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ARTICLE

Narrow competencies as a basis for preferential hiring

Bouke de Vries

Department of Philosophy, Ghent University, Blandijnberg 2, 9000 Ghent, Belgium
Email: bouke.devries@ugent.be

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Abstract

This article defends a new type of preferential hiring. Rather than compensating groups for past or present employment-related discrimination, it seeks to ensure that groups with disproportionate unemployment rates that are due significantly – but not necessarily wholly – to their members having relatively narrow competencies, such as autistic individuals and people with hearing loss, ADHD and lower education levels, are prioritized for jobs that match their abilities. After defending such competency-based preferential hiring based on its benefits for persons with narrower competencies and for societies more broadly, I address several criticisms, including concerns that this approach may be stigmatizing.

Keywords: preferential hiring; affirmative action; unemployment; opportunity costs; autism

1. Introduction

Being employed tends to bring people numerous goods. Among these are instrumental goods, most notably the remuneration that most of us need to make ends meet and employment-based health insurance, which is especially valuable in countries without (decent) public health care. However, the perks of employment also include various non-instrumentally valuable goods, such as self-realization (e.g. Elster 1986; Clark 2017); a professional identity that can imbue one's life with meaning and structure (e.g. Yeoman 2014; Gheaus and Herzog 2016); and regular social interaction with colleagues (Tomalty 2022), which might not just be valuable in and of itself but also provide a Petri dish for the development of friendships (Sias and Cahill 1998). Even if one is a hedonic utilitarian who does not attach final value to any of these goods, it looks like one should still recognize the importance of being employed, as prolonged unemployment has been shown to have negative physical and psychological health effects (Janlert *et al.* 2015; Kim and von dem Knesebeck 2016; Margerison-Zilko *et al.* 2016).

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In light of these and similar findings, some have argued that employment discrimination is not only morally problematic, but a legitimate ground for preferential hiring to remedy or compensate for its effects (Beauchamp 1998; Sterba 2003; Lippert-Rasmussen 2013; Harris and Narayan 2019; Abel *et al.* 2021). Preferential hiring is typically understood here as taking measures to increase number of workers of particular groups and that this is done in ways that go beyond simply trying to avoid (negative) discrimination against them. Descending in order of stringency, such measures might include – but are not necessarily limited to – reserving fixed numbers of positions for members of the relevant groups; giving their applications additional points in cases where scores are awarded; prioritizing them in cases where job candidates are equally qualified; or simply encouraging members of their groups specifically to apply (cf. Fullinwider 2018).

My aim in this article is not to assess discrimination-based arguments for preferential hiring or to propose new ones. Instead, I will defend a novel type of preferential hiring that even those sceptical of preferential hiring that seeks to offset or compensate for past or ongoing discrimination might accept. This type of preferential hiring is structured around the notion that *people with relatively narrow competencies, i.e. competencies that are fewer in number than that of the average member of the society, ought to be prioritized for positions that align with their competencies if, and when, these relatively narrow competencies non-trivially help cause their group to be disproportionally unemployed, meaning that their unemployment rates exceeds their share of the population*. I will not try to defend an exhaustive list of forms that such prioritization may or should take. However, my contention will be that, at minimum, it must involve *tiebreaking prioritization*, whereby members of groups whose disproportional unemployment is due significantly to their comparatively narrow skill sets are automatically offered jobs when they are tied for vacancies matching their competencies, assuming everything else to be equal among the candidates.

Another important clarification at this stage is that when saying that employers 'should' or 'ought to' engage in one or more forms of competency-based preferential hiring, what I am claiming is that they have *decisive moral reasons* to engage in them but not necessarily a moral duty to do so. Whether such duties ever exist is left for the reader to decide.

Finally, it bears mentioning that throughout most of the article, my focus will be on *autistic individuals*. The reason for this is that those on the spectrum offer one of the best examples of a group whose high unemployment rates appear in no small part due to their comparatively limited skill sets even if other factors, such as discrimination and failures to provide reasonable accommodations, also play an important role. That said, we will see towards the end that competency-based preferential hiring can, and I believe should, be extended to various other groups with disproportionally high unemployment rates, including individuals with hearing problems, ADHD and lower education levels.

I will proceed as follows. Section 2 shows that autistic people have much higher unemployment rates than their non-autistic counterparts and provides evidence that their relatively narrow competencies contribute to these disparities. Section 3 defends using competency-based preferential hiring to help address this problem, demonstrating that doing so not only benefits autistic people but also their society as

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a whole. Several possible objections are answered in section 4, including concerns that this kind of preferential hiring may be stigmatizing and that it unduly pressurizes people to disclose being on the spectrum, before considering in section 5 to which other groups competency-based preferential hiring might be appropriately applied. Section 6 concludes by proposing avenues for future research.

2. Autistic Unemployment as a Paradigm Case

As noted, to focus attention, this article's defence of competencies-based preferential hiring will be largely – but not exclusively – concerned with how such hiring could help address the high unemployment rates of one group with relatively narrow skill sets: autistic individuals. Autism is a common neurological condition, with some recent estimates suggesting that no less than 2.5% of US children and adolescents are autistic (Xu *et al.* 2018), and that the total prevalence in Asia might be as high as 3.9% (Qiu *et al.* 2020). According to the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM–5), it is characterized by 'persistent deficits in social communication and social interaction across multiple contexts', along with 'restricted, repetitive patterns of behavior, interests, or activities' (American Psychiatric Association, 2013), although the extent to which these traits are displayed varies considerably. Some autistic people or, as some prefer to say, people with autism,[1] require little, if any, support from others to live independently while others require a lot, which is why autism is often described as a 'spectrum disorder' or, more neutrally, as a 'spectrum condition'. Still, even autistic people with low support-needs face challenges that make it difficult for them to participate on full and equal terms within society.

