled individuals are particularly excluded since there is neither will nor any action taken for the state to narrow social gaps. Since the state of Israel suffices with giving allowances to mentally disabled individuals, and in fact, there is no law that can force their employment, it can be said that the state legislated the employment of intellectually disabled individuals, but has issued no regulations expressing operative application. In summary, the state of Israel perceives intellectually disabled individuals as lower level persons.

IV.2: Findings Emerging from the Semi-Structured Interviews

Content analysis of the data yielded a mixed picture, whereby Israeli society is highly conscious of and sensitive to the rights of persons with disabilities to be employed on the one hand, and the difficulties this employment entails both for employers and employees, on the other hand. It was also found that the perceptions regarding the employment of persons with disabilities involve a high level of emotion, ideology and education, responsibility and awareness of these persons' need of protection and guidance on the one hand, and high awareness of resistance and the economic burdens their employment entails on the other hand. This chapter presents the findings as they arise from the content analysis interviews conducted with employers of persons with intellectual disabilities. First the social aspects will be presented, and they will be followed by the legal aspects.

IV.2.1 Social Aspects

Content analysis of the interviews conducted with employers of persons with intellectual disabilities yielded a major theme including the 10 categories presented in Table 4.

Table 4: Perceptions Regarding the Employment of mentally disabled people– Social Aspects

Theme	**Ambivalence Regarding Employment of** mentally disabled people: **Divided Between the Emotional and the Sensible**	
Categories	1. Emotional Perceptions: ☒ "For the heart and for the soul"	6. Resistance and difficulty ☒ "There were some factors here that resisted"
	2. Ideology and Education ☒ "It is a mission for me" ☒ "Education from home" ☒ "Education from school"	7. Stereotypes and prejudice ☒ "And getting, those souls, you know…into his business"
	3. Respect and appreciation ☒ "Good for B. for employing him."	8. Demand for institutional support ☒ Help and support for the employee with intellectual disabilities ☒ Help and support of the employer
	4. Protection and guidance ☒ "You also have to tell him…tell him that he has to be a good boy, and to smile all the time."	9. Economic burden ☒ "Economically, it is not worthwhile to employ those people"
	5. Responsibility ☒ "I am also responsible for --- in the morning, to come to work on time, to do the job".	10. An egalitarian approach – ☒ Persons with intellectual disabilities are like all people. ☒ "It is important to work, because it also...it also keeps you busy, first of all work

IV.2.2 Legal Aspects

Data gathered via the interviews yielded a mixed picture regarding the employment of persons with intellectual disabilities. On the one hand it appears there is the understanding that employment of persons with intellectual disabilities has to be a anchored in legislation, "*In my opinion this has to be anchored by the legal system*.", but on the other hand, there is the recognition that it is impossible to force employers to hire persons with intellectual disabilities: "*You cannot force it*", for the simple reason that it might lead to negative consequences of abuse and humiliation.

Content analysis of the interviews conducted with employers of persons with intellectual disabilities reveals one major theme including four categories presented below:

Table 5: Perceptions Regarding the Employment of mentally disabled people – Legal Aspects

Theme	**Anchoring in the Legal System - *In my opinion this has to be anchored by the legal system***	
Categories	1. Forced State laws will not help	"*Really not something that can be forced*"
	2. Respectful Approach	"*Full egalitarian employment*"
	3. Concern for the future	☒ Concern for the employed person with intellectual disability, "*I think their conditions have to be respectable, so that there will be no abuse*." ☒ Concern for employers of persons with intellectual disabilities, "*Some government authority which encourages it and guides business owners."*
	4. Encouragement via incentives	"*They ought to get incentives so that it will be worth their while to employ persons with intellectual disabilities."*

V.3. Findings Regarding the Types of Employment of Individuals with Mental Disabilities

Content analysis of the semi-structured interviews with members of the support system, meaning social workers, educators and parents, yielded four major categories pertaining to the types of employment.

1. A scale of cognitive capabilities – "*It varies, we are talking about mild to medium disability*"
2. Employment is adapted to the level of disability "*It depends on the level of disability*."

