



Disability Rights and Employment An Introductory Guide by Fifth Freedom

This guide is a brief introduction to standard disability employment rights. This guide is for informational purposes only, and is not legal advice. For questions about your personal employment situation or legal issue, consult an attorney.

What rights do employees with disabilities have?

Discriminating against employees or job applicants on the basis of disability is prohibited by the Americans with Disabilities Act (ADA). This protection against discrimination includes all aspects of employment, including the application process, hiring, firing, pay, and promotion.

Who is considered to have a disability?

A “disability” is an impairment that substantially limits one or more major life activity. If you have a medical condition that negatively affects your ability to do activities such as walk, communicate, hear, see, or eat, then you may have a disability and be protected by the ADA.

What responsibilities do employers have regarding people with disabilities?

Accessible application process

Covered employers are required to make the job application and hiring processes accessible to people with disabilities. This may involve providing large print job applications for applicants with low vision or sign language interpreters for applicants who are Deaf or Hard of Hearing. During the hiring process, an employer generally may not ask about an applicant’s disability, but can ask if the applicant is able to perform the job with or without reasonable accommodations.

Reasonable accommodations

Covered employers may be required to provide reasonable accommodations. A “reasonable accommodation” is a change to the work environment or procedures to enable a person with a disability to apply for a job or perform their job duties. Examples of accommodations include giving employees with diabetes break time to check their blood sugar and rearranging the work station of an employee who uses a wheelchair so they have more room to turn around. If more than one particular accommodation would work, the employer may choose which one to provide.

Confidentiality

Employers are generally required to keep medical information about an employee's disability private, including disability accommodations requested or being made.

Are there any exceptions to standard disability employment rights?

Qualified workers

Employers are not required to hire a person with a disability if they cannot perform the essential duties of the job, with or without a reasonable accommodation.

Undue hardship

Employers are not be required to provide an accommodation if it would cause "undue hardship," by being too difficult or expensive to provide. Accommodations that constitute "undue hardship" depend upon the employer's size, financial resources, and other factors.

Necessary disclosures

Employers may be permitted to disclose information about an employee's disability to explain the employee's need for a disability accommodation to managers or supervisors, if needed for insurance purposes, or to comply with a government investigation.

Small companies

In general, businesses and private employers are covered by the ADA if they have fifteen or more employees. However, individual states may have enacted laws with stricter requirements.

More information

Indiana Disability Rights (IDR) provides free legal advice on employment to people with disabilities. You can reach IDR at 800-622-4845 or at <https://www.in.gov/idr/>.

For a digital copy of this flyer, to learn more about disability employment issues, and to search for and post jobs, visit <http://jobdoozy.org>.