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Day 11: Subminimum Wage & Sheltered Workshops

Congress enacted the Fair Labor Standards Act in 1938 as part of the New Deal; one of the Act's provisions, Section 14 (c), grants special certificates allowing for the employment of workers with disabilities below the federal minimum wage.

Many employers operating under 14(c) have historically employed people with disabilities in segregated work centers commonly referred to as sheltered workshops. This creates a situation where the employer profits from paying sub-minimum wages to their employees with disabilities. Some states have prohibited the practice of subminimum wages and sheltered workshops altogether; however as of 2020, 46 states and the District of Columbia continue to allow 14(c) certificates. The U.S. Commission on Civil Rights revealed that in 2017 and 2018, the average wage of a person with a disability working under a 14(c) certificate was \$3.34 per hour and the average number of hours worked was 16 hours per week, making the average wage just \$53.44 per week.

Employment First is a state and national movement to help individuals with disabilities realize their fullest employment potential through the achievement of individual, competitive and integrated employment outcomes. Employment First in Michigan has established guidelines to help move the state to community-based and integrated employment by using executive orders and passing legislation.



[Image description: Title: "States with Current or Pending 14(c) Certificates and States Phasing out 14(c)." Map of United States highlighting those states with no 14(c) certificates: Maine, New Hampshire, Vermont and Rhode Island; and those which are phasing out 14(c) certificates: Oregon, Alaska and Texas. Source: US Dept. of Labor Data as of January 1, 2020.]

Learn More

Read:

- What is subminimum wage?: <https://www.zenefits.com/workest/what-is-subminimum-wage/>
- New Push Underway to Eliminate Subminimum Wage: <https://www.disabilityscoop.com/2021/04/16/new-push-underway-to-eliminate-subminimumwage/29295/>
- Many people with disabilities are paid just pennies. Build Back Better could help end that: <https://19thnews.org/2021/12/subminimum-wage-people-with-disabilities/>

Watch:

- Bottom Dollars – Chapter 1: <https://rootedinrights.org/bottom-dollars/>

Listen:

- State of Rights: Subminimum Wage (transcript available): <https://www.youtube.com/watch?v=JB-uamizTwA>

Discussion:

- Why do you think Section 14(c) is still legal in the United States?
- Do you think equal pay is a human rights issue? Why or why not?

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