3. Mental disability leads to occupational disability, "*I cannot place them in a cell phone company next to the software personnel*."
4. Employment depends on cognitive and personality traits, "*How much understanding he/she has of the reality, judgment*."

IV.4: Findings regarding the perceived difficulties associated with employing mentally disabled people

Content analysis was conducted on interviews with four mentally disabled individuals who are employed. The goal of the interviews in this round was to enrich the data collected by adding the perspectives of the mentally disabled individuals, and find their answers to the questions (1) what is the significance of work in the life of mentally disabled individuals in Israeli society? (2) What are the benefits in employing them? (3) What are the difficulties involved in the employment experienced by mentally disabled individuals? (4) What types of work are available for mentally disabled individuals? (5) What are the difficulties arising from being unemployed mentally disabled individuals?

From the four mentally disabled individuals employed in different work places, two are employed as cleaners in a garage, one works in a restaurant as a waiter, and another one works in a gift factory as a flower arranger. Naturally, an interview with mentally disabled individuals is not easy due to their limited vocabulary and verbal expression. The issues associated with interviewing mentally disabled people are presented in the Methodology chapter. Within these limitations, the researcher, who is a criminal lawyer engaging in eliciting information from witnesses, and from his experience as the head of the "Small Heroes" organization, which provides him with daily direct contact with the mentally disabled individuals' population, collected enough information to shed light on the issues underpinning this research. Content analysis revealed a tendency to attribute the highest significance to work as a value in the mentally disabled individuals' life.

Table 6: Six categories emerged from the content analysis regarding the significance of work.

Theme	☒ Mentally Disabled Individuals Attributing the highest Significance to Work	
Categories	1. Work as a habit in life	*"I don't know, I got used to it."*
	2. Work as a source of income	*"Because I am trying to provide for myself."*
	3. Work as a way to relieve boredom	*"It is boring at home."*
	4. Work as a learning opportunity	"*You learn more things and it is important*."
	5. Work as an opportunity for making friends	"*So you get to know them, and slowly they become…eh…your friends*."
	6. Total obedience with employer	"*I do everything I am told to do*."

V. CONCLUSIONS AND RECOMMENDATIONS

V.1. Factual Conclusions

The conclusions drawn from the research based on the discussion of findings reveal that in Israeli society, the employment of individuals with mental disabilities is characterized in conceptual duality, and a spectrum of emotional, rationale decisions, legal measures and ideological attitudes which constitute barriers, expressed in stigma and prejudice on the one hand, and motivators expressed in an emotional need to contribute to society on the other hand. The economic factors of employing individuals with mental disabilities also present a duality, meaning, they are divided into barriers and motivators. The interaction between the social and legal aspects of employing individuals with mental disabilities, as well as the weakening of barriers and the enhancement of motivators also portray the desired picture of employing individuals with mental disabilities in Israeli workplaces, and call for change of policy within Israeli society, as expressed by the model in Figure 2.

The socio-legal model **'Heart to Heart'** in Figure 2 shows that the changes in society pertain to three main aspects, namely, emotional changes, rationale changes and socio-legal changes. The emotional changes mean better acceptance of mentally disabled people in society in general and in the work market in particular. The rationale changes mean providing more occupational and professional training to the mentally disabled workers, and more information and knowledge to the employers about the essence of mental disabilities and about the possibility of mentally disabled people to contribute to their businesses. This will enable reducing prejudice and stigma towards mentally disabled people in the workplace. The socio-legal aspect

means creating better laws that will encourage employers to employ mentally disabled people, and will ensure the latter's assimilation in the workplace by providing institutionalized guidance and support. These changes will enable change in policy to take place in order to increase the rate of employing mentally disabled people in the work market, and turn the mentally disabled from a burden on society to contributing citizens who have equal rights in their execution of their basic right to work.

The legal aspects emerging from this research rely on two major perceptions: tax reductions and grants to those who employ individuals with mental disabilities; guidance and support to the employers and the disabled employees by the system of institutional factors (mostly social workers), who will facilitate the process of the disabled individual in the work environment.

