

Americans With Disabilities Act

ADA DAY

7.26.21



WHAT IS ADA DAY?

History

The ADA (Americans with Disabilities Act) is a civil rights law for people with disabilities that was passed on July 26, 1990. The law prohibits discrimination against individuals with disabilities, assuring them of equality and equity of opportunity, full community participation, independent living, and economic self-sufficiency. In enacting the ADA, Congress recognized that physical and mental disabilities do not reduce a person's right or ability to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently excluded from doing so as a result of prejudice and inaccessibility.

With the help of the ADA, 1 in 4 Americans with disabilities is able to participate in their communities and workplaces today. Every July 26th we celebrate the ADA, our fellow individuals with disabilities, and look ahead to the work that is still being done to make a more inclusive, accessible life for those with disabilities.



Areas of assistance under the ADA

- Employment
- Transportation
- Public Accommodations
- Communications and access to state and local government programs and services

OVERVIEW OF AMERICANS WITH DISABILITIES ACT

Title I of the Americans with Disabilities Act (ADA):

Prohibits private and government employers, employment agencies, and worker's unions from discriminating against qualified individuals with disabilities. This covered all terms of employment, including applications, hiring, firing, promotion, and job training. It is enforced by the U.S. Equal Employment Opportunity Commission. Those who believe they have been discriminated against on the basis of their disability can file a charge to the department citing disability discrimination.



Title II of the ADA:

Prohibits discrimination on the basis of disability in all public services on a state and local level. Title II also extends section 504 of the Rehabilitation Act of 1973 and states that disability-based discrimination is prohibited regardless of whether or not a person with a disability receives financial assistance from the federal government. A revision in 2010 outlined design requirements for public services to be accessible for people with disabilities.

Title III of the ADA:

Prohibits disability-based discrimination in public activities, or businesses generally open to the public and fall into one of the 12 categories outlined in the ADA (Places of lodging, Establishments serving food or drink, Places of exhibition or entertainment, Places of public gathering, Sales or rental establishments, Service establishments, Public transportation terminals, Places of public display or collection, Places of recreation, Places of education, Social service center establishments, Places of exercise or recreation). It also requires new or renovated public services and privately owned, nonresidential facilities (such as factories and office buildings) to comply with ADA design requirements.



OVERVIEW OF AMERICANS WITH DISABILITIES ACT



Title IV (Telecommunications):

This title requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone.

This title also requires closed captioning of federally funded public service announcements. This title is regulated by the Federal Communication Commission.

Title V (Miscellaneous Provisions):

The final title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees. This title also provides a list of certain conditions that are not to be considered disabilities.



ADVANCEMENTS MADE TO ADA

With the passage of the ADA many advancements have been made to provide accessibility to those with disabilities.

- Previously inaccessible places like narrow doorways have been widened to become more accessible to wheelchair users.
- Electric door openers provide accessibility to entrances for people in wheelchairs to enter buildings more easily.
- Support pipes have been put into many bathrooms in public places to aid people using wheelchairs or walking support.
- Braille signs or walk buttons at crosswalks help those who are visually impaired, are common to see now.
- Elevator panels have braille floor numbers for the visually impaired.
- Many of today's brick-and-mortar businesses, if not relying on online services due to the pandemic, have become completely ADA compliant.

ADVANCEMENTS MADE TO ADA

ADA Amendments Act of 2008 (ADAAA):

On September 25, 2008, President George W. Bush signed the Americans with Disabilities Amendments Act of 2008 ("ADA Amendments Act" or "Act"). The updated Act emphasizes that the definition of disability should benefit those with disabilities without exclusion, however, several supreme court cases alluded to the fact that the ADA's terms were actually prohibiting those who needed assistance from receiving it. Before 2008, the ADA's definition of "disability" fell too specific, making it difficult for those with disabilities to access protection under the ADA. In order to carry out further edits to the Act, Congress included terms that would provide a broad scope of protection to be available under the ADA.



ADA Education and Reform Act of 2017:

In 2018, Congress passed the new additions to the ADA. This law firstly requires the Disability Rights Section of the Department of Justice to develop a program to educate state and local governments and property owners on strategies for promoting access to public accommodations for persons with a disability. Such a program may include training for professionals to provide guidance of remediation for potential violations of the Americans with Disabilities Act of 1990. The update also prohibits civil actions based on the failure to remove an architectural barrier to access into an existing public accommodation. Lastly, the Judicial Conference of the United States must develop a model program to promote alternative dispute resolution mechanisms to resolve any of these claims. The model program can include an expedited method for determining relevant facts, breaking down barriers and steps to resolve accessibility issues firsthand.

Web Accessibility

Web accessibility is the practice of making sure different aspects of the internet are accessible to people with disabilities. This benefits people with visual and auditory impairments, cognitive and intellectual disabilities such as dyspraxia, and those with epilepsy or other seizure-inducing disabilities. In the US, Section 508 Amendment to the Rehabilitation Act of 1973 requires all federal agencies' technology to be accessible to those with disabilities. This law isn't always followed, and over 2,200 lawsuits related to web accessibility were filed in 2018. There are many ways to help make being online more accessible to those with disabilities, including writing a description below an image if included, avoiding using color to convey information or meaning, and making sure content is clearly written and easy to read.

SUCCESS STORIES, #THANKSTOTHEADA



Curtis Pride is a former Major League Baseball outfielder. He was born 95% deaf from rubella, but learned oral skills early in his life and is a fluent lip reader. The ADA helped him sign to the New York Mets, Boston Red Sox, New York Yankees, Anaheim Angels, and several other teams. His Major League Baseball career lasted from 1993 to 2006. He has been the baseball coach at Gallaudet University, a university dedicated to higher education for deaf and hard of hearing people, since 2008. He is actively involved in the Together With Pride foundation, an organization creating programs for deaf and hard of hearing children, focusing on education and positive wellbeing.