Prominent among these challenges, and of relevance for this article, is *finding and maintaining employment*. Consider the situation in the USA. Despite the introduction of the American with Disabilities Act (ADA) in 1990, which seeks to reduce employment-related discrimination against persons with disabilities, surveys suggest that only 58% of autistic Americans ever worked between high school and their early 20s (Roux *et al.* 2015). This figure is not just below that of the general working population, but also below that of other disability categories (supposing for a moment that autism constitutes a disability, which is a contested issue to which I shall return), including those with intellectual disabilities (74%); those with speech or language impairments (91%); and those with learning disabilities (95%) (Roux *et al.* 2015). Exhibiting the same general pattern, a mere 21.7% of autistic people in the UK were employed in 2020 compared with 81.3% of non-disabled people even though 77% reported to have a desire to work (Office for National Statistics 2021a), while in Australia, the unemployment rate for autistic people in 2018 was 31.6%, a figure three times higher than the rate for disabled people more generally and almost six times higher than the rate for non-disabled people (Jones *et al.* 2018).

[1]For the sake of brevity, I will use the term 'autistic people' throughout this contribution, which is the preferred terminology of many people on the spectrum in countries such as the USA (Taboas *et al.* 2023) but, interestingly, not in the Netherlands where person-first language is generally preferred (Buijsman *et al.* 2023).

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Now, there is good evidence that (wrongful) discrimination in employment plays a role in producing these high unemployment rates. Specifically, research has shown that false or inflated negative beliefs about autistic people, such as the notions that they lack emotions; are aggressive; and that hiring them is bound to lower an organization's productivity (Scott *et al.* 2017; Caitlin 2021),[2] are widespread and make a significant portion of neurotypical individuals anxious to work with them (Johnson and Joshi 2016; Sarrett 2017; Jones *et al.* 2018; Patton 2019; Cooper and Mujtaba 2022).[3] For example, no less than 10.3% of Australians report that they would be concerned or very concerned if an autistic person became a colleague and 20.1% report that they would be concerned or very concerned if someone on the spectrum was appointed as their boss (Jones *et al.* 2018). Additionally, various studies suggest that, aside from any discrimination, autistic people's relatively underdeveloped skills in interacting with neurotypical individuals are an obstacle to them securing jobs (Chen *et al.* 2015; Sarrett 2017; Scott *et al.* 2017; Solomon 2020; Maras *et al.* 2021), which is true even among those who have completed employment readiness programmes (Gerhardt *et al.* 2014).[4] (Of course, insofar as these social skills are often not essential to the jobs in question, one could argue that assessing candidates based on them constitutes a form of so-called 'indirect discrimination' by being disproportionally burdensome to autistic job candidates without legitimate justification (cf. Cossette-Lefebvre 2020); in that case, the difference between this factor and the previous one would become somewhat blurred.) However, I want to argue here that (wrongful) discrimination and the challenges many autistic people face in making a good impression at job interviews are *unlikely to be the only important determinants of the high unemployment rates among their group*. Another influential factor seems to be that the range of jobs that autistic people are generally qualified to do – and in some cases especially qualified to do[5] – is *significantly more limited* than that of the wider population.

Although I am unaware of any studies on this topic, one important piece of evidence for this claim can be found in the many lists of jobs circulating on blogs and autistic community-fora that, according to the authors, most individuals on the spectrum do best to avoid (e.g. Grandin 1999; AutismForums 2015; OptimistMinds 2020; Blanchard 2022; Kaupins 2022; Reddit 2022; Quora n.d.). For example, in a widely discussed blogpost (cf. Kaupins 2022), Temple Grandin, a well-known

[2]Notice that some of these prejudices can also have pernicious effects in contexts that are not employment-related, for example by making people less willing to befriend autistic people or to consider them as potential romantic partners. Compare Scanlon (2017: Ch. 3).

[3]Which helps to explain, among other things, why many individuals on the spectrum are reluctant to disclose their condition to (would-be) employers and colleagues (Johnson and Joshi 2014; Sarrett 2017; Lindsay *et al.* 2019).

[4]Based on these findings and the fact that it seems possible in many cases to replace job interviews with alternative means of assessment, such as job simulation activities and intelligence tests, De Vries (2024) has argued that conducting job interviews is often difficult to justify.

[5]A significant portion of individuals on the spectrum have autism-related traits, such as strong reliability, honesty, pattern-recognition abilities, attention to detail and a high tolerance for repetitive tasks (Scott *et al.* 2017; Baron-Cohen 2020), that allow them to excel at certain kinds of roles, such as ones in IT. This has led some firms to actively start recruiting autistic workers (Cosslett 2016; Shein 2020; Sahu 2022).

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American academic and animal behaviourist, lists the following professions as being off-the-table for her on account of her autism:

- Cashier – Making change quickly puts too much demand on short-term working memory;
- Short order cook – Have to keep track of many orders and cook many different things at the same time;
- Waitress – Especially difficult if have to keep track of many different tables;
- Casino dealer – Too many things to keep track of;
- Taxi dispatcher – Too many things to keep track of;
- Taking oral dictation – Difficult due to auditory processing problems;
- Airline ticket agent – Deal with angry people when flights are cancelled;
- Future market trader – Totally impossible;
- Air traffic controller – Information overload and stress;
- Receptionist and telephone operator – Would have problems when the switchboard got busy (Grandin 1999).

Or consider some of the jobs listed as "among the worst for autistic adults and those with Asperger's" by Mydisabilityjobs.com, a job-search website for individuals with disabilities. In addition to several mentioned by Grandin, these include, for instance, the professions of a:

- Politician – Decoding many motives that are sometimes conflicting and oftentimes hidden is at the heart of a politician's job. Along with having emotional strength, politicians must be quick on their feet to juggle various irrational concepts and ideas;
- Soldier– Serving in the military is not just a physically demanding job, but also emotionally demanding, which leads to more opportunities for sensory overload;
- Teacher – Teachers are required to be expressive, articulate, and to communicate effectively with their pupils and students (MyDisabilityJobs, 2022).