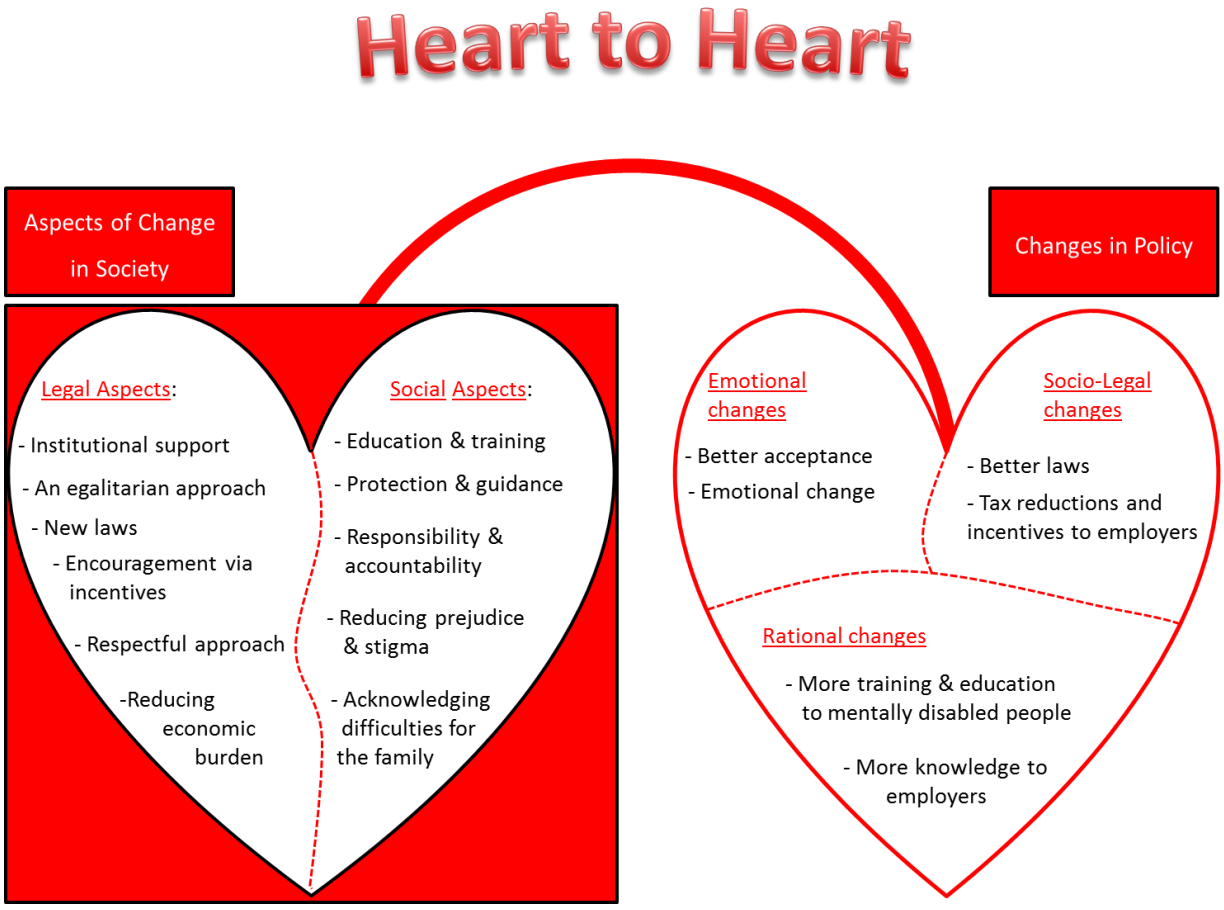

Figure 2: A Socio-Legal model of employment as emerging from this research: Heart to Heart Model

In light of the moral dilemmas revealed regarding the enforcement of employing individuals with mental disabilities via legal means, the conclusion drawn from this research is the need to phrase and shape a law for encouraging the employment of individuals with mental disabilities, seeking to integrate the social aspects arising from this research with the legal and economic aspects, and organize the employment of individuals with mental disabilities. This law will be characterized by sublimate aspects (refining) and regulative (regulating) aspects, which, on the one hand, will moderate the negative aspects of exploiting the silencing of individuals with mental disabilities' voices, and on the other hand, normalize their integration in the work market, via a detailed definition of their rights and duties in the organization that employs them.

