

# IMPLEMENTATION GAP: REFERENCE TO A POLICY FOR PERSONS WITH DISABILITIES

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## ABSTRACT

*Initially, the one percent policy was mentioned in the Malaysian Civil Service Circular No. 10 of 1988. Subsequently, it was refined and enforced in April 2008. This policy allocated a quota of one percent of the total workforce of every government agency for employing PWDs. However, statistics in October 2013 showed only 1,754 PWDs are employed by government from the approximately 1.4 million civil servants. Moreover, very few government agencies have assigned one percent of their total work force to PWDs. The policy has been in place yet the implementation is far from satisfactory. Hence, by reviewing literature on policy implementation and with reference to the one percent policy for persons with disabilities (PWDs), this paper discussed the possible reasons for the gap between the intended and actual outcome of the policy. Discussion comprised of the interactions of the policy and its institutional setting, relationship of the policy makers and policy implementers and the multiactor character of the policy. The findings demonstrate the complexity of implementing the one percent policy for PWDs.*

**Keywords:** *Implementation Gap, One Percent Policy, Persons With Disabilities, Public Policy*

## Introduction

Persons With Disabilities (PWDs) are not a liability but can be an asset to the country. Given proper training and job opportunities, it is possible for disabled people to be productively employed and become taxpayers. However, numerous evidences shows that PWDs have been known for being the least served and most discriminated segment in almost all societies. Also, due to numerous physical and social obstacles, it is hard for them to access benefits and opportunities available to other members of society. Concern over PWDs to be productively employed is critical because ten to twelve per cent of the world's population, which is over six billion people, is living with disabilities and which eighty per cent of this total live in low income countries and lack the opportunities available to the mainstream population (Handicap International, 2006).

Nevertheless, there has been some encouraging progress to enhance job opportunities for PWDs in Malaysia. For instance, the government formulated the One Percent Policy (OPP) aiming to guide the employment of PWDs into public sector. the one percent policy which was first mentioned in Civil Service Circular No. 10 of 1988, refined and enforced in April 2008, allocated a quota of one percent from total public sector workforce for employing

PWDs (Jabatan Perkhidmatan Awam Malaysia, 2010). In October 2013 only 1,754 PWDs were employed (Berita Harian 2013, October 1) from an approximately 1.4 million civil servants and only six government agencies assigned one per cent of their total work force to PWDs (NST Online 2010, June 15). One percent is equivalent to an approximately 14,000 PWDs being employed. The government has hired some PWDs but is far from fulfilling the one per cent quota. The policy has been in place yet the implementation is far from satisfactory. Why is it so difficult to achieve the one percent employment target of PWDs? How does the gap between the policy and the actual outcome can be explained?

Thus, this paper attempts to shed some light on the gap between intention and outcome of the one percent policy for PWDs. The paper first review literature relating to implementation gap before discussing possible reasons for the gap between intended and actual outcomes of that policy. Review on the literature of policy-implementation gap would facilitate understanding of the complexity of implementing public policies.

## **Policy Implementation**

The term 'implementation' as a popular concept in contemporary discourse among public policy scholars dated back to Jeffrey Pressman and Aaron Wildavsky's classic investigation in the early 1970s of an Economic Development Administration project that has gone sour in Oakland, California (O'Toole, 2000). Policy implementation is the third stage and the most important part of a policy cycle because it the process of carrying out of an authoritative decision, namely a policy choice (Berman, 1978). A policy choice can be in a form of 'a statute, important executive order or court decision that identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and in a variety of ways, structures the implementation process' (Mazmanian & Sabatier, cited in Hill & Hupe, 2008). Implementing a policy denotes a process of interaction between the setting of goals and actions geared to achieving them (Pressman & Wildavsky, 1984). A continuation of the policy-making process involving federal, state and local government agencies (Palumbo & Harder, 1981). This deals with how to bring together communications, commitment and capacity so as to carry a decision into action. This process determines whether or not the intergovernmental system succeeds in translating the policy objectives into concrete and meaningful public services (Van Horn & Van Meter, cited in Lazin, 1987). In other words, policy implementation concerns on how the government put policy decision into effect.