Without attempting to provide an exhaustive catalogue of reasons as to why, on average, autistic people appear to have relatively narrow competencies, one factor seems to be that their interests tend to be more circumscribed than those of their non-autistic counterparts (Carter *et al.* 2020; Bury *et al.* 2021), which is reflected in the DSM–5 definition of autism as a condition marked by 'restricted, repetitive patterns of behavior, interests, or activities' (American Psychiatric Association 2013). Another can be found in the already mentioned fact that most have underdeveloped neurotypically oriented social skills that are central to many jobs. This feature is also mirrored in the DSM–5 definition, where autism is additionally said to involve 'persistent deficits in social communication and social interaction across multiple contexts' (American Psychiatric Association 2013). Still another plausible factor contributing to autistic people's seemingly narrow competencies is that a large majority of them – according to some estimates around 90% (Marco *et al.* 2011; Zeliadt 2018) – report hyper- and/or hypo-sensitivities to smell, sound, sight, taste

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and/or touch, which has been demonstrated to hinder their work performance in various settings (Beardon and Edmonds 2007; de Vries 2021). (In saying that autistic people often possess one or more features that render many jobs ill-suited for them, I am not denying that a significant portion of these jobs could be made more autism-friendly by providing reasonable accommodations; for example, employers might do so by establishing clear work routines; teaching non-autistic workers about autistic modes of communication; and reducing sensory stimuli within office spaces (Khalifa *et al.* 2020; de Vries 2021). All that is being suggested here is that *even when* such accommodations are made, a larger number of jobs is likely to remain difficult to perform for autistic people compared with their non-autistic counterparts.)

3. Narrow Competencies as a Basis for Preferential Hiring

Having shown that autistic people are disproportionally unemployed and provided grounds for thinking that one important – but by no means sole – cause of this is that their competencies are comparatively narrow, my next aim is to propose a novel solution for this problem, or at least part of it. To increase autistic people's chances of finding employment, I will now argue that in societies with high autistic unemployment such as the USA, UK and Australia, employers should (voluntarily) prioritize autistic people for jobs that are autism-suitable.

Jobs are defined as autism-suitable here if, and only if, they fit the skills of many – but not necessarily all – autistic people by virtue of requiring skills such as systematic information processing, a high degree of accuracy in visual perception, precise technical abilities, increased concentration for long periods of time, and/or a high tolerance of repetitive tasks (Meilleur *et al.* 2015; Scott *et al.* 2017: 2; cf. Baron-Cohen 2020; Cope and Remington 2022). Examples include the professions of, inter alia, computer programmers, equipment engineers, assembly-line workers, librarians, car mechanics, package handlers, archivists, mail processors, data scientists, forensic accountants and laboratory technicians (Grandin 1999; Ossola 2021; Drake 2022; Kaupins 2022). To avoid confusion, it bears underscoring that for employers to make accommodations for autistic workers *need not render the latter's jobs autism-suitable under this definition* (which, of course, does not mean that they should not make such accommodations; I will come back to this in section 5). Thus, although an owner of a sweet shop might ensure that work tasks are clearly spelled out to autistic employees and that these individuals receive job coaching from people who are informed about their neurological condition, work inside the shop will still fail to qualify as 'autism-suitable' insofar as most autistic people would be overwhelmed by the bright colours of the sweets. The same is true, *mutatis mutandis*, of jobs that require strong neurotypically oriented social skills (i.e. skills that allow people to interact smoothly with most people who are not neurodivergent such as autistic people, dyslexic people, people with ADHD, etc.), such as those of salespersons and most secondary school teachers, as well as jobs that require workers to take care of multiple customers at once, such as those of food servers (cf. Grandin 1999).

As mentioned before, preferential hiring is understood to refer to recruitment practices that aim to increase the number of workers of specific groups and do so in ways that go beyond trying to eliminate discrimination against their members

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(as employers might seek to do, for instance, by asking for anonymized CVs to prevent discrimination based on people's names). Ranging from more to less stringent, such practices may most notably include implementing quotas that reserve a fixed number of positions for candidates of the relevant backgrounds; awarding additional points to such candidates whenever scores are assigned; giving priority to them insofar as they are tied for first place with others; and/or encouraging members of the target groups specifically to apply (cf. Fullinwider 2018). While the reasons supporting competency-based preferential hiring, to which I will turn shortly, seem strong enough to suggest that this last measure will not always go far enough and that, at minimum, employers should sometimes (also) engage in tie-breaking prioritization, it is left open in this article exactly which, if any, of the more demanding forms of preferential hiring might be called for.[6]

Why think that using preferential hiring might be morally justified, and indeed desirable, to help those who are disproportionally unemployed due in no small part to their relatively narrow competencies? Clearly, the answer cannot simply be that they experience higher rates of unemployment. To illustrate this, suppose that persons with a bad temper or a poor work ethic are disproportionally unemployed. In this case, even if these individuals could be accurately identified, their underrepresentation in the work force does not seem to provide even a pro tanto reason to prioritize their applications insofar as their underrepresentation can be attributed wholly to their negative personality traits. However, if this is correct, then there must be *additional features* that help explain why preferential hiring can be, and sometimes is, appropriate for increasing employment levels among autistic individuals and other groups whose disproportionate unemployment is significantly influenced by their relatively limited skill sets.

