

The U.S. Equal Employment Opportunity Commission

Disability Discrimination

Need more information?

Please see: [Notice Concerning The Americans With Disabilities Act Amendments Act Of 2008](#)

The law:

- [Titles I and V of the ADA](#)

Title I of the [Americans with Disabilities Act of 1990](#) prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

The regulations:

- [29 C.F.R Part 1630:](#)
- [29 C.F.R Part 1640:](#)
- [29 C.F.R Part 1641:](#)

EEOC Enforcement Guidances and Policy Documents:

- [Selected list](#)

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Title I of the ADA also covers:

See also:

- [Questions and Answers: Promoting Employment of Individuals with Disabilities in the Federal Workforce](#)
- [Applying Performance And Conduct Standards To Employees With Disabilities](#)
- [Veterans with Service-Connected Disabilities in the Workplace and the ADA](#)
- [Veterans with Service-Connected Disabilities in the Workplace and the ADA-A Guide for Employers](#)
- [Reasonable Accommodations for Attorneys with Disabilities](#)
- [The Family and Medical Leave Act, the ADA, and Title VII of the Civil Rights Act of 1964](#)
- [The ADA: A Primer for Small Business](#)
- [Your Responsibilities as an Employer](#)
- [Your Employment Rights as an Individual With a Disability](#)
- [Job Applicants and the ADA](#)
- [Small Employers and](#)

- **Medical Examinations and Inquiries**

Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

- **Drug and Alcohol Abuse**

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

Statistics

In Fiscal Year 2007, EEOC received 17,734 charges of disability discrimination. EEOC resolved 15,708 disability discrimination charges in FY 2006 and recovered \$54.4 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

- [Americans With Disabilities Act Charges](#)

[Reasonable Accommodation](#)

- [Work At Home/Telework as a Reasonable Accommodation](#)
- [Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures](#)
- [How to Comply with the Americans with Disabilities Act: A Guide for Restaurants and Other Food Service Employers](#)

The Questions and Answers Series

- [Health Care Workers and the Americans with Disabilities Act](#)
- [Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act](#)
- [Blindness and Vision Impairments in the Workplace and the ADA](#)
- [The Americans with Disabilities Act's Association Provision](#)
- [Diabetes in the Workplace and the ADA](#)
- [Epilepsy in the Workplace and the ADA](#)
- [Persons with Intellectual Disabilities in the Workplace and the ADA](#)
- [Cancer in the Workplace and the ADA](#)

Mediation and the ADA

- [Questions and Answers for Mediation Providers: Mediation and the Americans with Disabilities Act \(ADA\)](#)
- [Questions and Answers for](#)

[Parties to Mediation:
Mediation and the
Americans with Disabilities
Act \(ADA\)](#)

You may also be interested in:

- [How to File a Charge of Employment Discrimination](#)
- [Mediation at EEOC](#)
- [Training and Outreach](#)
- [Information for Small Employers](#)
- [DisabilityInfo.Gov](#): Web portal to the New Freedom Initiative

Have a Question?

Ask us! Contact us by [phone \(toll free\) or email](#), or [check our FAQs](#).

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