

Balancing “Invisible” Disabilities Safely with Visible Advocacy

By: Sam R. Martinez

20 minute presentation

Sam (they/them) is a supervisor for a national suicide crisis line and has worked as a Peer Support Specialist in Sacramento county. They are a queer non-binary Hispanic individual with a service dog who has learned the struggles of navigating both the workplace and social life with so many intersectional identities. After being diagnosed with a psychiatric disability, Sam, a low-income student at the time, delved deep into understanding ADA laws online to start self-advocating for their rights. After facing a huge lack of understanding of ADA laws, ableism, and microaggressions, Sam is happy to be here to help share the power of advocacy from their lived experiences.



Before getting started...

Let's do some *belly breathing*.

Place one hand on your upper chest and the other just below your rib cage. This will allow you to feel your diaphragm move as you breathe.

Breathe in slowly through your nose so that your stomach moves out against your hand. The hand on your chest should remain as still as possible.

Tighten your stomach muscles, so that your stomach moves back in, as you exhale through pursed lips. The hand on your upper chest must remain as still as possible.

Imagine for yourself and silently reflect...

What is the visual that comes to mind when you think of a disabled person?

Where does this perception come from?

Presentation Objectives

- To understand what being disabled means and the difference between visible and invisible disabilities
- Learn how to safely advocate for yourself and others for equitable spaces and language
- To understand ADA laws in terms of disability rights
- Workplace accommodations process
- Have an understanding of community resources to further self-autonomy
- Learn how to practice self-care in autonomization

Some common Terms

- **Ableism** - “Ableism is prejudice, discrimination, or antagonism—whether systematic, cultural, or interpersonal—against people with physical or mental disabilities. Ableism can come in the form of company policies, biased or discriminatory language, or physical lack of access to the same resources or spaces that people without disabilities have access to.”
- **Ableist Microaggressions** - “Verbal or non-verbal behaviors, which can be intentional or unintentional, that discriminate against or exclude people with physical or developmental disabilities.”
- **Accommodation** - “An adjustment to make a program, facility, or resource accessible to a person with a disability.”
- **Accessible** - “In the case of a facility, readily usable by a particular individual; in the case of a program or activity, presented or provided in such a way that a particular individual can participate, with or without auxiliary aid(s); in the case of electronic resources, accessible with or without assistive computer technology.”
- **ADA** - “A comprehensive federal law that prohibits discrimination on the basis of disability in employment, public services, public accommodations and services operated by private entities, and telecommunications.”

What is considered a disability in the U.S.?

The **Americans with Disabilities Act (A.D.A.)** defines- “A person with a disability is someone who:

- has a physical or mental impairment that substantially limits one or more major life activities,
- has a history or record of such an impairment (such as cancer that is in remission), or
- is perceived by others as having such an impairment (such as a person who has scars from a severe burn).”

Now, what does any of that mean?

In terms of disability protection under ADA law, the definition is inherently vague and does not intend to hold up a specific “standard” for life limitations.

To **substantially limit a major life activity** can range from internal processes to physical limitations.

Some examples provided by the ADA include:

- “Actions like eating, sleeping, speaking, and breathing
- Movements like walking, standing, lifting, and bending
- Cognitive functions like thinking and concentrating
- Sensory functions like seeing and hearing
- Tasks like working, reading, learning, and communicating
- The operation of major bodily functions like circulation, reproduction, and individual organs”

Now, what does any of that mean? Cont. 2

To have a history or record of an impairment offers continued protection to people who have a history or misclassification as having a mental or physical disability even if they do not currently have that disability.

Now, what does any of that mean? Cont. 3

To be perceived by others for having such an impairment further clarifies that someone who may or may not have an impairment but is subject to discrimination for other's beliefs that they do, is also protected under the ADA.

However, the ADA does not offer protection to “impairments” that may be transitory and minor which means that it last for a duration less than 6 months.

Invisible vs Visible Disabilities

Invisible disabilities is a term typically used to describe a disability that is not visible from the outside.

Being reflective of our earlier perception check at the beginning of this presentation, I'm sure that most people's perceptions of people with a disability refers to people using assistive equipment like a wheelchair, walker, or guide dog.

In the most recent Survey of Income and Program Participation of 1994, they found that almost 1 in 10 Americans (26 million) have a severe disability while only 26% used wheelchairs, canes, crutches or a walker.

Symptoms of an invisible disability

Some examples of symptoms include:

- Debilitating pain
- Fatigue
- Dizziness
- Cognitive dysfunctions
- Brain injuries
- Learning difference
- Mental health disorders
- Hearing and vision impairments

Impacts of a visible vs invisible disability

Opening the dialogue and increasing the understanding of the variability of disabilities helps de-stigmatize and relieves the expectations for disabled people to take on the burden of having to continually educate people without disabilities.

Being a true ally, takes the understanding and impacts of living with a disability further to include an intersectional understanding of their lived experiences.

