

When Can Employment Discrimination Happen?

When Can Unlawful Discrimination Based On Disability Happen?

Unlawful discrimination can happen at all stages of the employment process!

Advertising



Interviewing



Hiring



Employment



Termination or Retirement



How Does Employment Discrimination Happen?

- It may happen because of unequal policies or practices related to job assignments, promotions, layoffs, training, salary, raises and benefits.
- It may happen in the workplace setting because of harassment by a co-worker. Harassment occurs when an employee is subjected to offensive, humiliating, intimidating, or threatening comments or actions because of protected characteristics such as disability.

Can an Applicant Ask For Reasonable Accommodations When Applying and Interviewing For a Job?

Under Title I of the Americans with Disabilities Act (ADA), employers are required to provide reasonable accommodations in the application and interview stage of the employment process. Examples of reasonable accommodations include:

- Assisting applicants with the job application
- Providing alternative formats for the application
- Providing an ASL interpreter
- Conducting an interview remotely or in an alternate location

Can Employers Ask Disability-Related Questions on the Application or During an Interview?

- Employers cannot ask applicants if they have a disability or about the nature of the disability on a job application or at a job interview.
- Employers are allowed to ask applicants if they can perform the essential functions of the job with or without a reasonable accommodation.
- If a disability is apparent, the employer may ask how the applicant would perform the essential functions of the job.

Can Employers Ask Disability-Related Questions or Require a Medical Examination When Making a Job Offer?

- An employer can make a job offer conditional on answering disability-related questions or passing a medical examination.
- This is only allowed if all new employees in the same type of job are required to answer the disability-related questions or pass the medical exam.

Can Employers Ask Disability-Related Questions After Employment Starts?

- Generally, employers can only ask disability-related questions if the information is needed regarding a request for an accommodation.

This project was supported in part by U.S. taxpayer funding through multiple federal agencies. The content does not necessarily represent the official views of these agencies and is not an official government document.



**DISABILITY RIGHTS
NORTH DAKOTA**

1-800-472-2670
(701) 328-2950
ND Relay 711 TTY
www.ndpanda.org
panda_intake@nd.gov