V.2. Conceptual Conclusions: from Misperceptions to a Shift of Perceptions

Conceptually, the conclusions emerging from this research point to the need to promote a conscious paradigmatic change regarding the employment of individuals with mental disabilities in society in general and in the workplaces in particular. Thus the Human Dignity and Liberty Basic Law expressed in the right to work and equality before the law regarding any individual's self realization of capabilities. The paradigmatic shift in the perception of mental disabilities suggested by the results of this study adds to the shift in the field of mental retardation offered by Lukasson et al., (1992) and Schalock et al (1994). Namely, the shift occurs from perceiving mental disabilities as an attribute that characterizes an individual into an expression of the interaction between a person with limited intellectual and adaptive abilities with the environment, and from a focus on an individual's deficits into an emphasis on the person's needs. As suggested by this study, mental disability is to be perceived not as a deficit but as a capability that can be treated and developed. Thus, through education, occupational training, care and support, persons with mental disabilities who are employed can turn from a burden on their environment into contributing and equal members of society.

V.2.1. Law Encouraging the Employment of Individuals with Mental Disabilities

According to the proposed law, and based on the research findings, business owners will be able to integrate individuals with mental disabilities in the normative, non-protected work environment, meaning the business and the public sectors. In this way, individuals with mental disabilities will be able to integrate into the general work market and be supported not only by institutional and interested parties such as associations of parents of individuals with mental disabilities, but also by the normative business environment which will absorb the disabled individuals according to their capabilities and skills. From the national and economic perspectives, the state will benefit from additional working hands contributing to the economy, and during their years of work, the mentally disabled individuals will accumulate pension rights which will help their livelihood when they are older, and thus the state will not need to support them with its resources. In this way, the community of individuals with mental disabilities, who have working capabilities, can turn from a dependent population to productive people. In addition, its parasite image will fade away. This change in image may help in strengthening the integration of that population into the normative population and diffuse stigma and prejudice. That is how individuals with mental disabilities can contribute to society according to their own capabilities and get recognition as persons with equal rights in society.

V.2.2. Law Proposal

In light of the moral dilemmas revealed regarding the enforcement of employing individuals with mental disabilities via legal means, **the conclusion drawn from this research** is a law "for encouraging the employment of individuals with mental disabilities", which will integrate the social aspects arising from this research with the legal and economic aspects, and organize the employment of individuals with mental disabilities.

The title of the proposed law: "Law encouraging the integration and advancement of individuals with mental disabilities in employment in the work market and accommodating workplaces for individuals with mental disabilities, 2013"

The need for the proposed law and its goals:

The integration of individuals with mental disabilities into society is a value deriving from the principle of human dignity. Though in the past the prevailing attitude was that individuals with mental disabilities are different and hence have to be treated by separating them from society based on the "separate but equal" principle, today the guiding principle is that the integration of individuals with mental disabilities into society has to be encouraged, and they have to be guaranteed equal rights, thus they are "integrated and equal". According to this approach, the integration of individuals with mental disabilities into the open market may not only improve their economic status, but also constitute a major aspect of their integration into the community in general. This principle was expressed in the Basic Law Social and Economic Rights, 1988, in the State of Israel's signing the United Nations' Convention on the Rights of Persons with Disabilities in 2007, and government decisions such as the decision to set up the public committee for examining the problems of persons with disabilities and their integration into the community, and a committee of ministry directors for encouraging employers to absorb workers with mental disabilities and more.

Based on this approach, the Knesset (the Israeli parliament) made laws and directives such as the minimum wage directive (wages adjusted to the workers with mental disabilities with diminished work capabilities), 2002; Equal rights for individuals with mental disabilities (state participation in the financing of accommodations), 2006; rights of individuals with mental disabilities employed as part of rehabilitation, 2007 – all in order to lead to the promotion of integrating individuals with mental disabilities in either supported employment or free employment. This legislation provides employers with tools seeking to encourage the absorption of workers in the open market, alleviate their absorption, and decrease the expenses involved with the employment of individuals with mental disabilities. However, it appears that these tools alone will not suffice, as the rates of employing individuals with mental disabilities in the free market are still low, although there have been improvements in the domain of employing them.