Utilizing inclusive and safe language

It is always best to ask a person what terms are reflective of their identity!!

This

disability/disabled

Person with a disability/disabled person

Has a disability

Is disabled

Person who is able to

Person who is unable to

Person with high support needs

*Not this**

differently abled, handi-capable,

handicap, special needs

afflicted by, suffers from, victim of

high functioning

low functioning

Requesting Workplace Accommodations

If you identify as a person with a disability and need a workplace accommodation, you would need to start the informal interactive process of this request by having you or your representative inform your employment that you need a change or adjustment at work due to a medical condition.

This can be done verbally, however, it is best to have a paper trail of requests and discussions in case there is ever a dispute about the accommodation. Just employments may have their own forms and some may not. Employers may also ask for you to provide documentation of your disability in order to see if it meets the ADA's definition.

How to safely self-advocate

Not a lot of employers are familiar with the interactive accommodation process. You may be initially told “no” with no justification/reasoning.

It can be daunting to share personal information at work, especially one that may have the stigma of being a “burden.”

When starting the accommodation process, make sure to keep the conversation positive and to emphasize the direct correlation of your accommodation and the positive impact it will have on your workplace performance. Highlight your prioritization of taking care of your health and doing your job well.

Practice self-care to autotomize

Understand that your employer's definitions of disabilities, their microaggressions, and ablestic practices that prevent them from educating themselves on disabilities **IS NOT A REFLECTION OF YOU.**

You are allowed to take up space and to work in a space that best supports you **AND** your health.

Believe in yourself, believe that you are worthy of respect, and believe in your human rights. Do not settle for less, you are not “entitled” because you seek the same opportunities as people without disabilities.

Building resiliency practices to Cope

By Healthy Aging & Physical
Disability RRTC

“Flexible thinking: Seeing more than one way to solve a problem, or seeing a problem in a humorous light. Seeing problems as temporary or limited.

Challenge thinking: Seeing a stressful situation as a challenge to be accepted and mastered, rather than as an insurmountable threat.

Problem-solving: Coping by finding solutions to problems, rather than focusing attention on negative feelings.

Perceived control: Feeling able to control a stressful situation. Sometimes people reflect on how they coped with previous stressful experiences to develop this sense of control.

Making meaning: Seeing meaning, benefit, or growth in the stressful experience.

Optimism: Seeing the “glass as half full” and expecting good things to happen.

Positive feelings: Focusing on positive feelings and reactions, such as hope, humor, and gratitude, instead of negative ones.

Mindfulness: Being aware of thoughts and feelings without judging them.

Social connections: Having a strong, supportive social network.”

Educational resources

Being Heumann: An Unrepentant Memoir of a Disability Rights Activist by Judith Heumann and Kristen Joiner

Disability Visibility: First-Person Stories from the Twenty-First Century edited by Alice Wong

No Pity: People with Disabilities Forging a New Civil Rights Movement by Joseph P. Shapiro

The Color of My Mind: Mental Health Narratives from People of Color by Dior Vargas

We're Not Broken: Changing the Autism Conversation by Eric Garcia

What Can a Body Do?: How We Meet the Built World by Sara Hendren

Crip Camp: A Disability Revolution (2020)

Sins Invalid: An Unshamed Claim to Beauty (2013)

I Got 99 Problems. Palsy Is Just One. TED Talk by Maysoon Zayid

I'm Not Your Inspiration, Thank You Very Much. TEDx Talk by Stella Young

Community resources

Disability Rights California (legal/resources) - <https://www.disabilityrightsca.org/>

California Department of Rehabilitation -
<https://oag.ca.gov/civil/resources-ada-people>

Disability Rights Advocates (legal)- <https://dralegal.org/about/>

Cal Able (financial savings and investment plan)-
<https://calable.ca.gov/#article-col1b>

Questions?

**Thank you for showing up, opening up the
dialogue, and for continuing to be a
disability advocate!**

Sources

- <https://www.ada.gov/topics/intro-to-ada/>
- <https://adata.org/faq/what-does-record-disability-mean>
- https://adata.org/legal_brief/regarded-as-having
- <https://invisibledisabilities.org/what-is-an-invisible-disability/>
- <https://invisibledisabilities.org/what-is-an-invisible-disability/>
- <https://www.npr.org/2022/02/18/1081713756/disability-disabled-people-offensive-better-word>
- <https://www.forbes.com/sites/paulamorgan/2021/04/27/employee-self-advocacy-how-to-talk-to-your-employer-about-your-disability/?sh=32d9536239d2>
- <https://adata.org/faq/what-process-request-reasonable-accommodation>
- <https://theabilitytoolbox.com/self-advocacy-skills-disability-chronic-illness/>
- <https://www.washington.edu/doit/glossary-disability-related-terms>
- <https://agerrtc.washington.edu/info/factsheets/resilience#cope>