



Employment Rights Helpline at Equip for Equality

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

FACT SHEET: Remedies under the ADA

If you win or settle your case, you may get money (monetary relief) or other awards (non-monetary relief). This fact sheet talks about what you may get under Title I of the Americans with Disabilities Act (ADA), the part of the law about employment discrimination.

I sued my current or former employer for disability discrimination. What might I get?

If you win or settle your case, you may get:

- **Monetary relief:** Your employer gives you money to pay you for any injuries or losses you have suffered or for punishment for breaking the law.
- **Non-monetary relief:** Your employer has to do something, such as rehire you or give you a [reasonable accommodation](#) for your job.

What are some examples of monetary relief?

- **Back pay:** Back pay (lost wages) means income that you would have already earned if your employer had not discriminated against you, minus any income that you earned after that time (such as by getting another job).
 - *Tip:* You need to “mitigate” your damages by trying to find another job – be prepared to explain how you have done this. See our fact sheet on [How to Mitigate your Damages](#).
 - *Tip:* Bonuses, commissions, tips, raises, and benefits can also be part of back pay.
 - *Tip:* You may also be awarded additional money as interest and to pay you for the added tax burden caused by the delay in receiving your back pay.
- **Front pay:** Front pay means the income that you would have earned in the future had you not been discriminated against. Front pay is awarded if your employer cannot give you your job back.
 - *Tip:* Judges have a lot of control about whether to award front pay and often do not do so. Front pay can be hard to get in a settlement too.
- **Compensatory damages:** Compensatory damages is money for your emotional distress, medical expenses, pain and suffering, or other injuries not related to your income.
 - *Tip:* You must prove that you suffered these harms, such as through your own testimony, witnesses who know you, or experts such as doctors or therapists.

- **Punitive damages:** Punitive damages are awarded to “punish” your employer.
 - *Tip:* The court will only order punitive damages if you can show that your employer violated your rights intentionally or recklessly.
- **Limits on compensatory and punitive damages:** The ADA limits the awards that you get for compensatory and punitive damages, even if you win your case. The limits are based on the size of your employer. Below, you’ll find a chart with these limits. These limits do not apply to other monetary relief, such as back pay, front pay, attorneys’ fees or costs. Other laws, such as the Rehabilitation Act and the Illinois Human Rights Act, do not have limits.

Number of Employees:	Recovery Limit:
15-100	\$50,000
101-200	\$100,000
201-500	\$200,000
500+	\$300,000

- **Attorneys’ fees:** If you win, the court will order your employer to pay your attorney for their time spent on the case.
- **Costs:** If you win, the court will order your employer to reimburse you or your attorney for certain costs paid to bring your lawsuit, such as transcripts, travel costs, witness fees, and computer research. (If you lose, though, you may have to pay these costs to the defendant.)

Will I have to pay tax on monetary relief?

Yes. The government will tax any money that you get from a court award or settlement. You should talk about this with a tax professional, like a tax preparer, accountant or tax lawyer. Equip for Equality does not give tax advice.

What are some examples of non-monetary relief?

- **Reinstatement/Instatement:**
 - If you were fired, you could get your job back (reinstatement).
 - If you were never hired, you could get a job (instatement).
 - If you were denied a promotion or transfer to a more desirable job, the court may order that you be placed in such a position if it is available.
- **Positive/Neutral Reference Letter:** If you win your case, the judge may order your employer to write a letter about you to help you find another job:
 - A positive letter of reference – This letter has more details, including what your employer liked about you while you worked there.

- A neutral letter of reference – This letter says you worked at the company from your start date to your end date.
- **Reasonable Accommodations:**
 - If you are still employed or get your job back, you can ask that your employer give you a [reasonable accommodation](#).
- **Modified Policies:**
 - You can ask that your employer change their rules or practices to make sure that your employer follows the law in the future.
- **ADA/Disability Training:**
 - You can ask that your employer get training about the ADA and other laws about employees with disabilities.
 - Trainings can help teach employers to make the workplace fairer for others in the future.



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

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 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.

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