

# **ADA Defined**

**Council 28 Steward Conference – May 19, 2012**

## **Protections & requirements under ADA**

- ADA bans discrimination against a person with a qualified disability either before they are hired or after they are already employed
- It is up to the employee to request an accommodation under ADA

## **What is a qualified disability?**

- A physical or mental impairment that limits at least one major life activity:
  - Walking
  - Talking
  - Seeing
  - Hearing
  - Learning
  - Breathing
  - Working and performing manual tasks

## **What is NOT an impairment?**

- A normal characteristic (like eye color or being left handed)
- A physical condition that is not due to a physiological disorder (like pregnancy)
- Environmental, cultural, or economic disadvantages
- Personality traits
- General stress or depression

Council 28 – Continuing Steward Ed/Navigating the Seas of Leave Laws: **Handout 4**

**REMINDER: If you believe any of the laws have been violated, please contact your Council Rep.**

### **A qualified disability also includes:**

- A history of, or having recovered from, a physical or mental impairment such as cancer or a mental illness
- A perceived impairment, for example someone with a facial disfigurement, although it doesn't limit a major life activity

### **What's considered a reasonable accommodation?**

A modification or adjustment to a job application process or a work environment that allows the person to perform the essential functions of a position – *if they do not impose an undue hardship on the employer.*

### **What can I do as a steward to protect our members' rights?**

- Be familiar with the laws OR
- Know where to find information and resources
- Find out what's in your contract AND
- Bargain better contract language
- Be ready to support your members who are struggling with mental or physical health issues.