Employment Discrimination

Title I of the ADA

There are many laws that impact employment rights. Title I of the Americans with Disabilities Act (ADA) prohibits employment discrimination against qualified individuals with disabilities in the private sector. Generally speaking, this means an employer with 15 or more employees, cannot discriminate against a qualified person with a disability during advertising, recruitment, the application process, hiring, day-to-day work, advancement, tenure, leave, fringe benefits, compensation, training, lay-offs, firing, and all other employment-related activities. In order to receive protection under the ADA, an individual must have a disability. The term “disability” is defined as:

• having a physical or mental impairment that substantially limits one or more major life activities,
• having a record of such impairment, or;
• being regarded by other people as having an impairment.

An individual may qualify for protection by meeting any one of these definitions. Major life activities include, but are not limited too, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Additionally, life activities may include functions or systems of the body, such as circulatory, respiratory, or reproductive systems. A qualified individual with a disability is an individual with a disability who satisfies the skill, experience, education, and other job-related requirements of an employment position. This means that an individual is able to perform the essential functions of the position with or without a reasonable accommodation.

Examples of Title I ADA Discrimination

Limiting, Segregating, and Classifying Usually, it is unlawful for an employer to limit, segregate, or classify a job applicant or employee in a way that hurts his/her employment opportunities or status on the basis of disability.

For example, an employer cannot place all employees with disabilities on one side of the building while all employees without disabilities sit on the other, if the division is based on disabilities. In another example, an employee cannot knowingly withhold job announcements to a person, or persons, who are deaf because the job description requires use of the telephone. Contractual Usually, it is unlawful for an employer to make assumptions about its potential employees, or current employees, with disabilities. It would be a violation of the ADA for an employer to assume what is best for an employee with a disability.

For example, an employer could not prohibit an employee who uses a wheelchair from a job that requires attendance at meetings off site even if the employer believes it is unsafe, or too hard, for the employee to get to and from the meetings. Usually, it is unlawful for an employer to adopt a separate track of job promotion, or progression, for employees based on presumptions.

For example, assuming employees with disability are uninterested, or incapable, of performing a particular job, or performing added duties to their existing job, and therefore not offering them new opportunities, is considered unlawful according to the ADA. Relationship or Association, with an Individual with a Disability Usually, it is unlawful
for an employer to exclude or deny, equal jobs or benefits, to an otherwise qualified individual because the employer knows the potential applicant has a family member, business partner, social association, or other relationship or association with a person with a disability.

For example, an employer cannot deny a qualified person a job because that person’s spouse has a disability and the employer assumes the employee would miss too much work as a result. Reasonable Accommodations If you are an employee and know you can do your job with a reasonable accommodation (i.e. a ramp to the bathroom, or speech activation software), you have the right to request a reasonable accommodation from your employer under Title I of the ADA. See the Disability Law Center’s "How to Request a Reasonable Accommodation" fact sheet for more information.

If You Feel You Have Been Discriminated Against If you feel you have been discriminated against in your workplace, you have the right to file a claim with the Utah Anti-Discrimination Labor Division (UALD), or the Equal Employment Opportunity Commission (EEOC). See the Disability Law Center's "How to File and Employment Discrimination Claim" for more information. Read more about disability discrimination.
The Disability Law Center (DLC) is a private, non-profit organization, designated by the governor as Utah's Protection and Advocacy agency. The DLC believes in a society where abilities, rather than disabilities, are recognized; all people have an equal opportunity to participate; and where all people are treated with equity, dignity, and respect. We work toward our vision by enforcing and advancing the legal rights, choices, and opportunities of Utahns with disabilities. DLC services are available free of charge statewide, regardless of income, legal status, language, or place of residence.

If you have further questions, please contact us. Even though our focus is on cases that can help as many people as possible - because time and resources are limited - we at least offer information and/or referral options to everyone who contacts us. Materials are also available in alternative formats such as audio, large-print, Braille and Spanish. Call (800) 662-9080 or apply for help online, and our staff will contact you within 1-3 business days.

View this Resource Online
https://disabilitylawcenter.org/?p=253