

July 2023

RECOGNIZING THE ANNIVERSARY OF THE ADA

BACKGROUND

Today, July 26, 2023, marks the 33rd anniversary of the enactment of the Americans with Disabilities Act (ADA). The ADA, which was the world's first comprehensive civil rights law for individuals with disabilities, was signed into law on July 26, 1990, by former President George H.W. Bush.

In 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009. The ADAAA made a number of significant changes to the definition of "disability."

DETAILS

The aim of the ADA is to ensure that people with disabilities have the same rights and opportunities as everyone else. To that end, the ADA prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The ADA stands to protect everyone with "a physical or mental impairment which substantially limits one or more life activities." Life activities include, but are not limited to, seeing, hearing, speaking, learning, reading, concentrating, thinking, and communicating.

The ADA was intended to be very broad. For example, the ADA covers people who use wheelchairs and people with food allergies, anxiety, depression, HIV, diabetes, and learning and thinking differences.

Approximately 1 in 4 adults in the U.S. has some type of a disability (CDC: [Disability and Health Promotion](#)). Experts and disability advocates say some workplaces have become friendlier to professionals with disabilities since the enactment of the ADA. In 2022, 21.3% of individuals with a disability were employed, a 2% increase from 2019 (U.S. Dept. of Labor, Feb. 2023).

According to the U.S. Bureau of Labor Statistics, in 2022:

- Across all age groups, persons with a disability were much less likely to be employed than those without a disability;
- 30% of workers with a disability were employed part time, compared with 16 percent of workers who were not disabled;
- in 2022, the employment-population ratio for persons with a disability ages 16 to 64 increased by 3.4 percentage points to 34.8 percent, while the ratio for persons without a disability in the same age group;

- increased by 1.9 percentage points to 74.4 percent;
- half of all people with a disability were age 65 or older—nearly three times larger than the share for those with no disability;
- disabled people with jobs were more likely to be self-employed than people with jobs who were not disabled.

SUMMARY

It's important to note that the disabled community is highly varied and still faces a number of barriers to employment. While we celebrate the anniversary of the ADA, there is still more progress to be made.

Litchfield Cavo attorneys understand the complexities and concerns the Americans with Disabilities Act matters have on business. If you would like to discuss the impact ADA has on your workplace, a Litchfield Cavo attorney can analyze your state-specific case and learn how these statutes may impact your filing. Please visit LitchfieldCavo.com.

Kathleen J. Collins has more than 25 years' experience in complex commercial litigation involving employment, labor and workers' compensation matters. She defends employers, hospitality groups, commercial businesses, retail establishments and manufacturing entities with a world-wide presence.

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