

HOW TO TREAT THE DISABLED: INTEGRATE, DON'T DISCRIMINATE

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According to the U.S. Census Bureau, at the time of the last census in 2012, 56.7 million people stated they suffered from some type of disability. Of this number, more than half stated that their disability was severe.

The meaning of having a disability is not quite the same as a few decades ago. Not only is there legislation to protect those with disabilities from discrimination, but also the people who have a disability want to be treated equally too. The Americans with Disabilities Act of 1990 (ADA) became law, targeting integration for disabled people, especially in relation to work and the marketplace. It's this legislation that has given disabled people the opportunity to excel without discrimination. Any attempt by employers or business owners to exclude disabled people could mean a substantial penalty.

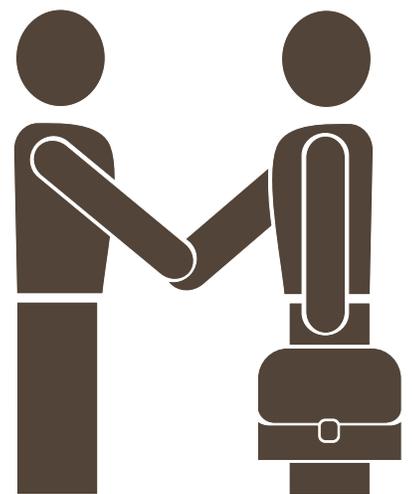
HOW DISABLED PEOPLE SHOULD BE TREATED

The move to make disabled people more inclusive in our country has given them more power and self confidence.

Often, there is a feeling in the community that we should feel sorry for disabled people. This is not what a disabled person wants us to feel. They typically want to be treated like anyone else as much as possible.

There is a tendency when approaching a disabled person who is being accompanied to talk to the companion first. This is not something a disabled person wants to experience. Making physical approaches, like tapping on the shoulder or pulling hold of an arm, could be disruptive to the person's balance. This behavior should be avoided. Some disabled people depend more on their arms for balance than a person who has no disability.

When referring to disabled people there are certain terms that are not considered acceptable. Saying someone is confined to a wheelchair is outdated, as a wheelchair determines more independence for the user. Words such as 'crippled', 'retarded' or 'handicapped' are not acceptable these days either.



ASK BEFORE OFFERING ASSISTANCE

Most people would not wish a disability upon themselves and want to appear as normal as possible in their community. This means you don't need to go out of your way to offer assistance to a disabled person. Unless the person seems overly stressed in a situation, you only need to offer assistance if asked to do so.

DON'T USE NEGATIVE TERMINOLOGY

As a disabled person seeks to empower him or herself, words such as 'victim' or 'sufferer' are not consistent with the attitude and aims of people with disabilities, so they should be avoided. However, it's quite acceptable to use expressions like 'see you soon' to someone who is blind' as these are not direct references to the person who is blind, but simply idiomatic usages.

Similarly, deaf people have their own way of viewing their position in the world and accept certain terminology such as 'hard of hearing' not 'hearing impaired' and the use of 'Deaf' with a capital D as they see themselves as a distinct group.

WHEELCHAIR USERS NEED CONSIDERATION

Wheelchair users come in different levels of disability. The wheelchair is not a setback, but is more viewed as a useful vehicle for increasing mobility. It's their way of ensuring as much independence as possible. This means that anyone near the wheelchair should treat it as part of the user and not interfere with its use.



BUSINESSES AND THOSE WITH DISABILITIES

With the enactment of the ADA, all property and business owners should ensure that any entry to their building is free of obstacles. That means any ramps designed for wheelchair use should be kept clear and other obstacles like trash cans should not block the free movement of a disabled person, whether in a wheelchair or not.

All accessible routes in a building should be clearly marked, such as the use of stairs or elevators, so the disabled person can choose the best route.

Disabled people are more prone to falls, so if there is an unusual hazard on a floor in your building, such as a spilt carton or liquid from a fallen bottle, it should not only be cleared up immediately but a warning sign should be erected and removed when the area is fully operational again.

If you are selling goods in a store, all items should be in easy reach of the disabled person. This means there should be no obstructions preventing clear movement. Sometimes, at the check-out, a person in a wheelchair may have problems accessing electronic paying systems. They may need a hand with this. Having a clip board available if a credit card payment needs to be signed makes the whole process less intimidating and less time consuming.

RANGES OF DISABILITIES

There is a large range of disabilities that people in our society have to live with, from mild to major hearing loss, sight loss, mental disabilities, Cerebral Palsy and Tourettes Syndrome. Whatever the disability, the person needs to define how he or she lives his or her life. This has been made easier over time due to the ADA. Independent living is the preferred option for most, along with effective protection from any form of discrimination.

USE OF A SERVICE DOG

There was a case recently when a disabled person who used a service dog was denied access to a store with the dog. In this case, it was considered to be illegal discrimination as a service animal cannot be denied access to a store. The store had to pay \$27,500 in compensation to the complainant and the same amount again in civil penalties. The store was also required to attend training in anti-discrimination and develop a store policy which complied with the law and was clearly displayed for the public to see.



WHAT IS DISABILITY DISCRIMINATION?

There are various forms of disability discrimination that are seen as illegal. Such as when a disabled person is unable to gain access to a public place or is refused employment based on a disability. It is also illegal to use insulting, derogatory language towards a disabled person.

DISABILITY DISCRIMINATION LEGISLATION

The first round of federal legislation barring discrimination took place in 1973. This was based on giving disabled people equal access to employment opportunities within the federal government. This meant that a disabled person could not be refused employment or fired. Later, in 1990, ADA legislation was extended to local and state government employees and private companies. The only requirement was that the disabled person was given the relevant tools and was expected to work at the same capacity as a worker without a disability.

DISCRIMINATION IN A PUBLIC BUILDING

It is considered discrimination if a disabled person cannot use a building because it does not accommodate access for those with disabilities. This includes disability access for parking lots, restrooms and elevators as well as access in general areas of the building such as entrance ways. If the building is under construction or being remodeled it should provide disability access. Older buildings prior to 1990 need not adapt their amenities at the moment.

OTHER TYPES OF DISABILITY DISCRIMINATION INCLUDE:

- Intimidating an employee because of a disability;
- Asking applicants for a job questions about their medical status;
- Creating a workplace or maintaining it in such a way that those with physical disabilities would be faced with considerable barriers.

You are protected by both state and federal laws when it comes to any of these types of discrimination.

WHO ARE THE DISABILITY DISCRIMINATION LAW ENFORCERS?

The federal government agency responsible for breaches of the ADA in relation to employment is called the Equal Employment Opportunity Commission (EEOC).

WHAT RIGHTS DOES A PERSON WITH A DISABILITY HAVE IF SUBJECTED TO DISCRIMINATION?

There are a variety of compensation packages available, including back pay if the person had been fired and reinstated to the job. Also there are compensatory damages to cover emotional pain and associated suffering as a result of the discrimination and punitive damages which are aimed at punishing the offending employer. If any counseling is required in order to reinstate the person with disabilities to the state he or she was in before the discrimination took place, the cost of this may be included in a compensation package. Witness costs, court costs and attorney fees may be included in the package too.

HAVE YOU BEEN SUBJECT TO DISCRIMINATION BECAUSE OF YOUR DISABILITY?

If you think you have been discriminated against in any way, as described in the examples outlined above because of a disability, you may be entitled to take legal action and receive rightful compensation. You should not be afraid of consulting an experienced disability attorney who will explain your rights under the ADA and discuss with you what he or she can do to help you pursue your complaint.

QUESTIONS? PLEASE CALL 516-358-6900.