The proposed law's goal is to increase public awareness and promote a change in employment culture regarding the employment of individuals with mental disabilities in Israeli society via incentives to employers so that they will increase the rates of employing individuals with mental disabilities and improve the conditions of their reemployment in the work places.

The law strives to encourage the design and implementation of long-term organizational programs and mobilizing businesses to the endeavor. The population of individuals with mental disabilities is not uniform, but rather multi-faceted in its functional attributes.

Research points to gaps in employment rates among the different functioning levels. Different explanations for the low rate of mentally disabled individuals' participation in the work market are to be found: limiting the wages of individuals with mental disabilities so as not to harm their allowances from the state; employers' fears and prejudice about individuals with mental disabilities; limited investments in general training for integration into the work market and proper, adjusted job training and so forth. The proposed law seeks to focus on providing the best possible solutions for employers' coping with the absorption and employment of individuals with mental

V.2.3. Main Principles of the Law Proposal

1. Awarding symbols of recognition and financial grants to employers who will prove they have actually made efforts to absorb individuals with mental disabilities, to accommodate the workplace to the disabled worker's characteristics and needs, and that they implement an organizational program seeking to increase the number of individuals with mental disabilities employed in their businesses.
2. Encouraging employers in the private sector to act to the best possible absorption of individuals with mental disabilities to their work places, after examining their activity in the domain according to predefined criteria, via financial grants and certificates;
3. Encouraging public bodies to do their duty and beyond the call of duty regarding the employment of individuals with mental disabilities by publicly acknowledging their activity and awarding certificates of appreciation;
4. Establishing the "public council for the integration and advancement of individuals with mental disabilities in employment in the work market".

V.3. Practical Implications and Recommendations

On the practical level, the recommendation is to promote the employment of mentally disabled individuals by campaigning in Israeli society, including media campaigns about the activities of non-government organizations (NGO) such as the "Little

Heroes" Association. The association's goal is to get the mentally disabled individuals closer to normative society via jeep tours financed by volunteers; Bar-Mizvah ceremonies at the Western Wall, though Jewish tradition negates the idea, as mentally disabled individuals are considered mindless, and hence are not allowed to do it, and volunteer army service. Serving in the army is perceived as participating in the "melting pot" which melts together all the levels of Israeli society. Therefore, serving in the "melting pot", where normative soldiers serve together with individuals with mental disabilities may help diffuse the somewhat demonic image of people with mental disabilities. Moreover, in the end of their military service, "normative" soldiers become part of civilian society when their consciousness has already been shaped, are less deterred of individuals with mental disabilities and their attitudes to civilian issues such as employment will be more positive than their attitudes before the army and before their direct encounter with the disabled individuals. These soldiers, who end their army service, are "ambassadors of good will" for the implementation of the principles of integrating individuals with mental disabilities into normative society. Recruiting the mentally disabled individuals to the army will symbolize the connection Israeli society is willing to create with individuals with mental disabilities, thus conveying a message of full social equality. In this way, the "Little Heroes" will turn the members of Israeli society into "Big Heroes", who have overcome prejudice and barriers and accepted the individuals with mental disabilities into their safe bosom. This requires resources that will allow the ongoing existence of such social movements for the promotion of justice in the State of Israel.

V.4. Future Research

This research recommends two channels of future research activity: one – follow up on the proposed law for encouraging the employment of individuals with mental disabilities; the second channel – in-depth investigation of the attitude of the social and business environment attitude toward employers who have employees with mental disabilities. The insights reached may lead to the design of additional employment mechanisms that will suit the integration of individuals with mental disabilities into the general work market.

V.5. Research Limitations

This research had a number of limitations as detailed below. The first limitation pertains to qualitative research which is subjective and interpretive, and therefore,

doubts may arise as to the reliability of findings. However, qualitative research is characterized by high validity and does not presume reliability (Shkedi 2005). Furthermore, the interpretation of findings is indeed subjective due to the researcher being a lawyer researching the field of his expertise. Nevertheless, this profound acquaintance with the filed provided the researcher with tools which allowed for the interpretation in the broad context of the researcher's activity, and hence enhanced the strength of the findings emerging from the research.