Elmore pinpointed four criteria for effective implementation; (1) clearly specified tasks and objectives that accurately reflect the intent of policy; (2) a management plan that allocates tasks and performance standards to subunits; (3) an objective means of measuring performance of subunits; and (4) a system of management controls and social sanctions sufficient to make subordinates accountable for their performance while Matland concurred that successful implementation entails compliance with statutes directives and goals; achievement of specific success indicators; and improvement in the political climate (cited in Paudel, 2009). Yet, policy implementation research shows extensive works on implementation 'failure'. Hogwood and Gunn (1984) distinguished the non-implementation and unsuccessful implementation. The former referred to a situation where policy not put into effect as intended, while the latter is when a policy carried out in full but fails to produce the intended outcomes. The failure may be due to bad execution, bad policy or bad luck. Ineffective implementation viewed as bad execution. The dearth in the implementation of policies is

becoming a growing concern due to the fact that it threatens the effectiveness and legitimacy of the policymaking body (Milio, 2010).

In Malaysia, policies and programs for PWDs is based on strategic goals of the National Welfare Policy. This policy emphasizes attainment of self-reliance, equalization of opportunities for the less fortunate, fostering spirit of mutual help, and support towards enhancing caring culture (APCD, 2008). Indeed, such goals for PWDs sound justified. However, in reality the situation is exactly the opposite. In fact, even the exact numbers of PWDs are unknown. Facilities and services for the disabled are known to be lacking and access to many services, for example in higher education institutions are severely limited which in turn will further deprived PWD's job opportunities and gainful livelihood. Thus, policies and programs for PWDs were implemented ineffectively.. Hence, there are gaps between intended policy goals with reality experiencing by PWDs.

## **A Reality for PWDs In Relation To Employment**

PWDs remain the single largest sector of those least served and most discriminated against in almost all societies. According to Schur (2003), PWDs have been long recognized as a minority group, both in scholarly literature (for e.g. see Gleidman & Roth 1980; Hahn 1985; Safilios-Rothschild 1970) and in public policy (e.g. Americans with Disabilities Act (ADA); Individuals with Disabilities Education Act; Rehabilitation Act of 1973). The discriminatory practices they encounter, and the effects of this treatment on their quality of life, have been widely reported. PWDs are deprived in areas of education and employment, which forces them into poverty. Employment plays crucial role in one's life because it provides work, which is a vital element for human survival and flourishing.

Work remains the best and fastest route to get out of poverty and most reliable way to ensure economic independence and prosperity for individuals. Its abundant presence is essential to the health of any community. Without work, being unemployed inevitably leads to demoralization, loss of motivation, skills and self-confidence, and definitely worsening health and well-being of an individual (Barnes, 1999). However, Barnes added that disabilities hamper the opportunities for individuals to be employed. Due to their condition, many PWDs rejected for employment. The relationship between disabled people and employment has been a central concern of the disabled people's movement and advocates of the social model of disability since the 1970s (Barnes, 1999). As an example, the Union of the Physically Impaired Against Segregation (UPIAS) when formulating the "Fundamental Principles of Disability" has stated that:

'In the final analysis the particular form of poverty principally associated with physical impairment is caused by our exclusion from the ability to earn a living on a par with our able bodied peers due to the way employment is organized. This exclusion is linked with our exclusion from participation in the social activities and provisions that make general employment possible' (UPIAS, 1976, p.20).

UK Cabinet Office (2007) in their final report of The Equalities Review indicated that, "disabled people as a group have suffered from persistent employment disadvantage". Despite of their qualifications, there is a great disparity between the aspirations and occupational attainments of persons with disabilities than their non-disabled peers and it occurs in both

developed and developing countries, only the nature of the disadvantage is different. Powers (2008) have reported PWDs who join the labour market in developed nations often end up in passive assistance programs such as disability benefits or pensions even though they receive some form of vocational skill training. The participation rates of disabled people in the labour market are much lower. Disabled people tend to earn less in full time employment. In the United States for example, there is a difference of US\$6,000 in the median labour earnings of people with and without disabilities who work full-time. Moreover, persons with disabilities also achieve poorer employment and income level outcomes than the able-bodied after participating in vocational education and training. However, they are employed across all job and industry types at similar percentage rates as able-bodied persons.

