



My Employment Rights

There are a number of important federal laws that protect individuals with disabilities from discrimination in employment and the job application process. These laws are outlined below.

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 prohibits discrimination based on disability. Under this act, disability is defined as “a **physical or mental impairment that substantially limits a major life activity**”. The ADA requires employers with 15 or more employees to provide a reasonable accommodation for the individual with the disability. A “reasonable accommodation” is defined as any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.



Rehabilitation Act of 1973 (PL 93-112)

The Rehabilitation Act is an act of Congress signed into law by President Richard M. Nixon on September 26, 1973. It prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors. Section 504 of the Act (see below) created and extended civil rights protections to people with disabilities. As a direct result of the Rehabilitation Act, many people with disabilities were provided opportunities in education and employment. The Rehabilitation Act of 1973 was amended in 1978 (to establish independent living centers), 1986 (to enhance support for rehabilitation engineering), 1992 (to ensure consumer choice in career opportunities), and 1998 (to provide federal funds to assist people with disabilities in finding meaningful employment).

Section 503

Section 503 of the Rehabilitation Act of 1973 prohibits discrimination and requires employers with federal contracts or subcontracts that exceed \$10,000 to take affirmative action to hire, retain, and promote qualified individuals with disabilities. This law is enforced by the Employment Standards Administration’s Office of Federal Contract Compliance Programs (OFCCP) within the U.S. Department of Labor.





Section 504

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives federal financial assistance or is conducted by any executive agency or the United States Postal Service. Basically, this means all government-funded programs/entities must adhere to this law, meaning they cannot discriminate against an employee with a disability, or a potential employee with a disability.

Enforcing the Laws

Equal Employment Opportunity Commission (EEOC)

The EEOC enforces laws against workplace discrimination on the basis of an individual's race, color, national origin, religion, sex, disability, and age. The law also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because her husband has a disability. It is illegal to harass an applicant or employee because he or she has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment). Harassment can include, for example, offensive remarks about a person's disability. Although the law does not prohibit simple teasing, off-hand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Resources if you feel your rights have been violated

- [Filing a charge of discrimination with the EEOC](#)
- [U.S. Department of Justice – Civil Rights Division](#)
- [National Disability Rights Network](#)

