

Provision protects those who associate with disabled

The Equal Employment Opportunity Commission (EEOC) recently issued a document that highlighted a little-known provision of the Americans with Disabilities Act (ADA) that protects applicants and employees from discrimination based on their association with people who have disabilities. The provision covers hiring, firing, and other terms and conditions of employment. For example, an employer cannot refuse to hire someone based on a fear of excessive absences because of the need to take care of someone with a disability.

“Family members, friends and caregivers of people with disabilities should know that they are protected from employment discrimination based on those relationships,” said EEOC Chair Cari M. Dominguez. “This new document also advises employers of this important provision of the ADA.

Discriminatory Acts

According to the EEOC, the following acts would also be discriminatory:

- Firing or refusing to hire an individual based on concerns that the individual will acquire a condition from a family member or other individual
- Refusing to provide health insurance for an employee’s family member with a disability when the employer generally provides health insurance for employee dependents

- Harassing someone based on the individual’s association with a person who has a disability
- Providing lesser benefits to someone who has an association with someone with a disability when the benefits are provided to all other employees
- Firing, refusing to hire, or denying any benefit or privilege of employment to someone because of concern that the employer’s image will be negatively affected by the applicant’s or employee’s association with people with disabilities

What This Means to Counties

Counties should be aware of this federal law and new guidance in order to avoid discriminating against people who associate with people with disabilities.

For more information, visit the EEOC’s website at www.eeoc.gov or contact CTSI at 303-861-0507.