



# Employment Rights Helpline at Equip for Equality

SELF-ADVOCACY ASSISTANCE ★ LEGAL ADVICE ABOUT EMPLOYMENT RIGHTS ★ SAMPLE LETTERS & FORMS ★ REFERRALS

## FACT SHEET: Association and the ADA

### **I don't have a disability, but a member of my family does. Does the ADA protect me?**

**Yes.** The Americans with Disabilities Act (ADA) protects people without disabilities who have relationships with people with disabilities. This is commonly known as the "association" provision.

### **Why does the ADA help me if I don't have a disability?**

There are many situations where someone without a disability could be treated very unfairly due to their relationship to someone with a disability.

Here are a few examples:

- Sue's partner is diagnosed with cancer. She is fired because her employer is concerned that its health insurance premiums will increase.
- John has a daughter with a disability. He isn't hired for a new job because the employer thinks he will need to take a lot of time off to care for his daughter.

Congress included protections on the basis of association when writing the ADA to help people like John and Sue.

### **Am I protected if I have an association with a person with a disability who is not a family member?**

**Yes.** Although family members are the most common example, the association provision applies to any relationship. In addition to family, it could include a business, professional, social or other type of relationship.

### **How does the ADA protect me?**

Employers are not allowed to treat you differently from other employees based on your association with someone with a disability. This protection is broad and includes:

- Not hiring or promoting you
- Disciplining, suspending or firing you
- Denying you health coverage or other benefits and privileges of your job
- Subjecting you to harassment or allowing others to harass you

## Does my employer need to provide me with a reasonable accommodation?

**No. This is a very important difference between how the ADA applies to people with disabilities and people who are associated with people with disabilities.**

Although your employer cannot treat you differently because of your association with a person with a disability, they do not have to provide you with a reasonable accommodation if you, yourself, don't have a disability.

Here are a few examples of the difference:

- *Sue needs to take leave to help her partner as he goes through cancer treatment.*
  - Sue is not entitled to a reasonable accommodation, so she should not ask to take leave as a reasonable accommodation under the ADA.
  - However, Sue's employer needs to treat her fairly when it comes to its own employer policies. If Sue's employer provides leave to employees who need it for various reasons, it cannot deny Sue's request because it is related to a disability or medical condition.
  - Also remember that family members are entitled to leave under the Family Medical Leave Act in certain situations. To learn more, see our Fact Sheet on [Leave under the ADA and FMLA](#).
- *John needs to work a modified schedule one day a week – where he comes to work late and stays late – so that he can take his daughter to her therapy appointments.*
  - John is not entitled to a reasonable accommodation, so he is not entitled to a modified work schedule as a reasonable accommodation under the ADA.
  - Depending on John's employer's practice, however, John may not be out of luck. John's employer cannot treat him differently based on his association with someone with a disability. If John's employer allows other employees in similar roles to take this type of modified schedule for other reasons, then it would likely violate the ADA if John was denied a modified schedule because of his daughter's disability.

## Does the ADA protect me from being fired – or otherwise disciplined – while being associated with a person with a disability?

**No.** The ADA does not stop your employer from taking a negative employment action against you for a valid, non-discriminatory reason, like attendance issues, poor performance or insubordination.

## What should I do if my employer is discriminating against me because of my association with a person with a disability?

- **Document your experience.** Learn more about why and best practices for doing so in our Fact Sheet about [Documenting Disability Discrimination](#).

- **Filing a charge of discrimination.** If you want to bring a case against your employer, your first step is to file a charge of discrimination with either the federal agency, the Equal Employment Opportunity Commission (EEOC), or the state agency, the Illinois Department of Human Rights (IDHR). Unlike other kinds of laws, you cannot go to court until you have first gone through one of these administrative agencies. You have to file within 300 days of the negative employment action. For more information about how to file a charge of discrimination, please see our Fact Sheet on [How to File a Charge of Discrimination](#).

### Where can I learn more?

- EEOC Guidance Document: [Questions and Answers about the Association Provision of the ADA](#)



## DO YOU HAVE A QUESTION? CONTACT THE HELPLINE FOR FREE LEGAL ADVICE

### Equip for Equality's Employment Rights Helpline

1-844-RIGHTS-9 (toll free) or (844) 744-4879

800-610-2779 (tty)

[employment@equipforequality.org](mailto:employment@equipforequality.org)

[www.equipforequality.org/employment](http://www.equipforequality.org/employment)

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities. The Employment Rights Helpline seeks to empower individuals with disabilities to advocate effectively. This publication is made possible by funding support from The Chicago Community Trust, the U.S. Department of Health and Human Services, the Administration on Intellectual and Developmental Disabilities and the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration; the U.S. Department of Education, Rehabilitation Services Administration; and the Social Security Administration. The contents of this publication are solely the responsibility of Equip for Equality and do not necessarily represent the official views of any of these agencies.