An additional limitation is the use of semi-structured interviews to collect data. This tool may create "social desirability" according to which the interviewee is influenced by the researcher and may create bias. However, the researcher used the means recommended by Robson (1993) to minimize the researcher's influence on the participants by not responding to their statements with judgment, thus contributing to minimizing social desirability.

Another limitation has to do with using the data collected from individuals with mental disabilities. Nevertheless, the researcher followed the rules of ethics requiring the participants to sign an "informed consent" and in this case, the forms were signed by both the disabled individuals and their legal guardians. As can be seen in research population profile, all disabled individuals are legally adults. The questions were asked in a relaxed, non-threatening atmosphere and in a familiar environment, so it can be argued that there was no coercion. The last limitation had to do with generalization. Indeed qualitative research cannot claim to generalize to other populations, but the use of "case study" in this research allows for theoretical generalization from one context to a similar context, and it is up to the reader to decide.

V.6. Contribution to Knowledge

The research contributed to knowledge by filling the gap in knowledge in the domain of evaluating social perceptions and legal aspects in the issue of employing mentally disabled individuals in workplaces in Israeli society.

Theoretically, a paradigmatic change has been proposed as a model for employing individuals with mental disabilities in the workplaces. This model can serve as theoretical grounds integrating social and legal aspects in addition to the existing body of knowledge, in addition to refuting the common opinion that employing individuals with mental disabilities may damage the business activity and deter clients. Moreover,

this research has shown the opposite to be true. The employment of mentally disabled individuals receives positive attitudes from the social environment, complimenting the employers for it.

The innovativeness which can be attributed to this research lies in the fact this is an original research. No similar studies were found in the field. From the legal perspective, it is possible that the proposed law for encouraging the employment of individuals with mental disabilities seeks to exist under the umbrella of the Human dignity and Liberty Basic Law, along with the "equality law". Thus, the contribution of this research expands the application of the equality law to individuals with mental disabilities. The literature reviewed in this research shows that the population of individuals with mental disabilities is often excluded to some extent. The existing laws are oriented towards individuals with specific disabilities, but individuals with mental disabilities are not specifically mentioned.

Practically, the proposed law may arrange for the absorption of individuals with mental disabilities in the workplaces, the help required from the institutions and formal bodies and the economic infrastructure which will allow for balanced business management in the State of Israel.

A change in the policy of employing individuals with mental disabilities is expressed in allocating resources for the encouragement of voluntary associations such as "Little Heroes" acting within the normative population to get society closer to the world of individuals with mental disabilities.

References

Achterberg, T. J., Wind, H., De Boer, A., & Frings-Dresen, M. H. W. (2009). Factors that promote or hinder young disabled people in work participation: A systematic review. *Journal of Occupational Rehabilitation, 19*(2), 129-141.

Alfasi, M. (2011). *Persons with Mental disabilities in Israel in the Last Decade – A Statistical Profile: socio Demographic and Occupational Characteristics*. Jerusalem: Ministry of Industry, Trade and Labor (In Hebrew)

Bauer, M. and Gaskell, G. (1999). Towards a paradigm for research on social representations. *Journal for the Theory of Social Behavior , 29*(2).

Carson R. C., Butcher J. N., Mineka, S. (1998). *Abnormal Psychology and Modern Life* (10th ed.), N.Y., Harper Collins.

Creswell, J. W. (1998). *Qualitative Inquiry and Research Design Choosing Among Five Traditions*. Thousand Oaks, CA: Sage Publications.

Creswell, J. (2002). *Educational research: Planning, conducting, and evaluating quantitative and qualitative research*. Upper Saddle River, NJ: Merrill Prentice Hall.

Denzin, N. and Lincoln, Y. (Eds) (1994), *Handbook of Qualitative Research*, Thousand Oaks (Calif), Sage Publication.

