



Americans with Disabilities Act

Equal Access and Opportunity

Passed by Congress in 1990 and signed into law by President George H.W. Bush, the Americans with Disabilities Act seeks to prevent discrimination against people with disabilities in the same way earlier civil rights laws prohibited discrimination by race, religion and gender.

The ADA prohibits discrimination by businesses and governments against people who have disabilities in hiring, on the job, and in providing goods and services, including transportation, public accommodations and telecommunications.

“The promise of the ADA was that all Americans should have equal access and equal opportunity, including Americans with disabilities,” President Obama said. “The ADA was about independence and the freedom to make of our lives what we will.”

Questions and Answers

Q: Which employers are covered by the ADA?

A: Private companies, employment agencies, unions and governments with 15 or more employees.

Q: What employment practices are covered?

A: All employment practices, including hiring, firing, advancement, compensation,



The refreshable Braille keyboard enables people with visual disabilities to read information displayed on a computer. The eight-dot Braille cells change – or refresh – as the words change on the screen.

training, recruitment, job advertising, tenure, layoff, leave and benefits.

Q: Who is protected from employment discrimination?

A: The ADA applies to people whose impairments “substantially limit major life activities,” such as caring for themselves, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking,

communicating, interacting with others and working.

Examples of people covered include those with loss of a limb, epilepsy, paralysis, HIV infection, AIDS, substantial hearing or visual impairment, diabetes, multiple sclerosis, major depression, bipolar disorder or specific learning disabilities. Also protected are those who live with the effects of past disabilities, such as people who have recovered from cancer.

Q: What are employers’ responsibilities under the ADA?

A: An employer may select the most qualified candidate for a job regardless of whether any applicant has a disability. If the most qualified candidate does have a disability, the employer must consider whether that individual can perform the job when provided “reasonable accommodations.”

Q: What are reasonable accommodations?

A: These are changes to the job or work environment that enable a disabled person to perform the job and have the same rights and privileges as other employees. These are examples:

- remove barriers created by steps, narrow doors, inaccessible parking spaces or restroom facilities
- provide transportation
- restructure jobs
- reassign an employee to another job
- modify work schedules
- modify workplace policies
- acquire or modify equipment
- provide qualified readers or interpreters

Q: What happens if an employer cannot provide reasonable accommodations?

A: An employer is not required to make an accommodation if doing so would impose “undue hardship” on the business. An undue hardship is one that requires “significant difficulty or expense,” considering the size, resources, nature and structure of the business operation. A large business can be required to make accommodations that require more effort or expense than would a small business.

Teacher Eileen Johnson and Anna Gladieux work on making sounds as part of a preschool program for hearing-impaired children at Prairie College Elementary in Canton Township, Ohio.



In 2008, Congress revised the ADA to significantly expand the meaning of disability to make it easier for people to seek protection from discrimination.

Q: How much money does it cost to pay for such accommodations?

A: More than half of usual accommodations cost employers nothing. Of the rest, a typical one-time expenditure is \$600.

Q: What must stores, hotels, restaurants and providers of care and education do under the ADA?

A: New buildings for public accommodations and places of commerce must be made accessible for disabled people; most renovations have the same requirement. The need for removing architectural barriers to existing buildings depends on whether the change can be “easily accomplished without much difficulty or expense.” A big business would be expected to make certain structural fixes while a small business might be exempt. These are examples of inexpensive, easy steps:

- install a wheelchair ramp
- install a bathroom grab bar
- lower a paper towel dispenser
- rearrange furniture
- widen a doorway
- create more accessible parking spaces

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The International Convention on the Rights of Persons with Disabilities was the first human rights treaty adopted in the 21st century. It gives universal recognition to the dignity of people who have disabilities and seeks to ensure that they enjoy the same rights and opportunities as all people.

The U.N. General Assembly adopted the convention in December 2006 and entered it into force in May 2008, after 20 countries ratified it. The convention requires the ratifying states to enact laws and other measures to ensure the rights of disabled people and to abolish discriminatory legislation, customs and practices. It also recognizes the extra challenges faced by women and children with disabilities.

The convention outlines the rights of disabled people to education, health, work, adequate living conditions, freedom of movement, freedom from exploitation and abuse, and equal recognition before the law.

One guiding principle is “full and effective participation and inclusion in society.” People who have disabilities should have access to the same physical environment, transportation, information and communications technology, and other facilities and services available to the public. They have the right to live independently, to vote and otherwise participate in political and public life, and to participate in cultural life, recreation and sport.

As of June 22, 2012, 153 countries had signed the convention, and 115 had ratified it. There is an optional protocol to the convention that 90 countries had signed and 65 had ratified. The most up-to-date information and the text of the convention are available at <http://www.un.org/disabilities>.

Since 1980, Kansas-based Envision has provided nearly 4.5 million hours of employment to those who are blind or have low vision. The organization offers many diverse jobs in various industries to people like Annetta Sims.



Q: What are the ADA’s requirements for public transit buses?

A: Regulations provide that new fixed-route, public transit buses be accessible – by chairlift, for example. Supplementary services such as equipped vans must be provided for disabled individuals who cannot use fixed-route bus service.

Q: How does the ADA make telecommunications accessible for all?

A: The ADA requires telephone relay services for those who use various telecommunications devices, such as those for people who cannot hear.

PEOPLE WITH DISABILITIES AT WORK

Walgreens, a U.S. pharmacy retail chain, aims to fill 20 percent of the work force among its distribution centers with people who have disabilities – including those who have autism or Down syndrome – and people who are deaf or blind. The goal for retail positions is 10 percent of new hires.

In 2007, The company began building distribution centers with new technology – including flexible work stations with touch screens – that make tasks easier for workers with and without disabilities. The company soon began to appreciate that many people who have disabilities do not need simpler technology. Since then Walgreens has expanded these hiring efforts to all distribution centers and recently to its more than 7,700 retail locations.

Walgreens works with vocational rehabilitation agencies, charitable organizations and schools to train people who have disabilities to succeed in the workforce and to place them in good jobs.

Walgreens educates managers and nondisabled employees about working side by side with people who have disabilities. The company upholds the dignity of all its employees by insisting that everyone perform the same level of work at the same pay regardless of disability.

According to Randy Lewis, a Walgreens senior vice president, all of the company’s distribution centers employ people who have disabilities and all the centers exceed the productivity rates they were set to achieve.

“Many people don’t believe that employees with disabilities can perform fast-paced, high-quality work,” Lewis said. “At Walgreens, we’ve seen evidence that proves otherwise.”

