

THE DOLE FOUNDATION

FOR EMPLOYMENT OF PEOPLE WITH DISABILITIES

WHAT YOU NEED TO KNOW ABOUT THE AMERICANS WITH DISABILITIES ACT (ADA)

1. Q: Do we need an ADA?

A: Yes. No existing civil rights bill covers Americans with disabilities at the federal level. Many states have legislation prohibiting discrimination against people with disabilities, but the federal government has no such anti-discrimination legislation. Disabilities affect people regardless of race, sex, or age. Discrimination against people with disabilities exists and needs to be addressed and corrected. The ADA will provide the necessary protection.

2. Q: Who is affected by the ADA?

A: - All people with disabilities as defined under the act
- Private businesses, both large and small
- Places of public accommodation
- Public and private transportation providers

3. Q: What is the scope of the protections provided by the ADA?

A: The ADA is an anti-discrimination bill prohibiting discrimination based on disabilities in employment, public services, public accommodations, and communications. It provides for remedies similar to the Civil Rights Act of 1964.

4. Q: How will the ADA affect the private sector?

A: Private sector employers who do not receive federal funds, either through contract or grant, will be prohibited from discriminating against people with disabilities. Privately owned places of public accommodation (e.g., restaurants, shops, stadiums, concert halls, etc.) may not discriminate against people with disabilities and must provide readily achievable access. Privately owned public transportation services must provide accessible transportation to people with disabilities. Telecommunications companies will be required to bid to provide relay services for the hearing or speech impaired.

5. Q: Does the ADA provide special privileges for people with disabilities?

A: No. The ADA does provide that reasonable accommodations must be made for the limitations of qualified disabled people. However, these accommodations may not cause undue financial hardship to the employer or the provider.

AMERICANS WITH DISABILITIES ACT (cont.)

6. Q: Will the ADA cost American business more money?

A: While the provision of accommodations may sometimes incur costs, once provided the accommodations will allow the addition to the work force of millions of qualified workers with disabilities, which will far outweigh the cost of reasonable accommodations overall. In addition, tax deductions are available for such accommodations, and many studies have shown that 85% of these accommodations cost less than \$500. Annually the nation spends an estimated \$300 billion on disability-related costs. At present, two-thirds of the disabled work force are unemployed; placing these individuals in jobs will greatly decrease public disability payments while increasing the tax base.

7. Q: Does the Bill cover persons with infectious diseases?

A: The Bill covers those who are HIV positive and people with AIDS. However, the Bill does not protect people who are a direct threat to the health and safety of their co-workers.

8. Q: Does the bill protect people who abuse drugs and alcohol?

A: No. The Bill does not protect illegal use of drugs and alcohol at the workplace. It also does not prohibit the employer from testing for drug and alcohol use.

9. Q: Does the bill foster litigation?

A: No. There are no provisions in the Bill for punitive damages, i.e., pain and suffering, which would result in large court settlements. The Bill provides for such remedies as back pay, reinstatement and equitable solutions in cases of proven discrimination.

10. Q: Will the passage of the ADA promote employment of qualified persons with disabilities?

A: Yes. Qualified persons with disabilities will be able to board public transportation to and from work, work in private sector businesses, attend the theater and other public gatherings and be consumers of goods. The many barriers which existed as disincentives to employment of people with disabilities will be removed by this legislation nationwide for the first time in American history.