Drysdale, E., Jahoda, A., Campbell, E. (2009). Investigating spontaneous attributions in mothers of individuals with intellectual disabilities and self-injurious behaviour. *British Journal of Learning Disabilities*, 37, 3, 197-206.
Ferrari, L., Nota, L., Solberg, V. S. H & Salvatore, S. (2007). Career search self - efficacy, family support, and Career Indecision with Italian youth. *Journal of Career Assessment*, 15(2), 181-193.

Hahn, H., & Hegamin, A. P. (2001). Assessing scientific meaning of disability. *Journal of Disability Policy Studies*, 12, 114–121.
Harpaz, I. (1990). The importance of work goals: An international perspective. *Journal of International Business Studies*, 21(1): 75-9.

Harpaz, I. (1999).The transformation of work values in Israel: Stability and change over time. *Monthly Labor Review*.

Gal, R. (2001). The Association between Age of Placement and the Performance of Persons with Mental Disabilities and the type of framework that suits them: http://www.pigur.co.il/links/maagar/pakid9.htm

Gorbatov, R. & ben Moshe, A. (2009). Persons with Mental Disability – Statistical Review. Jerusalem, Ministry of social Affairs and Social Services (In Hebrew).

Jenkins, R. (1994). 'Us' and 'them' – ethnicity, racism, ideology', in R. Barot (ed.), *Racism and the Social Order*. London: Edwin Mellor Press.

Kincheloe, J. L. (2001). *Describing the Bricolage: Conceptualizing A New Rigor in Qualitative Research Qualitative Inquiry*, Volume 7 Number 6, Sage Publications.

Kroner, Y. (1997). Violating the rights of adolescents in economic distress in the labor market. In: Gal, G. (Ed). Poor Children in Israel. Multi-disciplinary Review. Jerusalem. The Israel National Council for the child (In Hebrew)

Libster, Y. (2003). *Persons with Mental Disabilities in the Work Market and the role of Occupational Therapy in their Integration*. Integrative Seminar, Jerusalem: Hebrew University (In Hebrew)
Linton, S. (1998). *Claiming Disability: Knowledge and Identity*, New York and London: New York University Press.

Luckasson, R., Borthwick-Duffy, S., Buntinx, W. H. E., Coulter, D. L., Craig, E. M., Reeve, A., Schalock, R. L., Snell, M. E., Spitalnik, D. M., Spreat, S., & Tassé, M. J. (2002). *Mental Retardation: Definition, Classification, and Systems of Supports* (10th Edition). Washington, DC: American Association on Mental Retardation.

Mandler, D. & Gaon, D. (2003). *Evaluation of a Supported Employment Program Implemented by Jerusalem ELWYN for People with Mental Retardation*. Jerusalem: Joint: Brookdale Institute (In Hebrew)

Marshall, C. & Rossman, G. (1989). *Designing Qualitative Research*. Newbury Park: Sage Publications

Maykut, P. & Morehouse, R. (1994). *Beginning Qualitative Research - A Philosophic and Practical Guide.* London: Falmer Press.

Moore, C., Feist-Price, S., & Alston, R. (2002). VR services for persons with severe/profoundmental retardation: Does race matter? *Rehabilitation Counseling Bulletin 45*(3), 162-167.

Moore, C. L., Fiest- Price, S., & Alston, R. J. (2002). Competitive employment and mental retardation; Interplay among gender, race, secondary psychiatric disability and rehabilitation services. *Journal of Rehabilitation*, 68(1), 14-19.

Mor, S. (2008). Towards radicalization of the general disability allowance. In: Mondalak, G. Eisenstadt, M. (Eds.) *Empowerment in the Law*. Tel Aviv: Ramot (In Hebrew).

Mor, S. (2012). Equal rights for people with employment limitations – from fixing the individual to fixing society. *Iyunei Mishpat*, 35 – Tel Aviv University (In Hebrew)

Nietupski, J. (1996). Employer perceptions of the benefits and concerns of supported employment. *Journal of Education and Training in Mental Retardation and Developmental Disabilities*.

Ofir, A. Orenstein, D. (2001). Rights of Children with Disabilities Law, 1998: Emancipation in the end of the 20th Century. In: Barak, A. Adler, S. Ben-Israel, R. Eliasof et. al. Sefer Menachem Goldberg, Tel Aviv, Sadan (In Hebrew)

Oliver, M. (1990). *The Politics of Disablement*. London: MacMillan.

