



# The Americans with Disabilities Act in Action

**T**he strength of the United States lies in its ability to tap the talents, skills and potential of all its citizens. Nearly one in five Americans has a physical or mental disability, according to a 2012 U.S. Census Bureau report. The Americans with Disabilities Act (ADA) makes possible the full participation of this population in U.S. business and commerce, politics, the arts and social life.

Signed into law in 1990, the ADA broke down barriers to participation by ensuring equal access and equal opportunity for people with disabilities. Implementing the ADA has spurred innovation, improved employee performance, opened new business markets and provided all Americans the benefits of an inclusive society.

## Early Skepticism

However, many U.S. businesses, local governments and other entities initially expressed concerns about implementing the ADA. For example, many business owners worried about how hiring persons with disabilities would affect their operating costs, product quality and employee productivity. Over the past 22 years, some concerns proved legitimate and were addressed through tax incentives and legislative revisions. Other concerns proved fallacious.



Refugio Valls enjoys a ride on the wheelchair swing at Morgan's Wonderland, a theme park dedicated to persons with disabilities, in San Antonio, Texas. AP Photo/Eric Gay

## Concerns vs. Realities

**Concern:** Employing people with disabilities will negatively impact efficiency and operations.

**Reality:** The ADA does not require employers to hire anyone who is not qualified for the job. Candidates who do not possess the skills, experience or education — or who cannot perform essential job duties — are not considered qualified and are not protected under the ADA.

While the ADA does not mandate the hiring of unqualified candidates, hiring qualified candidates who happen to have a disability has proved good for business. People with disabilities bring a different perspective to the workplace, including a better understanding of how to meet the needs of other people with disabilities. This translates into new

processes, products and services. The hearing impaired, for example, pioneered the use of SMS messages long before they became the de facto mode of communication for mobile phone users.

By employing people with disabilities, a business attracts new market segments not only through innovation, but also through diversity. According to a 2006 consumer attitudes survey, 87 percent of U.S. consumers prefer to patronize businesses that hire people with disabilities.

Sarah and Becky Metz cross a wheelchair-accessible wooden bridge at Camp Arrowhead in Barboursville, West Virginia. AP Photo/The Herald-Dispatch/Mark Webb



### REALITY: WHAT THE ADA GUARANTEES

Comprising five titles, the ADA:

- Prevents employers from discriminating against a qualified individual with a disability.
- Requires state and local governments to provide equal access to public programs and services such as public transportation.
- Ensures the equal enjoyment of goods, services and facilities of public places such as restaurants, hotels and theaters.
- Compels telecommunication companies to provide functionally equivalent services to persons with disabilities such as closed captioning for the hearing impaired.
- Makes it illegal to retaliate against individuals who exercise or help others exercise their rights under the law.

Jason Barret, who has a physical disability, receives instructions from Mary Lou Green on how to use Maryland's new electronic voting machines. AP Photo/Timothy Jacobsen



To further stimulate workplace inclusion, the U.S. Internal Revenue Service (IRS) offers employers up to \$2,400 in annual tax credits for every qualified employee hired.

**Concern:** Accommodating persons with disabilities will be too costly.

**Reality:** The majority of employees with disabilities do not require accommodations. According to a 2012 Job Accommodation Network (JAN) study, 57 percent of accommodations cost nothing to make, while the rest typically cost \$500. The IRS also offers an annual tax credit up to \$5,000 to small businesses that provide reasonable accommodations for employees with disabilities. A reasonable accommodation could include providing alternatives to architectural barriers — such as a ramp in place of stairs — or acquiring new equipment such as screen-reading software.

U.S. employers have reaped other benefits from implementing the ADA. That same JAN study found that providing reasonable accommodations resulted in retaining valuable employees, increasing employee productivity and eliminating new employee training costs. Employers also reported boosts to overall morale and productivity.

A North Carolina snack food company, for example, recorded a jump of 70 percent to 95 percent in productivity after hiring employees with disabilities. Employee retention increased, and absenteeism dropped.

**Concern:** Serving persons with disabilities will negatively affect business.

**Reality:** Like accommodating disabled employees, accommodating customers with disabilities is good for business. According to the U.S. Department of Labor's Office of Disability Employment Policy, persons with disabilities represent the United States' third-largest market segment. Serving the 54 million Americans with disabilities gives a business access to more than \$200 billion in discretionary customer income.

A major U.S. hotel chain, for example, noticed a 260 percent increase in net revenues after it began offering ADA-compliant rooms and training staff to serve guests with disabilities.