The situation of PWDs in developing countries is quite different to that in developed nations. This is due to the difference in the level of income security and thus, they are far more likely to live in poverty. Based on the estimation of 80 per cent from the approximately 650 million PWDs in the world Powers further concluded that most PWDs live in developing nations. In addition, the participation of the working age disabled persons is much lower than the non-disabled: 38.8 per cent compared to 64 per cent in India. Participation rate of women with disabilities is much lower: 16.6 per cent compared with 52.6 per cent of disabled men. Disabled people are among the poorest in the developing nations, in which 82 per cent live below the poverty line and 20 per cent live on less than a dollar a day. They are rarely employed in the formal economy and less likely to be engaged in economic activity compared with the rest of the population. This situation persists due to several impending factors that make employment more challenging for PWDs

## **Factors for Employment Disadvantages of PWDs**

According to Berthoud (2003), impairment is the third of six most important characteristics that are associated with non-employment. Employment prospects are strongly related to the severity of people's impairments, he observes, adding that any impairment increases the risk of non-employment. Education is one reason why there are so few PWDs getting employment. This is due to the disability that affects the acquisition of education and job skills. This reduced investment in human capital in turn may reduce individual employment and therefore earnings prospects throughout their lifetime. While Powers (2008) affirmed skills represent one component of productivity and there is a clear link between enhancing the skills of disabled people and their ability to either secure formal sector jobs or increase their income-generating capacity in the informal sector.

Skills development is a central factor in enabling disabled people to take part in the labour market. Karoly and Panis (2004) elaborated demographic shifts, technological advances and economic conditions influence the shaping of the workforce. Due to rapid technological change and increased international competition, demand for highly skilled workers will continue to propel. Changes in business organizations' nature and growing importance of knowledge-based work requires cognitive skills such as abstract reasoning, problem-solving, communication and collaboration. Based on this, it is vital for PWDs to equip themselves with knowledge and skills that enable them to embrace those changes and survive. However, according to Riddell, Banks and Tinklin (2005), PWDs are far less likely to have qualifications than people without disabilities and this clearly has a negative effect on their employment outcomes. Even when they are in employment, PWDs are far more likely to be employed in low level occupations and thus have lower income. Those who have had the

opportunity to acquire marketable skills have demonstrated their potential to earn a living and contribute in the world of work. Nevertheless, access to appropriate skills training is not available to a significant number of persons with disabilities for differing reasons. In many cases, inclusive policies are not in place and training programs fail to encourage or accommodate the participation of PWDs. In other cases, the training available to them is outdated or fails to make the appropriate links to the workplace or self-employment. Furthermore, globalization and the introduction of ICT are having both positive and negative impacts on the training and employment options for PWDs.

Riddell et al. further discussed the negative attitudes of the employer as well as assumptions and myths about PWDs as other factors that hinder the opportunities for workplace entry. Employers perceive disabled people as incapable compared to the non-disabled. This misconception leads to fewer opportunities being offered to them. Others are not willing to bear additional cost to make adjustments to the workplace just to fit the disabled. Many employment premises continue to have poor access and facilities for disabled people. It is these kinds of attitudes and conditions that pose obstacles to governments and non-governmental organizations to moving persons with disabilities into the workplace. Further deprivation in education and employment invariably forces PWDs into poverty. Credible sources have identified the existence of indisputable correlations between poverty and disability; that one affects the other, thus reducing further the opportunities for PWDs in accessing means of social services and economic activities which are an integral part of human rights (Handicap International, 2006).

Therefore, government at all levels have crucial role ensuring people including PWDs are productively employed. However, the path to legal employment for PWDs filled with many barriers, that is, mental, physical and policy barriers (Khor, 2010). Furthermore, Ramakrishnan (2007) revealed significant barriers to employment of PWDs in Malaysia including lack of management experience in disability issues, lack of required skills/training for PWDs, cost of supervisions, attitudes and stereotyping of PWDs.