Rabin Margaliot, S. (2000). Who is harassed by sexual harassment at work? Tel Aviv: *Annual Book of Law at Work*, 7, 155 (In Hebrew)

Ram, A. (1998). *Supported Employment and Protected Employment for Persons with Autism*. Tel Aviv, ALUT, the Israeli Society for Autistic Children www.alut.org.il (In Hebrew)

Rimmerman, A., & Duvdevany, I. (1996). Parents of children and adolescents with severe mental retardation: Stress, family resources, normalization, and their application for out- of-home placement. *Research in Developmental Disabilities*, 17(6), 487-494.

Schalock, R. L. *(*2004*).* The concept of quality of life: what we know and do not know. J Intellect Disabil Res, 48: 203–16

Seidman, I. E. (1991). Interviewing as Qualitative Research: A Guide for Researchers in Education and the Social Sciences. New York: Teachers College Press.

Shkedi, A. (2003). Words of Meaning. Qualitative Research – Theory and Practice. Tel Aviv: Ramot Publications, Tel Aviv University (In Hebrew).

Shlasky, S. and Alpert, B. (2007). From breaking up rality to constructing it as a text. Ways of Writing Qualitative Research. Tel-Aviv: Klil (In Hebrew)

Thyer, B. A. (2001). Introductory principles of social work research. In: Thyer B, editor. *Handbook of social work research methods*. Thousand Oaks, CA: Sage Publications, 1–24.

Tzbar Ben-Yehoshua, N. (2001). *Genres and Traditions in Qualitative Research.* Lod: Dvir (In Hebrew).

Tzabar Ben-Yehoshua, N. (1990). The Qualitative Research in Teaching and Learning. Givatayim: Masada. (Hebrew).

NAGI, S. Z. (1979). The concept and measurement of disability, pp. 1 - 15, in E. D. Berkowitz (ed.), *Disability, Policies and Government Programs*. New York: Praeger.

Van Manen, M. (1997). *Researching the Lived Experience: Human Science for an Action Sensitive Pedagogy*, University of Western Ontario, London, Canada

Waters, L. E., & Moore, K. A. (2002). Reducing latent deprivation during unemployment: The role of meaningful leisure activity. *Journal of Occupational and Organizational Psychology*, 75, 15-32

Wehmeyer, M. L. (1994). Employment status and perceptions of control of adults with cognitive and development disabilities. *Research in Developmental Disabilities*, 15:2, 119-131.

Wolfensberger, W. (1983). Social role valorization: a proposed new term for the principle of normalization. *Mental Retardation*, 21(6), 234-239.

Appendix 1: Semi-structured interview with employers of persons with mental disabilities:

1. Personal information:
   Name, age, gender, education, profession, place of residence, place of business, filed of business, number of employees in the business, number of employees with mental disabilities.
2. How long has the business existed?
3. How long ago did you decide to employ persons with mental disabilities?
4. What made you employ persons with mental disabilities in your business (personal motivation, ideological, cultural, social or business reasons)
5. What in your opinion may deter employers from employing persons with mental disabilities?
6. What can encourage more employers to act like you?

7. What do you think has to happen in Israeli society so that more employers will act like you?
8. Do you believe the state can force employers to employ persons with mental disabilities? Why?
9. Do you believe the state ought to intervene in this process?
10. How do you propose the state should intervene in this process?

Semi-structured interview with colleagues of persons with mental disabilities:

1. How do you feel about employing persons with mental disabilities?
2. What is your background?
3. Is this the first time you encountered a person with mental disabilities?
4. Were you partners in the decisions to employ persons with mental disabilities?
5. What bothered you?
6. How did you accept it?
7. If you open your own business, would you like to employ persons with mental disabilities? Why?
8. What do you think has to happen in Israeli society so that more employers will employ persons with mental disabilities?
9. Do you believe the state should force employers to employ persons with mental disabilities? Why?
10. Do you believe the state ought to intervene in this process?
11. How do you propose the state should intervene in this process?