To see what these features are, it is instructive to consider the following thought experiment. Suppose you are on a camping trip with your friends and that one friend is unable to walk because of an injury. Now suppose that to ensure that the camp is run smoothly, one person needs to collect wood, one person needs to collect water, one person needs to hunt and one person needs to make a campfire so that the food can be cooked. Since all these tasks but the last one require physical mobility, it would seem problematic in this scenario not to let the injured friend make the campfire, assuming – as I am doing – that she is capable of this. This is not just because she might feel useless, and possibly be bored, if she does not have any way to contribute to the camp's operation, although this is a good reason for letting her make the fire. It is also because the other campers have interests that she specifically performs this task, i.e. that she exploits what economists term her 'comparative advantage' (cf. Costinot 2009), as this improves the overall efficiency of the work completed.

What I want to propose here is true of the running of the camp is true of the running of a society. When there is one group of members with a relatively narrow range of productive skills and interests, it is important that these individuals be able to do work in their area(s) of competence, just as it is important that the person with reduced locomotion in the camping trip case be able to do the one task she is capable

[6]That said, section 4 will discuss some notable drawbacks of them, such as that they can lead to economic inefficiencies and end up stigmatizing those whose applications are favoured.

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of performing. This is so in part for self-regarding reasons, as we saw in section 1 that people who are unemployed miss out on various valuable instrumental and non-instrumental goods that (paid) employment supplies (e.g. remuneration, employment-based health-care benefits, social contacts, a professional identity, the provision of structure to one's day). However, it is also for other-regarding reasons. For one thing, being unemployed may, and often does, have negative effects on people's loved ones, whose lives are emotionally, socially and/or financially intertwined with theirs in most cases. This can help explain why unemployment is a risk factor for family conflict, divorce and reduced mental health and wellbeing among spouses and children, potentially hindering the latter's development and educational achievements as well (Ström 2003; McKee-Ryan and Maitoza 2018). For another, for people to be unemployed imposes costs on the wider society. Not only do the unemployed in many countries receive some level of welfare benefits that are funded by taxpayers, their societies also miss out on their potential contributions to the workforce.

In response, a critic may argue that the camp-analogy holds *only insofar as* there is not an oversupply of would-be workers. When such an oversupply does exist, they might say that since it is inevitable that *some* jobseekers will not be able to hold one of the available positions, the reasons for hiring autistic people are not any stronger than those for hiring non-autistic ones, assuming it to be no worse for an autistic person to be unemployed than for a non-autistic person.

The problem with this objection is that it generally *does seem worse* for an autistic person to be unemployed. To bring this out, notice that if I am right that autistic people tend to have relatively narrow competencies, then it will on average be more difficult for them to secure any jobs that become available in the future than it is for their non-autistic counterparts to do so, putting them at greater risk of becoming long-term unemployed. Since long-term unemployment tends to have greater costs for the unemployed as well for their families and members of the wider society than short-term unemployment, what this suggests is that *even when there is an oversupply of labour*, there are good reasons for favouring autistic job applicants for autism-suitable jobs.

In short, it is because from both a micro-perspective (i.e. individual and familial level) and macro-perspective (i.e. societal level) that the opportunity costs of denying autism-suitable jobs to autistic applicants are significantly higher than denying such jobs to non-autistic applicants that it appears not just morally permissible but *desirable* to use preferential hiring in the tie-breaking sense (see my earlier remarks), but potentially also in the stronger forms discussed, to prioritize the former for these jobs. Besides having intuitive force and capturing our intuitions in other cases, such as the camp-scenario, where it looks like labour divisions should be sensitive to discrepancies in the range of people's competencies, the principle underlying this judgement is supported by several influential moral and political frameworks. Without attempting to offer an exhaustive list, it seems that:

- Egalitarians (e.g. Temkin 2003) can accept competency-based preferential hiring because it promotes equality between those with relatively narrow competencies and those with broader skills sets;

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- Prioritarians (e.g. Parfit 2012) can do so because it improves the situation of individuals who, considering the detrimental effects of unemployment on individual health and wellbeing (see the Introduction), will often be among the worst-off members of a society;
- Utilitarians (e.g. Chappell *et al.* 2024) can do so because it is likely to maximize the general welfare by ensuring a more efficient division of labour;
- Autonomy-minded liberals (e.g. Colburn 2010) can do so because having a minimally satisfactory job is not only an important life goal for many, but also provides people with money that allows them to achieve other possible goals, such as supporting a family or purchasing a home; and
- Conservatives (e.g. Scruton 2015) can do so because it is likely to promote social cohesion, reduce dependency on the state, and have a stabilizing influence on families (Ström 2003; McKee-Ryan and Maitoza 2018).[7]

4. Objections and Some Rejoinders

At this point, several possible objections to competency-based preferential hiring need to be addressed.

4.1 Discrimination objection

According to one objection, insofar as the thesis defended here is that those who are disproportionally unemployed because of their relatively narrow competencies should *always enjoy priority* over other groups, some individuals will be unfairly favoured over others with legitimate claims to preferential hiring. Specifically, it might be argued if members of group A face such widespread employment-related discrimination that the opportunity costs of not awarding them specific jobs are at least as high as denying said jobs to members of another group B whose members have relatively narrow competencies, automatically prioritizing the former will be discriminatory and therefore unjustified.

My response to this objection is concessive. Insofar as discrimination in the labour market renders the opportunity costs of not being offered a given position for group A at least as high as the costs for another group B for whom the opportunity costs are raised by their comparatively limited skillsets, the fact that discrimination-based opportunity costs do not appear any less problematic than ones deriving from narrow competencies suggests that B should not be automatically favoured. That said, there are likely to remain many cases where it should be pursued. One possible reason for this is that there are no job candidates of other groups who face (significant) employment-related discrimination. Another is that the levels of employment-related discrimination faced by members of other groups are simply not great enough to match or outweigh the disadvantages faced by those with relatively narrow competencies. The narrower these competencies are and/or the smaller the amounts

[7]That said, it is noteworthy that conservatives who are more libertarian-leaning might worry that, insofar as competency-based preferential hiring is legally enforced, this would unduly restrict employers' freedom. I am grateful to an anonymous reviewer for drawing my attention to this.

