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U.S. Legislative Policies

Americans with Disabilities Act

1. The Americans with Disabilities Act was established on July 26, 1992, to prevent individuals with disabilities from discrimination. “It also prohibited discrimination so that qualified handicapped persons may receive certain public services, public accommodations, transportation, and telecommunications” (Theil 29). This act applies to “state and local government, agencies, departments, and other government entities” (Thiel). For this to be applied to an individual, they must be qualified. However, the disability must be recognized under the law.
2. This act is implemented through the different titles within the act. Each title enforces certain regulations and provides certain benefits. Some organizations formed because of this act such as the Disability Rights Education and Defense Fund, Americans Disabled Attended Programs Today and the Center for Independ Living. All these groups have formed in hopes of lessening the discrimination seen against individuals with disabilities. People must meet the requirements to comply with the law. This act requires employers to provide reasonable accommodation to qualified individuals (Enployer.gov) and requires places of accommodation to ensure that everyone has equal opportunity (U.S. Department of Justice). The ADA gives business some flexibility to meet certain obligations, however, if they are unable to fulfil them, alternative methods must still be provided.
3. Employment discrimination was very common among individuals with disabilities. “When the ADA was enacted in 1990, one of its main goals was to enhance employment opportunities for people with disabilities who wanted to and could work but were being kept out of the job market due to discrimination based on disability” (Stefan 271). Employers were not hiring individuals due to their disabilities. This would be considered institutional discrimination because businesses have policies in place to prevent people with disabilities from working. Just because they were not considered your “normal” worker, they were not able to get a job, even if they were more than capable of doing so. Secondly, the “Americans with Disabilities act fails to address the world of discrimination for individuals with mental disabilities” (Susan 1). Individuals with mental disabilities are considered “totally incapable of any kind of achievement” (Susan 1). This is considered individual discrimination. People have individual beliefs and attitude towards individuals with mental disabilities. They will treat them differently just because of the mental disability they have. It makes them no less of a person, but people’s attitude will make them behave differently.
4. This law creates privilege for the dominant group because it gives the dominant group conferred dominance over those with disabilities. People without disabilities do not have to have accommodations. People see that as having power over those who do need those accommodations.

The Family Medical Leave Act

1. The Family Medical Leave Act of 1993 “requires business with 50 or more employees to provide 12 weeks of a year of unpaid leave for birth, adoption, foster care, or personal or family illness” (Scharlach and Jones 335). They are still provided with health care during the 12-week period. Then it is their time to come back, they still have their jobs or an equivalent position available.
2. This law is implemented by companies who have 50 or more employees employed. If they meet the specified family and medical reasons, then they can take their leave. To comply with this act, employees take their 12 weeks unpaid and then return to work once their time is up.
3. The law unequally disadvantages one group over another because “jobs loss leads to families applying for government assistance resulting in increased costs to taxpayers” (Scharlach and Jones 337). This is structural discrimination because this occurs with other things that happen in society. If something happens and more funding is needed, they just increase taxes. That is the way things are. So, when they enact unpaid leave and people lose their jobs who then reply to the government, they just have taxpayers pay for it. This act also “mandates reduce economic efficiency by limiting the ability of employers and workers to negotiate the optimal compensation package” (178 Ruhm). Individuals who fall into the low-income bracket cannot afford 12 weeks of unpaid leave. If an emergency were to occur, it would cost them their job. This is institutional discrimination because the company enforces the act of unpaid leave and does not account for financial issues.
4. This creates privilege for the dominant group because they do not have to worry financially. Those in the upper class can afford to take 12 weeks of unpaid leave and not worry about paying bills.

Work Cited

“Americans with Disabilities Act Guide for Places of Lodging: Serving Guests Who Are Blind or Who Have Low Vision.” *ADA Guide for Places of Lodging: Serving Guests Who Are Blind Or Who Have Low Vision*, <https://www.ada.gov/lodblind.htm>.

[Delusions of Rights: Americans with Psychiatric Disabilities, Employment Discrimination and the Americans with Disabilities Act Symposium: The Americans with Disabilities Act: A Ten-Year Retrospective 52 Alabama Law Review 2000-2001 (heinonline.org)](https://heinonline.org/HOL/LandingPage?handle=hein.journals/bamalr52&div=14&id=&page=)

“How to Comply with the Americans with Disabilities Act: A Guide for Restaurants and Other Food Service Employers.” *U.S. Equal Employment Opportunity Commission*, <https://www.eeoc.gov/fact-sheet/how-comply-americans-disabilities-act-guide-restaurants-and-other-food-service-employers#:~:text=Yes.%20The%2n.d.A%20requires%20employers%20to%20provide%20reasonable,hardship.%22%20Undue%20hardship%20means%20significant%20difficulty%20or%20expense>.

Parry, John. “The Americans With Disabilities Act (ADA).” *Mental and Physical Disability Law Reporter*, vol. 14, no. 4, American Bar Association, 1990, pp. 292–98, <http://www.jstor.org/stable/20782915>.

Ruhm, Christopher J. “Policy Watch: The Family and Medical Leave Act.” *The Journal of Economic Perspectives*, vol. 11, no. 3, American Economic Association, 1997, pp. 175–86, <http://www.jstor.org/stable/2138191>.

Scharlach, Andrew E., and Blanche Grosswald. “The Family and Medical Leave Act of 1993.” *Social Service Review*, vol. 71, no. 3, University of Chicago Press, 1997, pp. 335–59, <http://www.jstor.org/stable/30012623>.

Stefan, S. (2001). *Unequal rights: Discrimination against people with mental disabilities and the Americans With Disabilities Act.* American Psychological Association. [https://doi.org/10.1037/10386-000](https://psycnet.apa.org/doi/10.1037/10386-000)

THIEL, JOHN E. “The Americans with Disabilities Act.” *GP, Solo & Small Firm Lawyer*, vol. 15, no. 3, American Bar Association, 1998, pp. 29–31, <http://www.jstor.org/stable/23783130>.