

# Employment law

[Business](#), [Management](#)



College: Disability is defined as physical or mental impairment that is either recorded or not and limits an individual from executing one or more life activities. A qualified impaired person is the one who can carry out his or her duties at the workplace with or without reasonable accommodation.

Discrimination is the limiting of qualified individuals access to different privileges of employment on the basis of their impairment as long as it does not affect performance and productivity of the business entity (The Americans with Disabilities Act, 1990).

The Americans with Disabilities Act demands fairness in employment privileges to necessitate equal access to state services, public accommodation and provision of special facilities to necessitate communication and mobility for the impaired. Organizations with more than 15 employees are required by the state to adhere by the American with Disabilities Act guidelines. Employers are required to institute reasonable accommodation if it does not strain the organizations operations financially, through business size and operation structure. Employers should not compromise on their organizations production standards to accommodate the disabled persons.

It is illegal to discriminate a qualified person in the process of recruitment because of his or her physical or emotional impairment. For instance, in the second case, a complaint was denied an employment privilege because of her weight as the interviewer alleged that park and recreation employees were physically fit. The interviewers act is punishable by law because he denied a qualified person the employment privileges accessible to persons with equal qualification. According to the act, the obese employee should

have been given a chance and plans for reasonable accommodation put in place for her to attend physical fitness therapy.

Employers are required to provide reasonable accommodation on the employees request through helping in devising a way of solving performance problems. Moreover, employers are at liberty to choose and implement the accommodation strategy that is cheaper and easier to provide considering the nature and financial status of the organization. For instance in in the third case, the administrative assistant should not be subjected to undue medical tests that are not mandatory for other employees in the organization. The HIV infected employees should be subjected to screenings that are job related and their assessment is important according to the nature and needs of the business in question.

Despite worldwide education on ways in which one can be infected, a discrimination of the HIV infected persons is very rampant. That is why on learning about the status of the administrative assistant, a co-worker disinfects his desk and demands to be moved to another office.

Discrimination and accusations leveled on the infected persons affects ones self esteem and is likely to affect performance negatively. To shield the persons in question from unnecessary trauma, medical records should be kept confidential and information should only be shared with the essential parties where professionalism demands.

American with Disabilities Act does not cover alcoholic individuals and an employer is at liberty to subject his staff to test for drug use. In addition, alcoholics are expected to meet the performance standards as defined in the organizations employment contract guidelines. In the first case, the

gardener's alcoholism does not affect his performance and thus his employment should not be terminated on the discovery of his addiction problem. According to the Americans with Disability Act, the employer should accommodate the Gardner and support his bid for rehabilitation through allowing him to attend his therapy sessions or initiating on-job counseling to help him kick his drug addiction.

### References

The Americans with Disabilities Act (ADA) of (1990). <http://www.access-board.gov/about/laws/ada.htm>, retrieved on 089 April 2013.