The awareness of society on productivity factor of PWDs is still lacking. They are not a liability but can be an asset to the country. Given proper training and job opportunities, it is possible for them to productively employed and become taxpayers. The cost to exclusion of PWDs from taking part in the socioeconomic activities is high and has to be borne by society. Their exclusion indisputably leads to losses in productivity and human potential. World Bank in 2000 estimated a total loss to gross domestic product of US\$1.37 – 1.94 trillion due to exclusion of PWDs from mainstream society worldwide and in Malaysia, it is estimated a loss of US\$1.18 – 1.68 billion (Khor, 2010).

By assisting PWDs to enter workforce, this huge loss can be overcome and in Malaysia, there are additional benefits. For employers who are facing labour shortages, non-employed PWDs can help fill those needs and simultaneously, reduce the country dependency on foreign labours in services, manufacturing and agriculture sectors. On the part of government, increased employment of PWDs would boost tax receipts and reduces social expenditures. Furthermore, societal benefits from greater inclusiveness in mainstream society. The Malaysian government has taken initiatives such as the enactment of several legislations (e.g. Persons With Disabilities 2008; Uniform Building Bylaws 1990) together with public policies to address PWD's basic welfare and employment. Malaysia has signed numerous conventions on equal opportunities and equal treatment for PWDs. Nonetheless, PWDs are still being discriminated against in Malaysia especially in the workplace (Khuo, Tiun & Lee, 2013). In fact, even the exact numbers of persons with disabilities are unknown. Facilities and services for the disabled are known to be lacking and access to many services are severely limited.

## **Findings and Discussion**

According to Berman (1978), implementation problem stems mostly from the interaction of a policy with its institutional settings. He further affirmed that effective determinant of a policy outcome is the local deliverers and not federal administrators. A policy is usually designed at the national level, thus the state or local governments are more focusing on its implementation instead of formulating regional policy on their own. This top-down approach implied adequate bureaucratic procedures, sufficient resources, a system of clear responsibilities and hierarchical control on the part of the local implementers to ensure accurate execution of the policy. However, often times a policy from the central is expected to be executed without much thought on the perception or acceptance of the local implementers (Hunter, 2002). A forward mapping approach to some extent entailed a consideration of the policy makers to affect implementation process. It detailed the intention, agency regulations, administrative actions, division of responsibilities of the federal, state and local administrators. When this is done, there are consistency and clarity at all levels and a policy can be implemented easily. Conversely, this approach assumes policymakers have full control on the organizational, political and technological processes in the implementation process (Elmore, 1979).

The relationship between policy implementers and policy makers/designers is another reason that might explain the policy implementation gap. Policymakers/designers including politicians, high ranking government officials, interest groups and public (represented by the elected representative). Policy implementers or the street-level bureaucrats on the other hand, are those who transform the policy into programs and actions to be delivered to the public. They have direct and constant interactions with citizens. In circumstances that have never been foreseen, and confronted with norms that are often vague, policy implementers are required to interpret the policy themselves (Hill & Hupe, 2008). It is challenging for the street-level bureaucrats to transform the objectives of the policy makers into public services especially when they are not directly involved in the policy formulation and decision making. Cognitive limitation hinders rational decision making in administrative behavior, however social interaction that is participation in the formulation stage may compensate for this to some extent (Simon and Lindblom, cited in Hill & Hupe, 2008). More often than not, these people are excluded in the policy making process. Interpreting, formulating and making decision about the policy and coupled with the constant dilemma in executing their daily tasks is taxing for the administrators. Hence, public administrators employed coping strategies such as planning and executing programs with insufficient knowledge/information, carrying out joint-actions/programs on their own and many more. Since these two entities are working on similar issues for similar targeted groups from a separate world, implementation gap is certain. Policy makers are not involved in the implementation process but policy implementers do formulate and make decision in implementing the policy.

