



RIGHTS OF DEAF AND HARD OF HEARING PEOPLE AT WORK

If you are DEAF or HARD OF HEARING, you have a right to clear, “effective” communication and “reasonable accommodations” when applying for a job and while working at most jobs.

Who has to follow this law?

- Employers with 15 or more workers
- Employment Agencies
- Labor Unions

What is “Effective” Communication?

- Communication that is clear enough for you to have the same chance as hearing people get to apply for a job, to do your job, or to join in work events, such as meetings and training.
- You also have a right to have clear communication for other important conversations you have with your employer. Important conversations would include, for example, conversations about your performance or about your pay or work benefits.

What are “Reasonable Accommodations”?

- Reasonable Accommodations are changes to a job or to a test, or other help that you need, so that you can apply for a job and do the job as well

as a hearing person can. If the change is really hard or really expensive for the employer to do, then the employer *may* not have to make the change for you.

Examples of reasonable accommodations for a worker or job applicant who is deaf or hard of hearing:

- Changing parts of the job that are not really important to your main job. (For example, if your work is fixing cars, but the other workers also answer the phone when the boss is out, you don't have to answer the phone.)
- Using hearing and deaf certified or PA State registered sign language interpreters for important conversations and for training.
- Using Communication Access Realtime Translation (known as "CART" or "realtime captioning") - a service in which a person uses a special machine to type everything that is said on a computer so you can read what others are saying at meetings, trainings, or during important conversations with your employer or co-workers.
- Using assistive listening devices (hearing equipment) that makes it easier for you to hear what your employer or co-workers are saying. (But they do not have to give you personal hearing aids.)
- Using a telephone headset, a TTY, text telephone, voice carry-over telephone, videophone, or captioned telephone.
- Writing memos and notes on paper or through e-mail (only for brief, simple, or routine communications, or if writing is part of the job and is the way you like to communicate).

- Using email instead of voice telephone or voice telephone messages between you and other employees and your supervisor.
- Using assistive computer software, including free software that lets you communicate with hearing people who use a telephone.
- Meeting with you in a room or providing a work area that is quiet or does not have a lot of background noise, like turning off a TV or music in the room.
- Asking co-workers or supervisors to talk to you face-to-face instead of over an intercom or from another room, or looking at a computer or papers.
- Asking co-workers or supervisors to speak slowly and clearly (without shouting). If you have a hard time understanding something, asking staff to say what they want to say in a different way, until you can understand.
- Changing your job to a different job that is better for you when there is an opening.

Applying for a Job

If you are applying for a job, you do not need to tell the employer that you are deaf or hard of hearing unless you need an accommodation to apply for the job - for example, asking for a sign language interpreter, or meeting in a quiet room, during a job interview. During the job interview, the employer is only allowed to ask whether you can do the job with or without “reasonable accommodations”, like using hearing equipment or another assistive device. The employer cannot ask you for medical information about your

hearing or require you to take a medical examination while you are still applying for the job.

After You Are Offered A Job

If the employer offers you a job, before you start the job, your employer can ask questions about your health (including your hearing) and may make you take medical tests **only if** the employer makes all new workers answer the same questions and take the same medical tests. The employer must keep any medical information about you private.

After offering you the job, the employer can ask you for information about your deafness or hearing loss to help them decide whether you can do the job, what accommodations you need and whether your trouble with hearing would make the job dangerous for you or for others around you. An employer can only take back a job offer to you if the employer can prove that you cannot do the important parts of the job or there is a safety risk.

Working

Employers must provide interpreters or other ways of making communication clear for meetings, trainings, and other work situations, and must provide accommodations to help you do your job, even if it costs them some money. The only time this may not happen is if it would be too hard or too expensive for the employer to provide. The bigger the business, the more they should be able to help.

Your employer must ask you for your opinion about what will help make communication clear or what accommodation is needed to help you apply

for a job or do your job. Employers do not always have to provide the exact help that you ask for to make communication clear. If they can find another way to communicate with you in a way you understand or accommodate you in a way that costs less, they can use this other way to communicate with you or accommodate you. If you try the employer's way and it does not work you should let your employer know that it is not working and the employer will need to find a way that works for you.

What can you do to make sure you have good communication and accommodations in the workplace?

1. If you need an accommodation to do your job or to join in meetings, trainings, or other work events, you should tell your employer right away, before you get in any trouble for not doing your job right. You do not need to use any “magic words” such as “ADA” or “reasonable accommodation.” Once you tell your employer you need help because you have trouble with your hearing, the employer must talk to you about what kind of accommodation you need and how it will help you do your job or help you join in work events.
2. Ask your employer for exactly what you need and explain why that accommodation will work best for you. Your employer will be more likely to give you what you need if he or she understands why you need what you say you need.
3. If possible, give contact information for organizations that can send interpreters, captioners or equipment that can help you do your job or that are needed for specific situations. Be sure to give the name of the organization, telephone number or email address. Sometimes

employers do not provide what you need because they don't know where to get it.

4. Another person, like a family member, friend, or doctor, can help you ask for a reasonable accommodation. For example, you may give a note from your doctor asking your employer to move your work area or move important conversations to a place where noise won't interfere with your hearing aids.

In Pennsylvania, the employer cannot make you use an interpreter who is not certified unless you agree and complete the appropriate form required by the PA Office of Deaf and Hard of Hearing. You can change your mind about using a non-certified interpreter at any time by filling out a revocation form and giving it to the employer or the interpreter.

If you believe you have been discriminated against by an employer because of your hearing loss or deafness and want to make a complaint against an employer, you must fill out a "charge of discrimination" with the United States Equal Employment Opportunity Commission (EEOC). You can find more information on how to make this complaint with the EEOC at <http://www.eeoc.gov/employees/charge.cfm>. You must mail your complaint or go to a local EEOC office in person to tell them about your complaint within 180 days from the date that you believe the employer discriminated against you. If a Pennsylvania or local government anti-discrimination law also covers your complaint, the 180-day complaint deadline may be extended to 300 days. Another organization where you can make a complaint about discrimination is the Pennsylvania Human Relations Commission (PHRC). You can contact the PHRC at -

http://www.phrc.state.pa.us/portal/server.pt/community/file_a_complaint/18976

Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139, or intake@disabilityrightspa.org.

© JANUARY 2018. DISABILITY RIGHTS PENNSYLVANIA.