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of employment-related discrimination that members of other groups face relative to the applicants with comparatively narrower competencies (who might also be subjected to such discrimination, about which more momentarily), the more likely it is that this condition will be met. Still another potential reason is that even if members of group A, with relatively narrow competencies, should not be favoured over members of group B, which faces greater discrimination in the labour market, there might still be decisive reasons for favouring A over the members of another group C, in relation to whom they may be more disadvantaged.

Before moving on, it is worth mentioning that as far as autistic people are concerned in various countries, it is currently quite unlikely that members of other groups possess stronger claims to being favoured for autism-suitable jobs.[8] To see this, notice that autistic unemployment rates are not only extremely high within many societies but much higher than those for other minorities. In the UK, for instance, a mere 21.7% of autistic people were employed in 2020 compared with 81.3% of non-disabled people even though no less than 77% wanted to be employed (Office for National Statistics 2021a). To put these figures into perspective, its 2021 census reports that the religious group with the lowest percentage of people aged 16–64 in employment, namely Muslims, still had an employment rate of 51.4% (Office for National Statistics 2021b), whereas the ethnic group with the highest unemployment rate (which is calculated using the economically active part of a population), namely people of Bangladeshi and Pakistani descent, still only had 8% of its population out of work in 2019 (Office for National Statistics 2021c). Similar discrepancies exist when we compare autistic people with other disabled groups – supposing for a moment that autism can be labelled as a disability, which we saw previously is contested. In the UK, the 2020 autistic employment rate of 21.7% was the lowest of all disabled groups by some distance, trailing those of individuals with severe or specific learning difficulties (26.5%); those with mental illness or other nervous disorders (33.3%); those with epilepsy (34.2%); and those with progressive illnesses (35.8%) (Office for National Statistics 2021a), while the unemployment rate among autistic Australians in the mid-2010s was no less than three times higher than that for disabled Australian people in general (Jones *et al.* 2018). Considering these findings alongside the previously discussed evidence of widespread negative stereotypes about autistic individuals – such as the survey showing that 10.3% of Australians would be concerned or very concerned if an autistic person became a colleague (Jones *et al.* 2018) – and in light of studies demonstrating pervasive employment discrimination against this group (Johnson and Joshi 2016; Sarrett 2017; Jones *et al.* 2018; Patton 2019; Cooper and Mujtaba 2022), it seems reasonable to conclude that, within the countries in question, the reasons for favouring autistic applicants for autism-suitable jobs are unlikely to be frequently outweighed by the interests of members of other disadvantaged groups.[9]

[8]Of course, this could change if the employment-related disadvantages facing this group decline relative to those encountered by other groups.

[9]Note that, to assist employers in deciding (i) whether a given job candidate belongs to a group with disproportionately high unemployment due significantly to its members' relatively narrow competencies, and, if so, (ii) how strong the candidate's claims to prioritization are in comparison to those of other potential candidates with pro tanto claims to competency- and/or discrimination-based preferential hiring,

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4.2 Stigmatization objection

Another objection maintains that competency-based preferential hiring is *stigmatizing to members of the prioritized groups* by conveying that they are not able to secure jobs on their own merit. This kind of criticism has been raised by Carl Cohen against preferential hiring involving the use of racial or ethnic quotas in education and employment. As he writes:

> If some demon had sought to concoct a scheme aimed at undermining the credentials of minority scholars, professionals, and students, to stigmatise them permanently and humiliate them publicly, no more ingenious plan could have been devised than the system of preferences now defended as a social need and great favor to minorities. (Cohen and Sterba 2003: 121)

What is pertinent for us is that, whether or not the stigmatization objection counts against the use of quotas (cf. Lippert-Rasmussen 2020: Ch. 9), it *does not seem to plague more moderate forms of preferential hiring*. For example, since tie-breaking preferential hiring involves selecting individuals from a pool of candidates who are not any worse qualified than any other candidate, no compromises are being made on competence.

A critic might reply that, even if this is so, there remains a sense in which even this form of preferential hiring stigmatizes those who are prioritized under it. Even if it does not convey that these individuals are less competent than other job candidates, it still communicates that the range of jobs they are capable of performing/capable of performing well is *narrower* than that of other people. And that, our critic may say, is degrading.

The problem with this reply is that since possessing relatively limited skills is often the product of, or catalyst for, specialization, i.e. of gaining above average ability in certain skills, having competencies that are more limited than others is not obviously something for which people generally do, or should, feel ashamed. Consider professional athletes; having spent many years mastering a fairly limited set of sports-relevant skills, such as those required for excellence in skiing, playing football, or doing gymnastics, many members of this group have become strongly specialized. Still, we do not normally think there is anything humiliating about their professions. In a similar vein, even if there would be something degrading about the relatively narrow competencies of many autistic people if most non-autistic individuals could easily perform autism-suitable jobs, as this would imply that individuals on the spectrum seldom have unique strengths to contribute to the workforce, this is clearly not the case. Only a comparatively small fraction of non-autistic individuals is cut out to work as, say, a computer programmer; equipment engineer; assembly-line worker; librarian; car mechanic; package handler; archivist; mail processor; data scientist; forensic accountant; or laboratory technician, which we saw are professions that demand skills and character traits such as advanced pattern-recognition abilities; attention to detail; and tolerance of repetition that are common among autistic people but significantly less so among the general

it may be useful, if not essential, for governments or independent research institutes with the requisite expertise to provide information and/or guidelines on these matters.

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population. (To avoid misunderstanding, I am not suggesting that having relatively narrow competencies *always* means possessing above-average abilities in certain tasks. Rather, the claim being made is that this is *often* the case, which, if correct, takes out much of the sting from the stigmatization objection.)