Multiactor character of the policy itself explains the gap (Hill & Hupe, 2008). Multiple institutional actors are involved in the process which required cooperation and coordination to ensure successful implementation. Normally more than one government agency or department is involved in the implementation of policy. Several writers highlighted the fact that implementation can become more uncertain and difficult if there are more organizational and inter organizational agreement (Pressman & Wildavsky, 1984). The participating agencies differ in their functions, structures, work cultures and values, agendas, time frames and protocols. These differences can cause the misinterpretation of the same policy message into different meaning. Not only have that, the possibility of fostering conflicting interest and superiority attitude existed. Thus, communication and coordination among the actors is

important. Without effective communication, overlapping functions tends to occur. Thus, it might lead to a scenario where each agency expects the other agency to perform certain actions but in the end, no action is taken to improve the situation. Frequent communication may indicate task interdependence, another element that has a significant effect to the policy implementation. A high degree of dependency may contribute to implementation failure due to the needs for frequent checking or confirmation. It reduces one's authority and control over how they do the job.

The one percent policy for PWDs is made/ designed at the federal level, that is, Public Service Department (PSD) Malaysia. It is expected to be implemented at state and local government level too. At the formulation stage, state and local governments are usually represented by high ranking officer or if he/she is not available, by a representative that can be anyone. Worst case scenario, no representative from state and/or local level is present. In both situations, the policy are decided with minimal input from the real implementers, that is, street-level bureaucrats who are well informed about the real challenges/issues facing the local implementation stage. For example, local issues faced by the Department of Social Welfare (DSW) in Sabah are not the same as those faced by DSW in other states. If it is not taken into consideration at the formulation stage, implementation at state or local government will certainly be adversely affected. This binding quota scheme obliged the government as employer, through legislation, to employ a quota of PWDs but this obligation is not supported by an effective sanction (Aina Razlin, 2010). Without appropriate sanction such as penalty for non compliance, it is difficult to fulfill the quota. Government agencies might opt not to employ PWDs because there is no sanction for such action. What have been done in enhancing employability of PWDs in Malaysia is not sufficient as suggested by some research findings (see Khoo, Tiun & Lee, 2012; Lee, Abdullah & See 2011).

The one percent policy is designed in such way that it is and will be understood by those who implement it. For example, the policy only made reference to PWDs who had registered with DSW for job application in the Public Service Commission (PSC). There might be various understanding on the part of the bureaucrats. It can be understood as 'wait until DSW completed their job, only then PSC will step in' or 'let the PWDs do what they should do first' or 'let start with PSC, then refer back to DSW' and many others. Different understanding/interpretation brings different implications to the outcome of the policy. Considering the relationship between policy makers/designers and implementers, this scenario is predictable.

In addition, the gap between the intended and actual outcome of the one percent policy for PWDs can be explained by considering the character of the policy itself that require multiple organizations to implement it. There are few participating organizations such as PSC, DSW and Ministries at federal, state and local government level. These participating agencies have many differences, for instance, the core function of the PSC is to manage recruitment into public service while for DSW is to promote for a caring and harmonious society. This illustrates the many differences that these two agencies have. What more when several agencies are involved.

It can be concluded that the number of PWDs being employed by the public sector is far less than the targeted one percent of the total workforce. Currently, only 1,754 are employed from the targeted 14,000 PWDs and very few government agencies have assigned one per cent of their total work force to PWDs, which DSW is one of those. In regard to the one percent policy for PWDs, it has been only partially implemented as shown by the gap between the intended and actual outcome. Currently, ministries and head of departments are playing significant roles to ensure the actual and intended outcomes matching. The policy need to be refined for participating agencies and especially the head of departments are well

equipped with skill and knowledge in disability matter. In addition to that, the policy has to be clear and sufficient to guide the implementers. This would help to narrow the gap between the actual and intended outcomes.

## Conclusion

Policy implementation is certainly a complex process. The findings showed the implementation of one percent policy for PWDs is not meeting its goal so far. Yet, it is not a matter of simply putting the blame on the implementers or even to the policy makers for the gap between intended and actual outcomes. Such gap is the result of complex interaction of a policy with its institutional setting, the relationship between policy makers/designers and policy implementers, and the character of the policy itself. All of these require the act from multiple institutions. It is a challenge for policy makers and policy implementers to ensure concerted actions from the formulation to the implementation process hoping, in the end the intended and actual outcomes converge and mutually benefitting the stakeholders. Future research on policy-implementation gap, specifically in Malaysia may consider in-depth interviews or questionnaire surveys as means of collecting data in a case study involving several organizations as opposed to the more conceptual and general approach of this paper.

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