



DISABILITY DISCRIMINATION

Common Questions

Under what circumstances can an employer refuse to hire an individual with a disability?

What would an employer need to prove?

It is not a violation of the Chicago Human Rights Ordinance for an employer to reject an applicant based on his or her disability if the employer can show with objective evidence that employing that person would be demonstrably hazardous to the health or safety of that person or others. Whether an employer has established this standard is determined on a case by case basis.

If an employer purchases assistive computer software for an individual with a disability, is the employer also required to pay for training so that the employee can use the software?

Employers must make reasonable accommodations of known physical or mental disabilities of an otherwise qualified applicant or employee **unless** the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the business.

If the cost of the training causes an undue hardship, then the employer may not be required to pay for the training. However, the employer and the employee seeking a reasonable accommodation should engage in an interactive process to determine if there is an alternative that does not unduly burden the employer's business.

Is a public business required to have an elevator for accessibility?

The Chicago Human Rights Ordinance requires businesses that serve the general public to fully accommodate individuals with disabilities. If fully accommodating individuals with disabilities causes an undue hardship on the business then the business must provide a reasonable accommodation unless doing so causes an undue hardship.

Given this standard, a business would be required to provide an elevator. However, the expense of installing an elevator may unduly burden a business, especially many small businesses. If so, then the business must provide a reasonable accommodation such as a portable ramp, installing signs or other notices about how to access the business, or alternative service (i.e. curbside service, home delivery, internet ordering).

Is the definition of service animal under the Chicago Human Rights Ordinance similar to the definition of service animal under the Americans with Disabilities Act?

Currently, the Chicago Human Rights Ordinance and its regulations do not define the term service animal. However, the Commission does look to other relevant state and federal laws for guidance.

Has the Commission received complaints about accessibility of websites for individuals with visual impairments?

No. The Commission has not yet received a complaint of this nature.

Does the Commission have jurisdiction to receive complaints regarding unequal pay?

Yes, an individual may file a complaint with the Commission alleging unequal pay discrimination.

What are examples of injunctive relief ordered by the Board of Commissioners?

Examples of injunctive relief ordered by the Commission include:

- Staff Training
- Removing physical barriers to make a business accessible
- Installing appropriate signage at the entrance of a store or restaurant to provide notice of how to access the business
- Installing a doorbell or portable wheelchair ramp
- Restructuring rules or requirements to accommodate a person with a disability

What size employers are covered by the Chicago Human Rights Ordinance?

The Chicago Human Rights Ordinance applies to all employers within the City of Chicago regardless of the number of employees.

Does the Commission on Human Relations have jurisdiction over other government agencies?

No, the Commission does not have jurisdiction over federal, state or county agencies. However, the Commission does have jurisdiction to investigate claims of discrimination against sister agencies such as the Board of Education of the City of Chicago, the Chicago Park District and the Chicago Transit Authority.

How do I file a complaint at the Commission on Human Relations?

You may file a complaint in person at the Commission with the assistance of a Commission Investigator. You may also draft a complaint on your own and file it in person, by mail or facsimile.

Do I have to reside in Chicago to file a complaint at the Commission on Human Relations?

No, an individual is not required to live in Chicago to file a complaint at the Commission. The alleged violation must occur within the City of Chicago.

How can I access the Commission on Human Relations by public transportation?

The Commission is accessible by public transportation. Additional information may be found at 1-888-YOUR-CTA or www.transitchicago.com.