A further thing to say is that even if, despite what I have just said, even the more moderate forms of competency-based preferential hiring remain somewhat stigmatizing towards members of the prioritized groups, it is doubtful whether this counts decisively against them. One reason is that being unemployed, especially when long-term, also carries considerable stigma within contemporary societies (Krug *et al.* 2019). What this means is that by helping individuals secure jobs, competency-based preferential hiring simultaneously enables them to avoid certain prominent – and potentially greater – forms of humiliation. Another reason is that, independently of the stigma attached, being unemployed frequently imposes high costs on individuals by making it difficult for them to make ends meet; by depriving them of the meaning and structure that jobs commonly provide; etc.[10] Since these costs seem at least as serious as the potential stigma of being prioritized for certain jobs, this offers additional grounds for believing that the current objection is not fatal.

4.3 Disclosure objection

Still another objection, call it the 'disclosure objection', maintains that competency-based preferential hiring is problematic because it pressures individuals to *disclose to potential future employers and colleagues conditions or traits that are associated with having relatively narrow competencies.* As the autism case evinces, such disclosures can constitute a significant hurdle. Not only do many autistic people worry that negative stereotypes about those on the spectrum will cause them to suffer discrimination in the workplace (Johnson and Joshi 2014; Sarrett, 2017; Lindsay *et al.* 2019), even more positive stereotypes, such as that of the eccentric genius exemplified by the character of Sheldon Cooper in the television show The Big Bang Theory, have deterred some from disclosing their condition for fear that their lack of conformity to these stereotypes will lead others to question whether they are 'real' autistics (Draaisma 2009; Sarrett 2017). Since such repercussions are not uncommon, and often have a deep impact on people's lives (Johnson and Joshi 2014; Sarrett 2017; Lindsay *et al.* 2019), I assume here we should want autistic people to be free to decide whether to disclose their autism in the same way we should want LGBTQ+ individuals to have discretion over whether they wish to reveal their sexual orientation to others.

It might be replied that under competency-based and discrimination-based forms of preferential hiring alike, no autistic job candidate is forced to disclose that they are on the spectrum. It is *only if* they want to benefit from these types of preferential hiring that they must do so, which, some may argue, makes it implausible to say that their freedom is being restricted.

The problem with this argument is that autistic people who do not disclose their condition are not simply foregoing a potential benefit, namely being awarded a job

[10]See my more extensive discussion of this point in section 1.

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at least partly due to preferential hiring. They simultaneously suffer a disadvantage they would not suffer if preferential hiring was not practiced. The disadvantage is that any fellow autistic people who do disclose their condition will *have an edge over them in the competition for autism-suitable jobs*, given that these individuals will be prioritized. When we recall how widespread autism is (e.g. in the USA, 2.5% of children and adolescents are reported to be on the spectrum, whereas in Asia, some estimates suggest a prevalence of 3.9%) and further consider that, being autism-suitable, such jobs are likely to attract relatively large numbers of applications from autistic individuals, this can make it costly for applicants not to come out as autistic.

While competency-based preferential hiring has the undesirable effect of placing a certain amount of pressure on people to disclose their autism and by putting those who do not do so – whether out of unwillingness or because of ignorance about their condition – at a competitive disadvantage, then, it seems to me these costs are outweighed by the benefits. Consider first the potential advantages for applicants who decide to come out as autistic. Some recent research suggests that hiring committees' perceptions of autistic candidates tends to improve when they are informed about the candidates' autism (Flower *et al.* 2021; Norris *et al.* 2023), thereby increasing the likelihood of these candidates being selected for the available positions. Furthermore, insofar as competency-based preferential hiring allows these individuals to secure these positions, they will gain access to the various perks of employment discussed in section 2, such as a salary; work-related health-care benefits; a professional identity; and social interactions with colleagues. Additionally, the fact that they have come out will spare them the psychological costs that staying in the closet at work has for many autistic people (Cage and Troxell-Whitman 2019; Sarrett 2017; Cook *et al.* 2021), which include the feeling that one cannot be oneself (for example, one person interviewed by Jennifer Sarrett (2017) refers to his hiding of his autism as a 'loss of identity' and a 'small death'), as well as any time and energy that they might otherwise have invested in trying to pass as neurotypical, which is a phenomenon known as 'camouflaging' (Cage and Troxell-Whitman 2019; Cook *et al.* 2021). Still other disclosure-related benefits arise because in various countries, the USA included,[11] employees with neurological conditions such as autism are eligible for reasonable accommodations *only if* they disclose their disability.[12] What this means is that *until* autistic workers inform their employer about their autism, they often will not receive accommodations they may urgently need, such as flexible work schedules; tailored job coaching; or workspace adjustments to prevent sensory overstimulation or understimulation (cf. Khalifa *et al.* 2020; de Vries 2021). In contrast, if applicants disclose their autism but *are not offered the jobs in question*, there should be no negative consequences if, as I take it ought to be the case, there are effective data-protection laws such as the EU's GDPR

[11]See the Americans with Disabilities Act of 1990.

[12]Note that there are autistic people who find the labelling of their condition as a 'disability' morally objectionable even if they support legislation banning direct and indirect discrimination against people on the spectrum. For these individuals, who typically endorse the social model of disability as opposed to the medical model (Shakespeare 2006), autism should be seen first and foremost, if not entirely, as a form of neurological difference (Jaarsma and Welin 2012).

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(Vargas *et al.* 2021) that prevent employers from sharing candidates' neurological information.