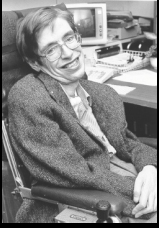


Catalina Devandas Aguilar is a lawyer and human rights activist, most prominently known for her work as the first United Nations Special Rapporteur on the Rights of Persons with Disabilities. From 2014 to 2020, her work as a Special Rapporteur included socio-economic inclusion, the promotion of full citizenship of persons with disabilities, and embracing the understanding that persons with disabilities are part of human diversity. Catalina was born with Spina Bifida, a condition that affects the spine. She was previously part of the disability rights movement at the national, regional, and international levels and continues to work with organizations specializing in people with disabilities. Aguilar is married and has three daughters.



Brian Bell is a paralympic gold medalist and pro wheelchair basketball player. Losing his leg at 10 in a train accident, after rehabilitation, turned to football and basketball. His mother discovered the Lakeshore Foundation, a US Olympic and paralympic training organization which helped him discover his love for wheelchair basketball. The foundation has an ADA International Fellowship Program funded by the US Department of State Bureau of Educational and Cultural Affairs. He won a gold medal in the Rio 2016 Paralympic Games, and a silver medal in the Wheelchair Basketball World Championship in 2018. He currently plays in Germany, and will be competing in the 2021 Tokyo Paralympics. In June 2020, he wrote an article for the International Paralympic Committee entitled “Hear My Voice: Brian Bell Talks Being a Black Man with a Disability”.

SUCCESS STORIES, #THANKSTOTHEADA



Stephen Hawking (1942-2018) was an English theoretical physicist, cosmologist, and author. Two years into his PhD, he was having trouble walking and talking. Doctors told Hawking that he only had a few years to live, but it was clear that the disease was progressing more slowly than the doctors had initially estimated. Hawking attributes his drive after his ALS diagnosis to his then-fiancé, Jane Wilde, with whom he later had three children. Hawking's scientific works included a collaboration with Roger Penrose on gravitational singularity theorems in the framework of general relativity, as well as the theoretical prediction that black holes emit radiation (often referred to as Hawking Radiation). By the late 1970s, this discovery was widely accepted as a significant breakthrough in theoretical physics. Stephen Hawking never let his disability prohibit him from extraordinary scientific discoveries, and he worked as the director of research at the Centre for Theoretical Cosmology at the University of Cambridge until his death.



Tammy Duckworth is an American politician and retired Army National Guard lieutenant colonel, serving as the junior United States Senator (D) from Illinois since 2017. Duckworth is a combat veteran of the Iraq War, serving as a U.S. Army helicopter pilot. In 2004, her helicopter was hit by a rocket-propelled grenade, where she lost both of her legs, and some mobility in her right arm. Despite her injuries, Tammy obtained a medical waiver that allowed her to continue serving in the army until she retired as a lieutenant in 2014. In 2009, President Obama nominated her to be the Assistant Secretary of Public and Intergovernmental Affairs for the United States Department of Veterans Affairs (VA). In this role, she coordinated a joint initiative with the U.S. Department of Housing and Urban Development to help end Veteran homelessness, address challenges faced by women, as well as Native American Veterans. She created the Office of Online Communications to improve the VA's accessibility. She is the first Thai American woman elected to Congress and person born in Thailand, the first woman with a disability elected to Congress, the first female double amputee in the Senate, and the first senator to give birth while in office.

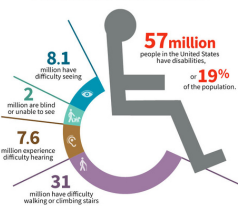
DID YOU KNOW?

- There are about **65 million people** with at least one disability in the U.S. Nearly 35% of this population is of working age (16-65), and also earns enough income through employment and other benefits.
- People with disabilities make up a significant portion of consumer spending, and retailers who are able to engage these shoppers will see the benefits of including a powerful consumer base.
- The market of people with disabilities has \$175 billion in discretionary spending, according to the U.S. Department of Labor. This is more than four times the spending power of tweens (8-14 year-olds), a demographic that businesses target substantially.

Not only do consumers with disabilities have the money to spend, but they also take the time to do their shopping. **Consumers with disabilities make more shopping trips than the average consumer**, spending less in total dollar volume using coupons, but spend 20% more on pet food, 19% more on pet care, 11% more on baked goods, and 8% more on packaged meats.

An inclusive environment for consumers is just as important as an inclusive workplace. **Businesses benefit from hiring those with disabilities, increasing diversity in their labor force, and improving productivity.** Those with disabilities may not feel empowered to ask for help, which is where leaders have the opportunity to support their employees and provide the means that all employees deserve to show up as their best selves. Companies like Saterman Connect work with organizations on DEIB through awareness workshops and leadership development coaching, so leaders can empower their diverse community of employees, every day.

American Disabilities



Activities for ADA Day:

- Exhibit works by artists with disabilities.
- Sponsor a disability awareness poster contest.
- Demonstrate the use of assistive devices at a community event.
- Host an online or in-person discussion. Ask questions, like "What impact has the ADA had on your life?"
- Contact your Local ADA Center.

What to say to people in the workplace:

- "You may not need help, but please don't hesitate to ask me if you do."
- "What is the term that you prefer?"
- "Can I ask about your disability?"

