

11. Your Rights in the Workplace Job Accommodations and the ADA

Purpose of the Brochure:

Brochure 11 is designed to make the reader aware of the ways in which their employment rights are protected by the ADA. It is also intended to help the reader understand what kind of job accommodations might be helpful, when they might be necessary and how to ask for them.

Group Objectives:

- to gain an understanding of employee rights and employer responsibilities as outlined by the ADA
- to learn how to identify a need for job accommodations
- to become familiar with some common job accommodations
- to learn how to request and/or negotiate for job accommodations when necessary

Suggested Activities:

- Review how to assess whether or not you need accommodations (see page 4). If people are comfortable sharing some examples from their own experience, discuss it as a group.
- Practice asking for accommodations. In doing so, it is important to identify how, when and with whom to discuss the need for accommodations.
- Spend some time addressing individuals' particular disabilities and situations, and brainstorming as a group what sort of job accommodations might be needed and /or helpful to those individuals.

Suggested Discussion Questions:

- How does the ADA help protect people with disabilities who are seeking work or are employed? What ADA information was new to you when you read the brochure?
- What is required of the employer when asking for accommodations? What is required of the employee?
- Have you ever needed job accommodations? What was that situation like? Were you able to arrange appropriate accommodations? Whether you did or not, what strategies did you use? How did the situation turn out?
- What accommodations do you think would be most helpful to you in a work situation? Why?
- How do you know when the need for accommodations is important enough to disclose your disability to your employer?

Tips:

Our experience in vocational services for persons with psychiatric disabilities has shown us that a significant number of people (consumers, providers and employers alike) are unaware that the ADA provides legal protection for people with psychiatric disabilities.

It is important to acknowledge explicitly that the burden for ADA compliance is on the employee which means you have to know what your rights are, and be prepared to stick up for yourself. We know that most employers out there want to be fair and comply with the requirements of the ADA, but it is also true that employers can find ways to get around it and that you sometimes have to decide whether it's worth the trouble of pursuing legal action. It is important to know that even if you file a claim with the EEOC, it can take quite a long time for the case to be resolved.

Outcomes:

By the time you've finished covering Brochure 11, participants should:

- a) know what their rights are under the ADA.
- b) know what a job accommodation is and when and how to request it.
- c) be familiar with some common job accommodation strategies.