What about autistic applicants who do not disclose their condition, whether because they are unwilling to do so or because they are not even aware they are on the spectrum, and especially those who end up losing out to other autistic candidates as a result? Even to these individuals, competency-based preferential hiring appears justifiable. In the case of autistic people who choose not to disclose their condition, this is not simply because they could have decided to come out and therefore bear some responsibility for the consequences of this omission, although this is important. There is a way in which they too, as well as those who do not know they are autistic, can be expected to benefit from this type of preferential hiring.[13] To appreciate this, it should be noted that, consistent with Intergroup Contact Theory (Allport *et al.* 1979; Christ and Kauff 2019), employing autistic workers is generally a positive experience for employers and something that tends to raise their willingness to hire more autistic individuals in the future (Scott *et al.* 2017; Shein 2020; Remington *et al.* 2022). What these findings suggest is that as more autistic individuals enter the workforce through competency-based preferential hiring, their presence will likely become more normalized and accepted as an increasingly large number of people have their preconceived notions about autistic people challenged. However, if this is correct, then given that such prejudices significantly contribute to the high unemployment rates within this group (see section 3.1), besides rendering its members more vulnerable to bullying and social isolation (Humphrey and Hebron 2015; Turnock *et al.* 2022), it looks like competency-based preferential hiring has the potential to benefit the *entire autistic community* in important ways by promoting more positive social attitudes towards its members.[14]

4.4 Fraud objection

Finally, some may argue that competency-based preferential hiring is vulnerable to fraudulent behaviour, where people pretend to have conditions associated with narrow competencies to gain professional advantages.[15] An example of such behaviour in an academic context is offered by the FBI's 2019 Operation Varsity Blues investigation, which exposed how affluent families, guided by college

[13]Still another group of beneficiaries consists of non-autistic individuals with at least some autism-like traits. For the purpose of this article, however, I focus on those who are on the spectrum.

[14]This finding also partially addresses the concern that in countries such as the USA where those with a higher socio-economic status and those from non-Hispanic white backgrounds are more often diagnosed with autism than other societal groups despite there being no reasons for assuming a greater prevalence (Durkin *et al.* 2017), competency-based preferential hiring will only help those who are already relatively well off. For if I am right that increasing the share of autistic people in employment is likely to have these positive effects, which besides reduced negative discrimination might involve increased provision of reasonable accommodations, then this will benefit members of other socio-economic and ethnic backgrounds who are on the spectrum as well. Even if any disparities in the degree to which these groups benefit remain problematic, it is noteworthy that the solution to this seems to *improve the opportunities for their members to be diagnosed*, especially since no evidence exists for a positive socio-economic status gradient in autism diagnoses within countries such as Sweden and France where there are no socio-economic barriers to obtaining such diagnoses (Rai *et al.* 2012; Delobel-Ayoub *et al.* 2015).

[15]I am indebted to an anonymous reviewer for pressing me on this issue.

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admissions consultants, committed various forms of fraud to get their children into prestigious universities. These included not only bribery and falsely presenting their children as top athletes (who are prioritized for admission in the USA), but allegedly also paying doctors for fake disability diagnoses for their children to obtain extended time on standardized tests (Kiefer 2019). Besides being offensive to those with actual disabilities and their relatives – for example, one mother with a child with autism reports that 'to see that somebody just paid for what we've been dealing with his whole life, it was just a gut punch' (Miller 2019) – and casting doubt on the credibility of those who genuinely qualify for accommodations, such fraud would undermine the purpose of competency-based preferential hiring, which is to ensure that those with actual narrow competencies are favoured for jobs that align with their abilities.

Several responses are in order. First, while the risk of fraud is always present, certain factors limit its occurrence in the present context. One significant deterrent is that conditions associated with narrower competencies, such as autism and ADHD, often carry at least moderate stigma (as discussed earlier). Even if disclosing such conditions poses little reputational risk in university settings – where anonymity is higher, and interactions with peers and professors are often short-term, lasting a few years at most – the situation differs in professional environments, where workplace relationships tend to be more long-term and reputational considerations play a greater role.

Another deterrent – the current list is not necessarily exhaustive – is that individuals who secure a job through competency-based preferential hiring will be expected to display the traits associated with the condition they falsely claim to have. Just as masking a condition, such as autistic individuals attempting to appear neurotypical in the workplace (see section 4.3), can be exhausting and challenging, pretending to have one can be equally, if not more, demanding. This is not only because it requires convincing acting skills, but also because, as mentioned already, the workplace environment generally involves prolonged and regular interactions with the same individuals, making sustained deception difficult. Indeed, for certain conditions, such as blindness, deafness, and possibly Tourette's syndrome, maintaining a false pretence for an extended period appears nearly impossible.

Second, even if some people will be tempted to fraudulently obtain diagnoses to exploit competency-based preferential hiring, the large potential benefits of such hiring suggest that the appropriate response may not be to avoid it, but rather to *implement safeguards that minimize this risk*. For example, strict penalties could be enforced against individuals who deliberately use false diagnoses and against doctors who accept bribes to issue such diagnoses. Additionally, job candidates might be required to formally attest to the accuracy of their disclosed conditions, with clear warnings about the legal and professional consequences of providing false information.

Third, even if some degree of fraud is inevitable, this does not necessarily render competency-based preferential hiring unjustified. Educational accommodations – such as granting autistic individuals extra time on exams, as highlighted in the Varsity Blues case – are also susceptible to misuse, yet this vulnerability is not typically seen as a sufficient reason to eliminate them. To justify abandoning such policies, one must demonstrate that *the harm of any abuse outweighs the benefits for*

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those who genuinely require accommodations. Applying this logic to competency-based preferential hiring suggests two things. One is that for conditions that are notoriously difficult to feign, such as blindness, deafness, and potentially Tourette's syndrome, the likelihood of fraudulent claims is exceedingly low, rendering competency-based preferential hiring both viable and appropriate. The other is that in cases where conditions are easier – but nonetheless still complex – to mimic, such as autism and ADHD, the aforementioned social deterrents, alongside potential formal penalties, could foreseeably keep abuse at a tolerable level, suggesting the proposed hiring practice is worth trying for these conditions as well.

5. Other Applications of Competency-sensitive Preferential Hiring

In defending competency-based preferential hiring, the focus of this article has been mainly on how it can aid autistic people. The reason for this, we saw, is that autistic people are a paradigmatic example of a group with disproportionately high unemployment rates that are due in no small part to the relatively narrow competencies of its members. However, as already alluded to, competency-based hiring can, and I believe should, be extended to help various other, similarly situated, groups.

Without trying to offer anything approaching an exhaustive list, one group consists of *people with hearing loss*, which may encompass, but is not limited to, deaf people. In the UK, individuals with hearing loss have an employment rate of 65%, whereas 79% of individuals without long-term health conditions or disabilities are employed (NHS 2017). Within this group, 74% of respondents expressed that their hearing loss significantly restricted their employment opportunities, with 41% reporting having retired early because of the impact of their hearing loss and struggles with communication at work (NHS 2017). As with autistic people, while many jobs would be easier to do for those with hearing loss were reasonable accommodations more commonly provided (Svinndal *et al.* 2018; Dong *et al.* 2023), and while a substantial portion of this group reports having faced employment-related discrimination (Punch 2016; Says 2016), their relatively limited labour participation appears considerably influenced by the fact that good hearing is vital to many jobs, especially ones in high-risk environments (e.g. construction, manufacturing, transportation); customer-facing sectors (e.g. customer service, telecommunication, hospitality); and education (e.g. university lecturers, school teachers working with students who have typical hearing abilities). Yet, if this is correct, then there exists a compelling case for favouring persons with hearing loss for professions in which visual, technical and/or physical skills are often more important than oral communication skills, such as those of graphic designers; social media managers; IT specialists or software developers; engineers; researchers or laboratory technicians; and car-painters (Beha 2017; Parsons 2020).

Another disproportionally unemployed group to which competency-sensitive preferential hiring might be appropriately applied includes *people with Attention-Deficit/Hyperactivity Disorder* (ADHD). In Sweden, for instance, 19% of young adults with ADHD are unemployed compared with 13% of the general population (Helgesson *et al.* 2021). Similarly, in the USA, adult men with ADHD are 2.1 times

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more likely to be unemployed than adult men without ADHD, while adult women with ADHD face a 1.3 times higher risk of unemployment than women without ADHD (Schein *et al.* 2022). Even if, as with the other groups discussed, a lack of reasonable accommodations and employment-related discrimination play into these disparities (ADDitude 2023), the tendency for certain ADHD-related traits – such as impulsivity and difficulties in attention and organization – to restrict people's professional opportunities remain significant (CHADD n.d.). At the same time, it has been found that ADHD-related traits can allow individuals to *thrive* in certain roles that allow for high levels of engagement; multitasking; social interaction; and/or hands-on work. Examples of such positions include emergency responders, chefs or cooks, salespeople, retail workers, caregivers, social workers, sports coaches and factory workers (Williams 2015; Montjio 2022). If accurate, these findings provide strong reasons for implementing competency-based preferential hiring to help ensure that positions suited to ADHD strengths are also filled by persons with ADHD.

More controversially, and this brings us to a final group I wish to single out, there seem compelling grounds for utilizing competency-based preferential hiring to increase employment rates among those with *lower educational attainment*. This follows from the twin facts that (i) in many countries, this group is disproportionally unemployed (OECD 2022), and that (ii) people typically find it easier to perform work below their education level than above it, making it easier for the higher educated to find employment than it is for their less-educated counterparts. Accordingly, by prioritizing lower-educated individuals for cognitively less demanding positions, such as those of delivery drivers; retail sales associates; warehouse workers; janitors; cashiers; bus drivers; and security guards, these differences in opportunity costs are addressed in a way that reduces this group's risk of long-term unemployment and promotes more equitable outcomes. (In other work (de Vries manuscript), I argue that implementing competency-based preferential hiring for lower-educated individuals can further help address the problems of elite overproduction and diploma inflation that are affecting various societies (Caplan (2018) and Turchin (2016); however, delving into these topics here would take us too far afield).

6. Concluding Remarks

What we observe, then, is that competency-based preferential hiring has the potential to support a range of different groups experiencing above-average unemployment rates due significantly, but not necessarily exclusively, to their relatively limited skill sets. By way of conclusion, I want to propose some promising directions for future research stemming from this inquiry.

A first one is to explore in greater depth whether various prominent moral and political theories, such as egalitarianism, prioritarianism, utilitarianism, liberalism and conservatism, can indeed support competency-based preferential hiring. While I proposed a compelling reason for each why they might be able to do so, a more detailed analysis is beyond this article's scope.

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Second, it should be investigated how cases are to be resolved where members of different disproportionally unemployed groups all have a pro tanto claim to competency-based preferential hiring. Whereas some of the groups discussed have skills that are largely divergent and sometimes even diametrically opposed, such as those of autistic individuals and individuals with ADHD (e.g. a job as a chef might be ill-suited for an autistic person but a great fit for someone with ADHD), in other cases there is considerable overlap, as when the opportunity costs of denying an IT-job to an autistic person and a deaf person are both relatively high.

Third, it is important to assess whether states should play a role in promoting this type of preferential hiring. Beyond encouragement, we must also consider whether legal requiring of it could be justified.

Fourth and finally, we must consider whether employers' moral reasons for adopting competency-based preferential hiring are ever sufficiently strong to impose an obligation on them. If so, their failure to do so might warrant blame.

My hope is that this contribution will stimulate reflection on these and other related issues as well.

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Bouke de Vries is a Professor of Moral and Political Philosophy at Ghent University in Belgium. His research spans a broad range of topics, including autism and neurodiversity, migration, cultural and religious diversity, political extremism, demography, social taboos, love and friendship, loneliness and sociability, intelligence and family ethics. Deeply concerned about current levels of (self-)censorship within European universities – which are hindering philosophical progress – he is committed to fostering an academic environment where free speech and open inquiry can thrive.

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